The statutes of the province of Upper Canada [1792-1831]; together with such British statutes, ordinances of Quebec, and proclamations, as relate to the said province.

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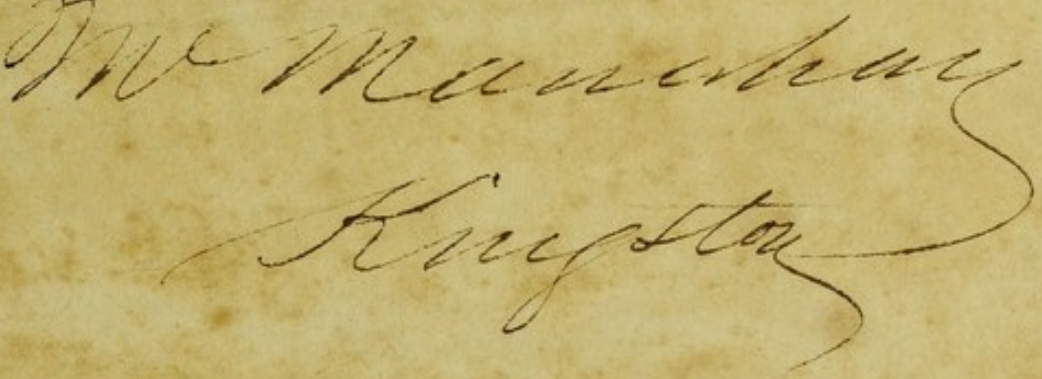

Wm Manahan
of Kingston

at Toronto, 22nd Nov 1836

Mr Manahan of Kingston

THE

STATUTES

OF

THE PROVINCE OF UPPER CANADA;

TOGETHER WITH SUCH

BRITISH STATUTES, ORDINANCES OF QUEBEC, AND PROCLAMATIONS,

AS RELATE TO THE SAID PROVINCE.

REVISED AND PRINTED FOR, AND PUBLISHED BY
HUGH C. THOMSON AND JAMES MACFARLANE.

REVISED BY JAMES NICKALLS, JUNIOR, ESQUIRE, BARRISTER AT LAW.

KINGSTON, U. C.
PRINTED BY FRANCIS M. HILL.
1831.


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Wm. Manahan

ADVERTISEMENT.

THE universally acknowledged necessity for a revised edition of the Statutes of Upper Canada has induced the undersigned to take upon themselves the risk and responsibility of publishing this volume. In its execution, the utmost care has been taken to give a faithful transcript of the Provincial Laws, as they have, from time to time, been printed by authority, omitting only such statutes, and clauses of statutes, as subsequent acts of Parliament have repealed, and those that have expired,—retaining, however, the titles of said acts, and giving, where necessary, a brief summary of their provisions. The index and notes of reference have cost the Gentleman who prepared them no inconsiderable degree of attention and labor, and the Publishers trust they will be found very accurate.

This work, it will be perceived, contains several British acts, and one proclamation, which never appeared in any former edition of the Provincial statutes, the utility of which will be discovered by every attentive reader. All the British laws affecting Canada, passed anterior to the date of our constitutional act, will be found at the commencement, and those enacted since that period, at the end of the volume.

The Publishers will merely add, that all who subscribe for this edition of the Statutes shall be furnished with the future acts of the Provincial Legislature at a moderate price, printed in the same uniform style, and at as early a period as possible after each prorogation of Parliament.

H. C. THOMSON,
JAMES MACFARLANE.

KINGSTON, UPPER CANADA, 1831.

BRITISH STATUTES,

RELATING TO THE PROVINCE OF UPPER CANADA,

TOGETHER WITH

ORDINANCES OF THE LATE PROVINCE OF QUEBEC,

AND THE

PROCLAMATIONS OF LORD DORCHESTER AND GOV. SIMCOE.

PASSED IN THE FIFTH YEAR OF GEORGE II.

CHAPTER VII.

An act for the more easy recovery of debts in his Majesty's plantations and colonies in America.

WHEREAS his Majesty's subjects trading to the British plantations in America lie under great difficulties, for want of more easy methods of proving, recovering, and levying of debts due to them, than are now used in some of the said plantations; and whereas it will tend very much to the retrieving of the credit formerly given by the trading subjects of Great Britain to the natives and inhabitants of the said plantations, and to the advancing of the trade of this kingdom thither, if such inconveniences were remedied; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-ninth day of September which shall be in the year of our Lord one thousand seven hundred and thirty-two, in any action or suit then depending, or thereafter to be brought in any court of law or equity in any of the said plantations, for or relating to any debt or account, wherein any person residing in Great Britain shall be a party, it shall and may be lawful to and for the plaintiff or defendant, and also to and for any witness to be examined or made use of in such action or suit, to verify or prove any matter or thing by affidavit or affidavits in writing upon oath, or in case the person making such affidavit be one of the people called Quakers, then upon his or her solemn affirmation, made before any mayor or other chief magistrate of the city, borough or town corporate in Great Britain, where or near to which the person making such affidavit or affirmation shall reside, and certified and transmitted under the common seal of such city, borough or town corporate, or the seal of the office of such mayor, or other chief magistrate, which oath and solemn affirmation every such mayor and chief magistrate shall be and is hereby authorized and empowered to administer; and every affidavit or affirmation so made, certified and transmitted, shall in all such actions and suits be allowed to be of the same force and effect, as if the person or persons making the same upon oath or solemn affirmation as aforesaid, had appeared and sworn or affirmed the matters contained in such affidavit or affirmation *viva voce* in open court, or upon a commission issued for the examination of witnesses, or of any party in such action or suit respectively; provided that in every such affidavit and affirmation there shall be expressed the addition of the party making such affidavit or affirmation, and the particular place of his or her abode.

After Sept. 29, plantation debts may be proved here on oath before a chief magistrate.

II. And be it further enacted by the authority aforesaid, That in all suits now depending, or hereafter to be brought in any court of law or equity by or in behalf of his Majesty, his

Debts to his Majesty may be proved in the same manner.

heirs and successors, in any of the said plantations, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and accounts, and examine his or their witness or witnesses by affidavit or affirmation in like manner as any subject or subjects is or are empowered or may do by this present act.

Penalty on false oath or affirmation.

III. Provided always, and it is hereby further enacted, That if any person making such affidavit upon oath or solemn affirmation as aforesaid, shall be guilty of falsely and wilfully swearing or affirming any matter or thing in such affidavit or affirmation, which, if the same had been sworn upon an examination in the usual form, would have amounted to wilful and corrupt perjury, every person so offending being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the laws and statutes of this realm are provided against persons convicted of wilful and corrupt perjury.

Lands, houses, negroes, &c. in the plantations liable to satisfy debts.

IV. And be it further enacted by the authority aforesaid, That from and after the said twenty-ninth day of September one thousand seven hundred and thirty-two, the houses, lands, negroes, and other hereditaments and real estates, situate or being within any of the said plantations belonging to any person indebted, shall be liable to and chargeable with all just debts, duties and demands of what nature or kind soever, owing by any such person to his Majesty, or any of his subjects, and shall and may be assets for the satisfaction thereof, in like manner as real estates are by the law of England liable to the satisfaction of debts due by bond or other specialty, and shall be subject to the like remedies, proceedings and process in any court of law or equity, in any of the said plantations respectively, for seizing, extending, selling or disposing of any such houses, lands, negroes and other hereditaments and real estates, towards the satisfaction of such debts, duties, and demands, and in like manner as personal estates in any of the said plantations respectively are seized, extended, sold, or disposed of, for the satisfaction of debts.

PASSED IN THE FOURTEENTH YEAR OF GEORGE III.

CHAPTER LXXXIII.

An act for making more effectual provision for the government of the province of Quebec in North America.

Preamble.

WHEREAS his Majesty, by his royal proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provisions which have been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three; and whereas by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That all the territories, islands, and countries in North America, belonging to the crown of Great Britain, bounded on the south by a line from the bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut, keeping the same latitude directly west, through the lake Champlain, until, in the same latitude, it meets the river Saint Lawrence; from thence up the eastern bank of the said river to the lake Ontario; thence through the lake Ontario, and the river commonly called Niagara; and thence along by the eastern and southeastern bank of lake Erie, following the said bank, until the same shall be intersected by the northern boundary, granted by the charter of the province of Pennsylvania, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the Ohio; but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the northwestern angle of the said province of Pennsylvania; and thence, by a right line, to the said northwestern angle of the said province; and thence along the western boundary of the said province, until it strike the river Ohio; and along the bank of the said river, westward, to the banks of the

The territories, islands, and countries, in North America, belonging to Great Britain,

Mississippi, and northward to the southern boundary of the territory granted to the merchants adventurers of England, trading to Hudson's bay; and also all such territories, islands, and countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the government of Newfoundland, be, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the province of Quebec, as created and established by the said royal proclamation of the seventh of October, one thousand seven hundred and sixty-three.

annexed to the province of Quebec.

II. Provided always, That nothing herein contained, relative to the boundary of the province of Quebec, shall in any wise affect the boundaries of any other colony.

Not to affect the boundaries of any other colony;

III. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this act had never been made.

nor to make void other rights formerly granted.

IV. And whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of Quebec, and the powers and authorities given to the governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; be it therefore further enacted by the authority aforesaid, That the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governor and council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

Former provisions made for the province to be null and void after May 1, 1775.

V. And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, That his Majesty's subjects, professing the religion of the church of Rome of and in the said province of Quebec, may have, hold, and enjoy, the free exercise of the religion of the church of Rome, subject to the King's supremacy, declared and established by an act, made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

Inhabitants of Quebec may profess the Romish religion, subject to the King's supremacy, as by act 1st Eliz.;

and the clergy enjoy their accustomed dues.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.

Provision may be made by his Majesty for the support of the protestant clergy.

VII. Provided always, and be it enacted, That no person, professing the religion of the church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other act in the place thereof; but that every such person who, by the said statute is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the governor, or such other person in such court of record as his Majesty shall appoint, who are hereby authorized to administer the same; *videlicet:*

No person professing the Romish religion obliged to take the oath of 1st Eliz.;

but to take, before the governor, &c. the following oath

"I, A. B., do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavor to disclose and make known to his Majesty, his heirs and successors, all treasons, and traitorous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary. So help me GOD."

The oath.

And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

Persons refusing the oath to be subject to the penalties by act 1st Eliz.

His Majesty's Canadian subjects (religious orders excepted) may hold all their possessions, &c.

VIII. And be it further enacted by the authority aforesaid, That his Majesty's Canadian subjects, within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of Great Britain; and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and for the said province, by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the governor, lieutenant governor, or commander in chief, for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner hereinafter mentioned.

and in matters of controversy, resort to be had to the laws of Canada for the decision.

Not to extend to lands granted by his Majesty in common soccage.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common soccage.

Owners of goods may alienate the same by will, &c.

X. Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in any wise notwithstanding; such will being executed, either according to the laws of Canada, or according to the forms prescribed by the laws of England.

if executed according to the laws of Canada.

Criminal law of England to be continued in the province.

XI. And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord one thousand seven hundred and sixty-four, any thing in this act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governor, lieutenant governor, or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner hereinafter directed.

His Majesty may appoint a council for the affairs of the province;

XII. And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there; and whereas it is at present inexpedient to call an assembly; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their signet or sign manual, and with the advice of the privy council, to constitute and appoint a council for the affairs of the province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and,

which council may make ordinances with consent of the governor.

upon the death, removal, or absence of any of the members of the said council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which council, so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government, of the said province, with the consent of his Majesty's governor, or, in his absence, of the lieutenant governor, or commander in chief for the time being.

The council are not empowered to lay taxes.

XIII. Provided always, That nothing in this act contained shall extend to authorize or empower the said legislative council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorized by the said council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.

Public roads or buildings excepted.

Ordinances made to be laid before his Majesty for his approbation.

XIV. Provided also, and be it enacted by the authority aforesaid, That every ordinance so to be made, shall, within six months, be transmitted by the governor, or, in his absence, by the lieutenant governor, or commander in chief for the time being, and laid before his

Majesty for his royal approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's order in council thereupon shall be promulgated at Quebec.

Ordinances touching religion not to be in force without his Majesty's approbation.

XV. Provided also, That no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

When ordinances are to be passed by a majority.

XVI. Provided also, That no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every member thereof resident at Quebec, or within fifty miles thereof, shall be personally summoned by the governor, or, in his absence, by the lieutenant governor, or commander in chief for the time being, to attend the same.

Nothing to hinder his Majesty to constitute courts of criminal, civil, and ecclesiastical jurisdiction.

XVII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent under the great seal of Great Britain, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of Quebec, and appointing, from time to time, the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

All acts formerly made are hereby enforced within the province.

XVIII. Provided always, and it is hereby enacted, That nothing in this act contained shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any act or acts of the parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of his Majesty's colonies and plantations in America; but that all and every the said acts, and also all acts of parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be in force within the said province of Quebec, and every part thereof.

PASSED IN THE FOURTEENTH YEAR OF GEORGE III.

CHAPTER LXXXVIII.

An act to establish a fund towards further defraying the charges of the administration of justice, and support of the civil government within the province of Quebec in America.

Preamble.

Certain duties imposed by his most Christian Majesty upon rum, brandy, &c. imported into Quebec,

WHEREAS certain duties were imposed, by the authority of his most Christian Majesty, upon wine, rum, brandy, eau de vie de liqueur, imported into the province of Canada, now called the province of Quebec, and also a duty of three pounds *per centum ad valorem*, upon all dry goods imported into, and exported from, the said province, which duties subsisted at the time of the surrender of the said province to your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued, and that in lieu and in stead thereof, other duties should be raised by the authority of parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of civil government in the said province: We, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy-five, all the duties which were imposed upon rum, brandy, eau de vie de liqueur, within the said province, and also of three pounds *per centum ad valorem*, on dried goods imported into, or exported from, the said province, under the authority of his most Christian Majesty, shall be, and are hereby discontinued; and that in lieu and in stead thereof, there shall, from and after the said fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said province, over and above all other duties now payable in the said province, by any act or acts of parliament, the several rates and duties following; that is to say:

after April 5, 1775, to be discontinued within the province,

and in stead of which the following duties to be paid to his Majesty.

The rates.

For every gallon of brandy, or other spirits, of the manufacture of Great Britain, three pence.

For every gallon of rum, or other spirits, which shall be imported or brought from any of his Majesty's sugar colonies in the West Indies, six pence.

For every gallon of rum, or other spirits, which shall be imported or brought from any other of his Majesty's colonies or dominions in America, nine pence.

For every gallon of foreign brandy, or other spirits, of foreign manufacture, imported or brought from Great Britain, one shilling.

For every gallon of rum, or spirits, of the produce or manufacture of any of the colonies or plantations in America, not in the possession or under the dominion of his Majesty, imported from any other place, except Great Britain, one shilling.

For every gallon of molasses and syrups, which shall be imported or brought into the said province, in ships or vessels belonging to his Majesty's subjects in Great Britain or Ireland, or to his Majesty's subjects in the said province, three pence.

For every gallon of molasses and syrups, which shall be imported or brought into the said province, in any other ships or vessels, in which the same may be legally imported, six pence; and after those rates, for any greater or less quantity of such goods respectively.

Rates deemed sterling money of Great Britain;

II. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this act, shall be deemed, and are hereby declared to be, sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver; and that the said duties, hereinbefore granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this act, as any other duties payable to his Majesty upon goods imported into any British colony or plantation in America are, or shall be raised, levied, collected, paid, and recovered, by any act or acts of parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present act; and that all the monies that shall arise by the said duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) shall be paid by the collector of his Majesty's customs into the hands of his Majesty's receiver general in the said province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision towards defraying the expenses of the administration of justice, and of the support of civil government, in the said province; and that the lord high treasurer, or commissioners of his Majesty's treasury, or any three or more of them for the time being, shall be, and is or are hereby empowered, from time to time, by any warrant or warrants under his or their hand or hands, to cause such money to be applied out of the said produce of the said duties towards defraying the said expenses; and that the residue of the said duties shall remain and be reserved in the hands of the said receiver general, for the future disposition of parliament.

how they are to be levied, &c.

to whom they are to be paid,

and how to be applied.

Regulations with respect to goods brought into the province chargeable with the duties before mentioned.

III. And it is hereby further enacted by the authority aforesaid, That if any goods chargeable with any of the said duties hereinbefore mentioned shall be brought into the said province by land carriage, the same shall pass and be carried through the port of Saint John's, near the river Sorrel; or if such goods shall be brought into the said province by any inland navigation, other than upon the river Saint Lawrence, the same shall pass and be carried upon the said river Sorrel, by the said port, and shall be there entered with, and the said respective rates and duties paid for the same, to such officer or officers of his Majesty's customs as shall be there appointed for that purpose; and if any such goods coming by land carriage, or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of Quebec, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such goods, shall also be forfeited and lost, and shall and may be seized by any officer of his Majesty's customs, and prosecuted, as hereinafter mentioned.

Penalties and forfeitures where to be prosecuted for, &c.

IV. And it is hereby further enacted by the authority aforesaid, That the said penalties and forfeitures by this act inflicted, shall be sued for and prosecuted in any court of admiralty, or vice admiralty, having jurisdiction within the said province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the laws relating to the customs and trade of his Majesty's colonies in America shall or may, by any act or acts of parliament be sued for, prosecuted, recovered, and divided.

Any person keeping a house of public entertainment to pay £1 16s for a license.

V. And be it further enacted by the authority aforesaid, That there shall, from and after the fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid, unto his Majesty's receiver general of the said province, for the use

of his Majesty, his heirs and successors, a duty of one pound sixteen shillings, sterling money of Great Britain, for every license that shall be granted by the governor, lieutenant governor, or commander in chief of the said province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such license, shall forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the receiver general of the province, for the use of his Majesty.

Penalty of £10 for every offence.

VI. Provided always, That nothing herein contained shall extend, or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to, and belonging to, his most Christian Majesty, before and at the time of the conquest and surrender thereof to his Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid, in the same manner as if this act had never been made; any thing therein contained to the contrary notwithstanding.

Not to make void French revenues, &c. reserved at the conquest.

VII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, and if it shall appear to the court or judge where or before whom the same shall be tried, that such action or suit is brought for any thing that was done in pursuance of and by the authority of this act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if the plaintiff shall discontinue such action or suit, such court or judge shall award to the defendant or defendants treble costs.

In suits brought pursuant to this act, defendants to have treble costs.

PASSED IN THE EIGHTEENTH YEAR OF GEORGE III.

CHAPTER XII.

An act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain in any of the colonies, provinces, and plantations in North America and the West Indies; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto.

"Whereas taxation by the parliament of Great Britain, for the purpose of raising a revenue in his Majesty's colonies, provinces, and plantations in North America, has been found by experience to occasion great uneasinesses and disorders among his Majesty's faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court, or general assembly of each respective colony, province, or plantation: And whereas, in order as well to remove the said uneasinesses, and to quiet the minds of his Majesty's subjects who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare that the King and parliament of Great Britain will not impose any duty, tax, or assessment, for the purpose of raising a revenue in any of the colonies, provinces, or plantations:" May it please your Majesty that it may be declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, the King and parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce; the nett produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts, or general assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied.

Preamble.

No tax to be hereafter imposed, by the King and parliament of Great Britain, on any of the colonies in North America or the West Indies; except, &c.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of an act, made in the seventh year of his present Majesty's reign, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoanuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or has relation to the said duty, be, and the same is hereby repealed.

So much of an act of 7th Geo. III. as imposes a duty on tea imported from Great Britain into America, repealed.

PASSED IN THE THIRTIETH YEAR OF GEORGE III.

CHAPTER XXVII.

An act for encouraging new settlers in his Majesty's colonies and plantations in America.

Preamble.

WHEREAS it is expedient that encouragement should be given to persons that are disposed to come and settle in certain of his Majesty's colonies and plantations in America and the West Indies; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and ninety, if any person or persons, being a subject or subjects of the territories or countries belonging to the United States of America, shall come from thence, together with his or their family or families, to any of the Bahama, or Bermuda, or Somers islands, or to any part of the province of Quebec, or of Nova Scotia, or any of the territories belonging to his Majesty in North America, for the purpose of residing and settling there, it shall be lawful for any such person or persons, having first obtained a licence for that purpose from the governor, or, in his absence, the lieutenant governor of the said islands, colonies, or provinces respectively, to import into the same, in British ships owned by his Majesty's subjects, and navigated according to law, any negroes, household furniture, utensils of husbandry, or clothing, free of duty: provided always, That such household furniture, utensils of husbandry, and clothing, shall not in the whole exceed the value of fifty pounds for every white person that shall belong to such family, and the value of forty shillings for every negro brought by such white person; and if any dispute shall arise as to the value of such household furniture, utensils of husbandry, or clothing, the same shall be heard and determined by the arbitration of three British merchants at the port where the same shall be imported, one of such British merchants to be appointed by the governor, or, in his absence, the lieutenant governor of such island or province, one by the collector of the customs at such port, and one by the person so coming with his family.

From Aug. 1, 1790, subjects of the U. States of America, settling in the Bahama islands, &c. may import negroes, &c. duty free, to the value herein specified, &c.

II. And be it further enacted, That all sales or bargains for the sale of any negro, household furniture, utensils of husbandry, or clothing, so imported, which shall be made within twelve calendar months after the importation of the same, (except in cases of the bankruptcy or death of the owner thereof,) shall be null and void to all intents and purposes whatsoever.

Sales of negroes, &c. so imported, within twelve months, to be void.

III. And be it further enacted, That every white person so coming to reside, if above the age of fourteen years, shall, and he is hereby required, immediately after his arrival, to take and subscribe the oath of allegiance to his Majesty, his heirs and successors, before the governor, lieutenant governor, or chief magistrate of the place where such person shall arrive, and at the same time swear that it is his intention to reside and settle in such island or province; for which oaths such governor, lieutenant governor, or chief magistrate, shall receive the same fee, and no more, as is payable by law on administering the oath of allegiance in cases where the same is now by law required.

All white persons coming so to reside, to take the oath of allegiance, if upwards of fourteen years old.

PASSED IN THE THIRTY-FIRST YEAR OF GEORGE III.

CHAPTER XXXI.

An act to repeal certain parts of an act, passed in the fourteenth year of his Majesty's reign, entitled, An act for making more effectual provision for the government of the province of Quebec, in North America; and to make further provision for the government of the said province.

Preamble.

WHEREAS an act was passed in the fourteenth year of the reign of his present Majesty, entitled, An act for making more effectual provision for the government of the province of Quebec, in North America: and whereas the said act is in many respects inapplicable to the present condition and circumstances of the said province: and whereas it is expedient and necessary that further provision should now be made for the good government and prosperity thereof: may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act as in any manner relates to the appointment of a council for the affairs of the said province of Quebec, or to the power given by the said act to the said council, or to the major part of them, to make ordinances for the peace, welfare, and good government of the said province, with the consent of his Majesty's governor, lieutenant governor, or commander in chief for the time being, shall be, and the same is hereby repealed.

14th Geo. III. c 83, recited.

So much of recited act as relates to the appointment of a council for Quebec, or its powers, repealed.

Within each of the intended provinces a legislative council and assembly to be constituted, by whose advice his Majesty may make laws for the government of the province.

II. And whereas his Majesty has been pleased to signify, by his message to both houses of parliament, his royal intention to divide his province of Quebec into two separate provinces, to be called the province of Upper Canada, and the province of Lower Canada; be it enacted by the authority aforesaid, That there shall be within each of the said provinces respectively a legislative council, and an assembly, to be severally composed and constituted in the manner hereinafter described; and that in each of the said provinces respectively, his Majesty, his heirs or successors, shall have power, during the continuance of this act, by and with the advice and consent of the legislative council and assembly of such provinces respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this act; and that all such laws, being passed by the legislative council and assembly of either of the said provinces respectively, and assented to by his Majesty, his heirs or successors, or assented to in his Majesty's name, by such person as his Majesty, his heirs or successors, shall from time to time appoint to be the governor, or lieutenant governor of such province, or by such person as his Majesty, his heirs or successors, shall from time to time appoint to administer the government within the same, shall be, and the same are hereby declared to be, by virtue of and under the authority of this act, valid and binding to all intents and purposes whatever, within the province in which the same shall have been so passed.

His Majesty may authorize the governor or lieutenant governor of each province, to summon members to the legislative council.

III. And be it further enacted by the authority aforesaid, That for the purpose of constituting such legislative council as aforesaid, in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the governor or lieutenant governor, or person administering the government in each of the said provinces respectively, within the time hereinafter mentioned, in his Majesty's name, and by an instrument under the great seal of such province, to summon to the said legislative council, to be established in each of the said provinces respectively, a sufficient number of discreet and proper persons, being not fewer than seven, to the legislative council for the province of Upper Canada, and not fewer than fifteen to the legislative council for the province of Lower Canada; and that it shall also be lawful for his Majesty, his heirs or successors, from time to time, by an instrument under his or their sign manual, to authorize and direct the governor or lieutenant governor, or person administering the government in each of the said provinces respectively, to summon to the legislative council of such province, in like manner, such other person or persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the legislative council of either of the said provinces respectively, shall thereby become a member of such legislative council to which he shall have been so summoned.

No person under twenty-one years of age, &c. to be summoned. Persons naturalized in Upper Canada may be summoned to the legislative council. See 7th Geo. IV, c 68.

IV. Provided always, and be it enacted by the authority aforesaid, That no person shall be summoned to the said legislative council, in either of the said provinces, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty, naturalized by act of the British parliament, or a subject of his Majesty, having become such by the conquest and session of the province of Canada.

Members to hold their seats for life.

V. And be it further enacted by the authority aforesaid, That every member of each of the said legislative councils shall hold his seat therein for the term of his life, but subject, nevertheless, to the provisions hereinafter contained for vacating the same, in the cases hereinafter specified.

His Majesty may annex to hereditary titles of honor, the right of being summoned to the legislative council.

VI. And be it further enacted by the authority aforesaid, That whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the crown of Great Britain, by letters patent under the great seal of either of the said provinces, any hereditary title of honor, rank, or dignity of such province, descendible according to any course of descent limited in such letters patent, it shall and may be lawful for his Majesty, his heirs or successors, to annex thereto, by the said letters patent, if his Majesty, his heirs or successors, shall so think fit, an hereditary right of being summoned to the legislative council of such province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the governor, lieutenant governor, or person administering the government of such province, his writ of summons to such legislative council, at any time after he shall have attained the age of twenty-one years, subject, nevertheless, to the provisions hereinafter contained.

Such descendible right forfeited, and

VII. Provided always, and be it further enacted by the authority aforesaid, That when and so often as any person to whom such hereditary right shall have descended, shall, without the permission of his Majesty, his heirs or successors, signified to the legislative council of the province by the governor, lieutenant governor, or person administering the government there, have been absent from the said province for the space of four years continually, at any time between the date of his succeeding to such right and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years or upwards

at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when and so often as any such person shall at any time, before his applying for such writ of summons, have taken any oath of allegiance or obedience to any foreign prince or power, in every such case such person shall not be entitled to receive any writ of summons to the legislative council by virtue of such hereditary right, unless his Majesty, his heirs or successors, shall at any time think fit, by instrument under his or their sign manual, to direct that such person shall be summoned to the said council; and the governor, lieutenant governor, or person administering the government in the said provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath touching the said several particulars, before such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof.

seats in council vacated in certain cases.

VIII. Provided also, and be it further enacted by the authority aforesaid, That if any member of the legislative councils of either of the said provinces respectively shall leave such province, and shall reside out of the same for the space of four years continually, without the permission of his Majesty, his heirs or successors, signified to such legislative council by the governor or lieutenant governor, or person administering his Majesty's government there, or for the space of two years continually, without the like permission, or the permission of the governor, lieutenant governor, or person administering the government of such province, signified to such legislative council in the manner aforesaid; or if any such member shall take any oath of allegiance or obedience to any foreign prince or power, his seat in such council shall thereby become vacant.

Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the persons next entitled thereto.

IX. Provided also, and be it further enacted by the authority aforesaid, That in every case where a writ of summons to such legislative council shall have been lawfully withheld from any person to whom such hereditary right as aforesaid shall have descended, by reason of such absence from the province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign prince or power, and also in every case where the seat in such council of any member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes hereinbefore specified, such hereditary right shall remain suspended during the life of such person, unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such council; but that on the death of such person such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the letters patent by which the same shall have been originally conferred.

Seats in council forfeited, and hereditary rights extinguished for treason.

X. Provided also, and be it further enacted by the authority aforesaid, That if any member of either of the said legislative councils shall be attainted for treason in any court of law within any of his Majesty's dominions, his seat in such council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other persons through him, shall be utterly forfeited and extinguished.

Questions respecting the right to be summoned to such council, &c. to be determined as herein mentioned.

XI. Provided also, and be it further enacted by the authority aforesaid, That whenever any question shall arise respecting the right of any person to be summoned to either of the said legislative councils respectively, or respecting the vacancy of the seat in such legislative council of any person having been summoned thereto, every such question shall, by the governor or lieutenant governor of the province, or by the person administering the government there, be referred to such legislative council, to be by the said council heard and determined; and that it shall and may be lawful either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's attorney general of such province, in his Majesty's name, to appeal from the determination of the said council, in such case, to his Majesty in his parliament of Great Britain; and that the judgment thereon of his Majesty in his said parliament shall be final and conclusive to all intents and purposes whatever.

The governor of the province may appoint and remove the speaker.

XII. And be it further enacted by the authority aforesaid, That the governor, or lieutenant governor of the said provinces respectively, or the person administering his Majesty's government therein respectively, shall have power and authority, from time to time, by an instrument under the great seal of such province, to constitute, appoint, and remove the speakers of the legislative councils of such provinces respectively.

His Majesty may authorize the governor to call together the assembly,

XIII. And be it further enacted by the authority aforesaid, That for the purpose of constituting such assembly as aforesaid, in each of the said provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize and direct the governor or lieutenant governor, or person administering the government in each of the said provinces respectively, within the time hereinafter mentioned, and thereafter from time to time, as occasion shall require, in his Majesty's name, and by an instrument under the great seal of such province, to summon and call together an assembly in and for such province.

and for the purpose of electing members, to issue a proclamation dividing the province into districts, &c.

XIV. And be it further enacted by the authority aforesaid, That, for the purpose of electing the members of such assemblies respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their sign manual, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, within the time hereinafter mentioned, to issue a proclamation dividing such province into districts, or counties, or circles, and towns or townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts, or counties, or circles, and towns or townships respectively; and that it shall also be lawful for his Majesty, his heirs or successors, to authorize such governor or lieutenant governor, or person administering the government, from time to time to nominate and appoint proper persons to execute the office of returning officer in each of the said districts, or counties, or circles, and towns or townships respectively; and that such division of the said provinces into districts, or counties, or circles, and towns or townships, and such declaration and appointment of the number of representatives to be chosen by each of the said districts, or counties, or circles, and towns or townships respectively, and also such nomination and appointment of returning officers in the same, shall be valid and effectual to all the purposes of this act, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

Power of the governor to appoint returning officers, to continue two years from the commencement of this act.

XV. Provided nevertheless, and be it further enacted by the authority aforesaid, That the provision hereinbefore contained, for empowering the governor, lieutenant governor, or person administering the government of the said provinces respectively, under such authority as aforesaid from his Majesty, his heirs or successors, from time to time, to nominate and appoint proper persons to execute the office of returning officer, in the said districts, counties, circles, and towns or townships, shall remain and continue in force in each of the said provinces respectively, for the term of two years, from and after the commencement of this act, within such province, and no longer; but subject, nevertheless, to be sooner repealed or varied by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

No person obliged to serve as returning officer more than once, unless otherwise provided by an act of the province.

XVI. Provided always, and be it further enacted by the authority aforesaid, That no person shall be obliged to execute the said office of returning officer for any longer time than one year or oftener than once, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

Number of members in each province.

XVII. Provided also, and be it enacted by the authority aforesaid, That the whole number of members to be chosen in the province of Upper Canada shall not be less than sixteen, and that the whole number of members to be chosen in the province of Lower Canada shall not be less than fifty.

Regulations for issuing writs for the election of members to serve in the assemblies.

XVIII. And be it further enacted by the authority aforesaid, That writs for the election of members to serve in the said assemblies respectively, shall be issued by the governor, lieutenant governor, or person administering his Majesty's government within the said provinces respectively, within fourteen days after the sealing of such instrument as aforesaid, for summoning and calling together such assembly, and that such writs shall be directed to the respective returning officers of the said districts, or counties, or circles, and towns or townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors; and that writs shall in like manner and form be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the legislative council of either province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new member shall be issued within six days after the same shall be made known to the proper office for issuing such writs of election.

Returning officers to execute writs.

XIX. And be it further enacted by the authority aforesaid, That all and every the returning officers so appointed as aforesaid, to whom any such writs as aforesaid shall be directed, shall and they are hereby authorized and required duly to execute such writs.

By whom the members are to be chosen.

XX. And be it further enacted by the authority aforesaid, That the members for the several districts, or counties, or circles, of the said provinces respectively, shall be chosen by the majority of votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such district, or county, or circle, as the case shall be, such lands being by them held in freehold, or in fief, or in roture, or by certificate

derived under the authority of the governor and council of the province of Quebec, and being of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of or in respect of the same; and that the members for the several towns or townships within the said provinces respectively shall be chosen by the majority of votes of such persons as either shall severally be possessed, for their own use and benefit, of a dwelling house and lot of ground in such town or township, such dwelling house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling or upwards, or, as having been resident within the said town or township for the space of twelve calendar months next before the date of the writ of summons for the election, shall *bona fide* have paid one year's rent for the dwelling house in which they shall have so resided, at the rate of ten pounds sterling per annum, or upwards.

Certain persons not eligible to the assemblies.

XXI. Provided always, and be it further enacted by the authority aforesaid, That no person shall be capable of being elected a member to serve in either of the said assemblies, or of sitting or voting therein, who shall be a member of either of the said legislative councils to be established as aforesaid in the said two provinces, or who shall be a minister of the church of England, or a minister, priest, ecclesiastic, or teacher, either according to the rites of the church of Rome, or under any other form or profession of religious faith or worship.

No person under twenty-one years of age, &c. capable of voting or being elected;

(Amended by 7th Geo. IV, c 68.)

XXII. Provided also, and be it further enacted by the authority aforesaid, That no person shall be capable of voting at an election of a member to serve in such assembly, in either of the said provinces, or of being elected at any such election, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty, naturalized by act of the British parliament, or a subject of his Majesty, having become such by the conquest and session of the province of Canada.

nor any person attainted for treason or felony.

XXIII. And be it also enacted by the authority aforesaid, That no person shall be capable of voting at any election of a member to serve in such assembly, in either of the said provinces, or of being elected at any such election, who shall have been attainted for treason or felony in any court of law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

Voters, if required, to take the following

XXIV. Provided also, and be it further enacted by the authority aforesaid, That every voter, before he is admitted to give his vote at any such election, shall, if required by any of the candidates, or by the returning officer, take the following oath, which shall be administered in the English or French language, as the case may require:

Oath.

"I, A. B., do declare and testify, in the presence of Almighty God, that I am, to the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this election."

and to make oath to the particulars herein specified.

And that every person shall also, if so required as aforesaid, make oath, previous to his being admitted to vote, that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has *bona fide* been so resident, and paid such rent for his dwelling house, as entitles him, according to the provisions of this act, to give his vote at such election for the county, or district, or circle, or for the town or township for which he shall offer the same.

His Majesty may authorize the governor to fix the time and place of holding elections,

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor, or person administering the government within each of the said provinces respectively, to fix the time and place of holding such elections, giving not less than eight days notice of such time, subject, nevertheless, to such provisions as may hereafter be made in these respects by any act of the legislative council and assembly of the province, assented to by his Majesty, his heirs or successors.

and of holding the sessions of the council and assembly, &c.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, to fix the places and times of holding the first and every other session of the legislative council and assembly of such province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by proclamation or otherwise, whenever he shall judge it necessary or expedient.

Council and assembly to be called together once in twelve months, &c.

XXVII. Provided always, and be it enacted by the authority aforesaid, That the said legislative council and assembly, in each of the said provinces, shall be called together once at the least in every twelve calendar months, and that every assembly shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject, nevertheless, to be sooner prorogued and dissolved by the governor or lieutenant governor of the province, or person administering his Majesty's government therein.

and all questions therein to be decided by the majority of votes.

XXVIII. And be it further enacted by the authority aforesaid, That all questions which shall arise in the said legislative councils or assemblies respectively shall be decided by the majority of voices of such members as shall be present; and that in all cases where the voices shall be equal, the speaker of such council or assembly, as the case shall be, shall have a casting voice.

No member to sit or vote till he has taken the following

XXIX. Provided always, and be it enacted by the authority aforesaid, That no member, either of the legislative council or assembly, in either of the said provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following oath, either before the governor or lieutenant governor of such province, or person administering the government therein, or before some person or persons authorized by the said governor or lieutenant governor, or other person as aforesaid, to administer such oath, and that the same shall be administered in the English or French language, as the case may require:

Oath.

"I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty, King George, as lawful sovereign of the kingdom of Great Britain, and of these provinces, dependent on and belonging to the said kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever, which shall be made against his person, crown, and dignity; and that I will do my utmost endeavor to disclose and make known to his Majesty, his heirs or successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them: and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary. So help me God."

Governor may give or withhold his Majesty's assent to bills passed by the legislative council and assembly, or reserve them for his Majesty's pleasure.

XXX. And be it further enacted by the authority aforesaid, That whenever any bill which has been passed by the legislative council, and by the house of assembly, in either of the said provinces respectively, shall be presented for his Majesty's assent, to the governor or lieutenant governor of such province, or to the person administering his Majesty's government therein, such governor or lieutenant governor, or person administering the government, shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this act, and to such instructions as may from time to time be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

Governor to transmit to the secretary of state copies of such bills as have been assented to, which his Majesty in council may declare his disallowance of within two years from the receipt.

XXXI. Provided always, and be it further enacted by the authority aforesaid, That whenever any bill, which shall have been so presented for his Majesty's assent to such governor, lieutenant governor, or person administering the government, shall, by such governor, lieutenant governor, or person administering the government, have been assented to in his Majesty's name, such governor, lieutenant governor, or person as aforesaid, shall, and he is hereby required, by the first convenient opportunity, to transmit to one of his Majesty's principal secretaries of state an authentic copy of such bill so assented to; and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such secretary of state, for his Majesty, his heirs or successors, by his or their order in council, to declare his or their disallowance of such bill, and that such disallowance, together with a certificate, under the hand and seal of such secretary of state, testifying the day on which such bill was received as aforesaid, being signified by such governor, lieutenant governor, or person administering the government, to the legislative council and assembly of such province, or by proclamation, shall make void and annul the same, from and after the date of such signification.

Bills reserved for his Majesty's pleasure not to have any force till his Majesty's assent be communicated to the council and assembly, &c.

XXXII. And be it further enacted by the authority aforesaid, That no such bill, which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said provinces respectively, until the governor, or lieutenant governor, or person administering the government, shall signify, either by speech or message, to the legislative council and assembly of such province, or by proclamation, that such bill has been laid before his Majesty in council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made, in the journals of the said legislative council, of every such speech, message, or proclamation; and a duplicate thereof, duly attested, shall be delivered to the proper officer, to be kept amongst the public records of the province; and that no such bill, which shall be so reserved as aforesaid, shall have any force or authority within either of the said provinces respectively, unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the governor, lieutenant governor, or person administering the government of such province.

Laws in force at the commencement of this

XXXIII. And be it further enacted by the authority aforesaid, That all laws, statutes, and ordinances, which shall be in force on the day to be fixed in the manner hereinafter

act to continue so, except repealed or varied by it, &c.

directed for the commencement of this act, within the said provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect, in each of the said provinces respectively, as if this act had not been made, and as if the said province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this act, or in so far as the same shall or may hereafter, by virtue of and under the authority of this act, be repealed or varied by his Majesty, his heirs or successors, by and with the advice and consent of the legislative councils and assemblies of the said provinces respectively, or in so far as the same may be repealed or varied by such temporary laws or ordinances as may be made in the manner hereinafter specified.

Establishment of a court of civil jurisdiction in each province.

XXXIV. And whereas by an ordinance passed in the province of Quebec, the governor and council of the said province were constituted a court of civil jurisdiction, for hearing and determining appeals in certain cases therein specified, be it further enacted by the authority aforesaid, That the governor or lieutenant governor, or person administering the government of each of the said provinces respectively, together with such executive council as shall be appointed by his Majesty for the affairs of such province, shall be a court of civil jurisdiction within each of the said provinces respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom, as such appeals might before the passing of this act have been heard and determined by the governor and council of the province of Quebec; but subject nevertheless to such further or other provisions as may be made in this behalf, by any act of the legislative council and assembly of either of the said provinces respectively, assented to by his Majesty, his heirs or successors.

14th Geo. III, c 83, and

XXXV. And whereas, by the above mentioned act, passed in the fourteenth year of the reign of his present Majesty, it was declared, That the clergy of the church of Rome, in the province of Quebec, might hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they should from time to time think necessary and expedient; and

instructions of Jan. 3, 1775, to sir Guy Carleton, &c. and

whereas by his Majesty's royal instructions, given under his Majesty's royal sign manual on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton, esquire, now lord Dorchester, at that time his Majesty's captain general and governor in chief in and over his Majesty's province of Quebec, his Majesty was pleased, amongst other things, to direct, "That no incumbent professing the religion of the church of Rome, appointed to any parish in the said province, should be entitled to receive any tythes for lands or possessions occupied by a protestant, but that such tythes should be received by such persons as the said Guy Carleton, esquire, his Majesty's captain general and governor in chief in and over his Majesty's said province of Quebec, should appoint, and should be reserved in the hands of his Majesty's receiver general of the said province, for the support of a protestant clergy in his Majesty's said province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, esquire, his Majesty's captain general and governor in chief in and over his Majesty's said province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses;" and whereas his

instructions to sir Frederick Haldimand, and to lord Dorchester, recited;

Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions, given in like manner to sir Frederick Haldimand, knight of the most honorable order of the Bath, late his Majesty's captain general and governor in chief in and over his Majesty's said province of Quebec; and also in his Majesty's royal instructions, given in like manner to the said right honorable Guy, lord Dorchester, now his Majesty's captain general and governor in chief in and over his Majesty's said province of Quebec, be it enacted by the authority aforesaid, That the said declaration and provision contained in the said above mentioned act, and also the said provision so made by his Majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

and the declaration and provisions therein respecting the clergy of the church of Rome to continue in force.

His Majesty's message to parliament recited.

XXXVI. And whereas his Majesty has been graciously pleased, by message to both houses of parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a protestant clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty; and whereas his Majesty has been graciously pleased, by his

said message, further to signify his royal desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the due and sufficient support and maintenance of a protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof; therefore, for the purpose of more effectually fulfilling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands, for the support and maintenance of a protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces shall hereafter be made, by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

His Majesty may authorize the governor to make allotments of lands for the support of a protestant clergy in each province.

a certain part of the clergy lands may be sold. See 7th and 8th Geo. IV, c 62,

XXXVII. And be it further enacted by the authority aforesaid, That all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a protestant clergy within the province in which the same shall be situated, and to no other use or purpose whatever.

and the rents arising from such allotments to be applicable to that purpose solely.

XXXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces respectively, or the person administering the government therein, from time to time, with the advice of such executive council as shall have been appointed by his Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted, or erected within such province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the church of England; and from time to time, by an instrument under the great seal of such province, to endow every such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this act, as such governor, lieutenant governor, or person administering the government, shall, with the advice of the said executive council, judge to be expedient under the then existing circumstances of such township or parish.

His Majesty may authorize the governor, with the advice of the executive council, to erect parsonages, and endow them;

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor, lieutenant governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent or minister of the church of England, who shall have been duly ordained according to the rights of the said church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

And the governor to present incumbents to them, who are to enjoy the same, as incumbents in England.

XL. Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's royal letters patent to the bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the church of England, which are lawfully made and received in England.

Presentations to parsonages, and the enjoyment of them, to be subject to the jurisdiction granted to the bishop of Nova Scotia, &c.

Provisions respecting the allotment of lands for the support of a protestant clergy, &c. may be varied or repealed by the legislative council and assembly.

XLI. Provided always, and be it further enacted by the authority aforesaid, That the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a protestant clergy within the said provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any act or acts which may be passed by the legislative council and assembly of the said provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction hereinafter provided.

Acts of the legislative council and assembly, containing provisions to the effect herein mentioned to be laid before parliament, previous to receiving his Majesty's assent, &c.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any act or acts shall be passed by the legislative council and assembly of either of the said provinces, containing any provisions to vary or repeal the above recited declaration and provisions contained in the said act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above recited provision contained in his Majesty's royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, esquire, now lord Dorchester; or to vary or repeal the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions herein before contained respecting the allotment and appropriation of lands for the support of a protestant clergy within the said provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same: and also that whenever any act or acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications, in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein before mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the church of England, amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the crown within the said provinces; every such act or acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both houses of parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such act or acts, until thirty days after the same shall have been laid before the said houses, or to assent to any such act or acts, in case either house of parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such act or acts; and that no such act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the legislative council and assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the governor, lieutenant governor, or person administering the government of such province, an address or addresses, specifying that such act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such act should be transmitted to England without delay, for the purpose of being laid before parliament, previous to the signification of his Majesty's assent thereto.

Lands in Upper Canada to be granted in free and common soccage, and also in Lower Canada, if desired.

XLIII. And be it further enacted by the authority aforesaid, That all lands which shall be hereafter granted within the said province of Upper Canada, shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the legislative council and assembly of the province.

Persons holding lands in Upper Canada may have fresh grants.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons holding any lands in the said province of Upper Canada, by virtue of any certificate of occupation derived under the authority of the governor and council of the province of Quebec, and having power and authority to alienate the same, shall, at any time, from and after the commencement of this act, surrender the same into the hands of his Majesty,

his heirs or successors, by petition to the governor or lieutenant governor, or person administering the government of the said province, setting forth that he, she, or they, is or are desirous of holding the same in free and common soccage, such governor, lieutenant governor, or person administering the government, shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Such fresh grants not to bar any right or title to the lands.

XLV. Provided nevertheless, and be it further enacted by the authority aforesaid, That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest, and that every such right, title, or interest, shall be as valid and effectual as if such surrender and grant had never been made.

18th Geo. II, c 12, recited.

XLVI. And whereas, by an act passed in the eighteenth year of the reign of his present Majesty, entitled, "An act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain in any of the colonies, provinces, and plantations, in North America, and the West Indies; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto," it has been declared, "That the King and parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations, in North America, or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the nett produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts or general assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied:" And whereas it is necessary, for the general benefit of the British empire, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs or successors, and the parliament of Great Britain, subject nevertheless to the conditions hereinbefore recited, with respect to the application of any duties which may be imposed for that purpose; be it therefore enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend, to prevent or affect the execution of any law which hath been or shall at any time be made by his Majesty, his heirs or successors, and the parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of the commerce to be carried on between the said two provinces, or between either of the said provinces and any other part of his Majesty's dominions, or between either of the said provinces and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to his Majesty, his heirs or successors, any power or authority, by and with the advice and consent of such legislative councils and assemblies respectively, to vary or repeal any such law or laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof.

This act not to prevent the operation of any act of parliament, establishing prohibitions or imposing duties for the regulation of navigation and commerce, &c.

Such duties to be applied to the use of the respective provinces.

XLVII. Provided always, and be it enacted by the authority aforesaid, That the nett produce of all duties which shall be so imposed, shall at all times hereafter be applied to and for the use of each of the said provinces respectively, and in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the legislative council and assembly of such province.

His Majesty in council to fix and declare the commencement of this act, &c.

XLVIII. And whereas, by reason of the distance of the said provinces from this country, and of the change to be made by this act in the government thereof, it may be necessary that there should be some interval of time between the notification of this act to the said provinces respectively, and the day of its commencement within the said provinces respectively; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, with the advice of the privy council, to fix and declare, or to authorize the governor or lieutenant governor of the province of Quebec, or the person administering the government there, to fix and declare the day of the commencement of this act within the said provinces respectively, provided that such day shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-one.

Time for issuing the writs of summons and election, &c. not to be later than December 31, 1792.

XLIX. And be it further enacted by the authority aforesaid, That the time to be fixed by his Majesty, his heirs or successors, or under his or their authority, by the governor, lieutenant governor, or person administering the government in each of the said provinces respectively, for issuing the writs of summons and election, and calling together the legislative councils and assemblies of each of the said provinces respectively, shall not be

later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two.

Between the commencement of this act, and the first meeting of the legislative council and assembly, temporary laws may be made.

L. Provided always, and be it further enacted by the authority aforesaid, That during such interval as may happen between the commencement of this act, within the said provinces respectively, and the first meeting of the legislative council and assembly of each of the said provinces respectively, it shall and may be lawful for the governor, or lieutenant governor of such province, or for the person administering the government therein, with the consent of the major part of such executive council as shall be appointed by his Majesty for the affairs of such province, to make temporary laws and ordinances for the good government, peace, and welfare of such province, in the same manner, and under the same restrictions, as such laws or ordinances might have been made by the council for the affairs of the province of Quebec, constituted by virtue of the above mentioned act of the fourteenth year of the reign of his present Majesty; and that such temporary laws or ordinances shall be valid and binding within such province, until the expiration of six months after the legislative council and assembly of such province shall have been first assembled by virtue of and under the authority of this act; subject nevertheless to be sooner repealed or varied by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the said legislative council and assembly.

PASSED IN THE FORTY-THIRD YEAR OF GEORGE III.

CHAPTER CXXXVIII.

An act for extending the jurisdiction of the courts of justice in the provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said provinces.

[Passed August 11, 1803.]

WHEREAS crimes and offences have been committed in the Indian territories, and other parts of America, not within the limits of the provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the courts established in those provinces, or within the limits of any civil government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof, great crimes and offences have gone and may hereafter go unpunished, and greatly increase: For remedy whereof, may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, all offences committed within any of the Indian territories, or parts of America not within the limits of either of the said provinces of Lower or Upper Canada, or of any civil government of the United States of America, shall be, and be deemed to be, offences of the same nature, and shall be tried in the same manner and subject to the same punishment, as if the same had been committed within the provinces of Lower or Upper Canada.

Offences committed within any of the Indian territories, &c. shall be tried in the same manner as if committed within the provinces of Lower or Upper Canada.

The governor of Lower Canada may empower persons to act as justices for the Indian territories, &c. for committing offenders till conveyed to Canada for trial, &c.

II. And be it further enacted, That it shall be lawful for the governor or lieutenant governor, or person administering the government for the time being of the province of Lower Canada, by commission under his hand and seal, to authorize and empower any person or persons, wheresoever resident or being at the time, to act as civil magistrates and justices of the peace for any of the Indian territories or parts of America not within the limits of either of the said provinces, or of any civil government of the United States of America, as well as within the limits of either of the said provinces, either upon informations taken or given within the said provinces of Lower or Upper Canada, or out of the said provinces, in any part of the Indian territories or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said province of Lower Canada, to be dealt with according to law; and it shall be lawful for any person or persons whatever, to apprehend and take before any persons so commissioned, as aforesaid, or to apprehend and convey, or cause to be safely conveyed, with all convenient speed, to the province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody for the purpose of being dealt with according to law.

Place and manner of trial of such offenders.

III. And be it further enacted, That every such offender may and shall be prosecuted and tried in the courts of the province of Lower Canada, (or if the governor or lieutenant governor, or person administering the government for the time being, shall, from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may more conveniently be administered in relation to such crime or offence in the province of Upper Canada, and shall, by any

instrument under the great seal of the province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the court of the province of Upper Canada,) in which crimes or offences of the like nature are usually tried, and where the same would have been tried if such crime or offence had been committed within the limits of the province where the same shall be tried under this act; and every offender tried and convicted under this act, shall be liable and subject to such punishment as may, by any law in force in the province where he or she shall be tried, be inflicted for such crime or offence; and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such court, and such court may and shall proceed therein to trial, judgment, and execution, or other punishment for such crime or offence, in the same manner in every respect as if such crime or offence had been really committed within the jurisdiction of such court; and it shall also be lawful for the judges and other officers of the said courts, to issue subpœnas and other processes for enforcing the attendance of witnesses on any such trial; and such subpœnas and other processes shall be as valid and effectual, and be in full force and put in execution, in any parts of the Indian territories, or other parts of America out of and not within the limits of the civil government of the United States of America, as well as within the limits of either of the said provinces of Lower or Upper Canada, in relation to the trial of any crimes or offences by this act made cognizable in such court, or to the more speedily and effectually bringing any offender or offenders to justice under this act, as fully and amply as any subpœnas or other processes are, within the limits of the jurisdiction of the court from which any such subpœnas or processes shall issue as aforesaid; any act or acts, law or laws, custom, usage, matter, or thing to the contrary notwithstanding.

Offenders not being subjects of his Majesty, and also within the limits, belonging to any European state, shall be acquitted.

IV. Provided always, and be it further enacted, That if any crime or offence charged and prosecuted under this act shall be proved to have been committed by any person or persons not being a subject or subjects of his Majesty, and also within the limits of any colony, settlement, or territory, belonging to any European state, the court before which such prosecution shall be had, shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge.

But subjects to his Majesty shall be tried, although offence be committed in another European state.

V. Provided nevertheless, That it shall and may be lawful for such court to proceed in the trial of any other person or persons, being a subject or subjects of his Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any colony, settlement, or territory belonging to any European state as aforesaid.

PROCLAMATION.

DORCHESTER, G.

GEORGE the THIRD by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. To all our loving subjects, whom these presents may concern, greeting:

Whereas our province of Quebec stands at present divided only into two districts, and by virtue of two certain acts or ordinances, the one passed by our governor and the legislative council, in the twenty-seventh year of our reign, and the other in the present year, provision is made for forming and organizing one or more new districts: Now, therefore, know ye, that our governor of our said province, by the advice and consent of our council of our said province, and in pursuance of the acts and ordinances aforesaid, hath formed and doth hereby form the several new districts hereinafter described and named, to wit: the district of Luneburg, bounded on the east by the eastern limit of a tract lately called or known by the name of Lancaster, protracted northerly and southerly as far as our said province extends, and bounded westerly by a north and south line, intersecting the mouth of the river Gananoque, now called the Thames, above the rifts of the Saint Lawrence, and extending southerly and northerly to the limits of our said province, therein comprehending the several towns or tracts called or known by the names of Lancaster, Charlottenburg, Cornwall, Osnabruck, Williamsburg, Matilda, Edwardsburg, Augusta, and Elizabethtown; and also one other district to be called the district of Mecklenburg, extending within the north and south bounds of our said province, from the western limits of the said district of Luneburg, as far westerly as to a north and south line, intersecting the mouth of a river now called the Trent, discharging itself from the west into the head of the bay of Quinty, and therein comprehending the several towns or tracts called or known by the names of Pittsburg, Kingstown, Ernestown, Fredericksburg, Adolphustown, Marysburg, Sophiasburg, Ameliasburg, Sydney, Thurlow, Richmond, and Camden; and also one other district to be called the district of Nassau, extending within the north and south bounds of our said province, from the western limit of the last mentioned district, so far westerly as to a north and south line, intersecting the extreme projection of Long Point into the

lake Erie, on the northerly side of the said lake Erie; and also one other district to be called the district of Hesse, which is to comprehend all the residue of our said province in the western or inland parts thereof, of the entire breadth thereof, from the southerly to the northerly boundary of the same; and also one other district to be called the district of Gaspe, and to comprehend all that part of our said province on the southerly side of Saint Lawrence, to the eastward of a north and south line, intersecting the northeasterly side of cape Cat, which is on the southerly side of the said river; of which all our loving subjects are to take due notice, and govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed. Witness our trusty and well beloved GUY, LORD DORCHESTER, captain general and governor in chief of our said province, at our castle of Saint Lewis, in our city of Quebec, the twenty-fourth day of July, in the year of our Lord one thousand seven hundred and eighty-eight, and of our reign the twenty-eighth.

GEO. POWNALL, Sec'y.

PROCLAMATION.

J. GRAVES SIMCOE.

GEORGE the THIRD by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, &c. &c. To all our loving subjects, whom these presents may concern:

British statutes, 31st Geo. III, c 31, s 14. Lord Dorchester's proclamation of 24th July, 1788. The following Provincial statutes: 38th Geo. III, c 5: 40th Geo. III, c 3: 48th Geo. III, c 11: 56th Geo. III. c 2 and 19: 57th Geo. III, c 1: 1st Geo. IV, (erroneously printed as 60th Geo. III,) c 2: 2d Geo. IV, c 3: 4th Geo. IV, stat. 1, c 38: 4th Geo. IV, stat. 2, c 5: 6th Geo. IV, c 5: 7th Geo. IV, c 13: Act for district of Prince Edward, 1st William IV, c 7.

Whereas, in pursuance of an act of parliament, lately made and provided, passed in the thirty-first year of our reign, and of authority by us given for that purpose, our late province of Quebec is become divided into the two provinces of Upper Canada and Lower Canada, and our lieutenant governor of the said province of Upper Canada, by power from us derived, is authorized in the absence of our right trusty and well beloved Guy, lord Dorchester, captain general and governor in chief of our said province of Upper Canada, to divide the said province of Upper Canada into districts, counties, circles or towns and townships for the purpose of effectuating the intent of the said act of parliament, and to declare and appoint the number of representatives to be chosen by each, to serve in the assembly of the said province: Know ye, therefore, that our trusty and well beloved John Graves Simcoe, esquire, our lieutenant governor of our said province of Upper Canada, in the absence of the said governor in chief, hath and by this our proclamation doth divide the said province of Upper Canada into counties, and hath and doth appoint and declare the number of representatives of them and each of them to be as hereinafter limited, named, declared, and appointed; that is to say:

That the first of the said counties be hereafter called by the name of the county of Glengary; which county is to be bounded on the east by the lines that divide Upper from Lower Canada, on the south by the river St. Lawrence, and westerly by the easternmost boundary of the late township of Cornwall, running north twenty-four degrees west until it intersects the Ottawa or Grand river, thence descending the said river until it meets the divisional lines aforesaid. The said county is to comprehend all the islands in the said river St. Lawrence nearest to the said county, and in the whole or greater part fronting the same.

That the second of the said counties be hereafter called by the name of the county of Stormont; which county is to be bounded on the east by the westernmost line of the county of Glengary, on the south by the river St. Lawrence, to the westernmost boundary of the late township of Osnaburg, and on the west by the easternmost boundary line of the late township of Williamsburgh, running north twenty-four degrees west until it intersects the Ottawa or Grand river, then descending the said river until it meets the northwesternmost boundary of the county of Glengary. The said county of Stormont is to comprehend all the islands in the said river St. Lawrence nearest to the said county, in the whole or greater part fronting the same.

That the third of the said counties be hereafter called by the name of the county of Dundas; which county is to be bounded on the east by the westernmost boundary line of the county of Stormont, on the south by the river St. Lawrence, and on the west by the easternmost boundary line of the late township of Edwardsburgh, running north twenty-four degrees west until it intersects the Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Stormont. The said county of Dundas is to comprehend all the islands in the said river St. Lawrence nearest to the said county, in the whole or greater part fronting the same.

That the fourth of the said counties be hereafter called by the name of the county of Grenvill; which county is to be bounded on the east by the westernmost line of the county of Dundas, on the south by the river St. Lawrence, and on the west by the easternmost boundary line of the late township of Elizabethtown, running north twenty-four degrees

west until it intersects the Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Dundas. The said county of Grenvill is to comprehend all the islands in the said river St. Lawrence nearest to the said county, in the whole or greater part fronting the same.

That the fifth of the said counties be hereafter called by the name of the county of Leeds; which county is to be bounded on the east by the westernmost line of the county of Grenvill, on the south by the river St. Lawrence, and on the west by the easternmost boundary line of the late township of Pittsburgh, running north until it intersects the Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Grenvill. The said county of Leeds is to comprehend all the islands in the said river St. Lawrence nearest the said county, in the whole or greater part fronting the same.

That the sixth of the said counties be hereafter called by the name of the county of Frontenac; which county is to be bounded on the east by the westernmost line of the county of Leeds, on the south by lake Ontario, on the west by the easternmost boundary line of the late township of Ernestown, running north twenty-four degrees west until it intersects the Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Leeds.

That the seventh of the said counties be hereafter called by the name of the county of Ontario; which county is to consist of the following islands: an island at present known by the name of isle Tonti, to be called Amherst island; an island known by the name of isle au Foret, to be called Gage island; an island known by the name of Grand island, to be called Wolfe island; an island known by the name of isle Cauchois, to be called Howe island; and to comprehend all the islands between the mouth of the Gananoque to the easternmost extremity of the late township of Marysburgh, called point Pleasant.

That the eighth of the said counties be hereafter called by the name of the county of Addington; which county is to be bounded on the east by the westernmost line of the county of Frontenac, on the south by lake Ontario, to the westernmost boundary of the late township of Ernestown, and on the west by the easternmost boundary line of the township of Fredericksburgh, running north thirty-one degrees west until it meets the Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Frontenac; comprehending within the said county all the islands nearest to it, in the whole or greater part fronting the same.

That the ninth of the said counties be hereafter called by the name of the county of Lenox; which county is to be bounded on the east by the westernmost line of the county of Addington, on the south and west by the bay of Quinte, to the easternmost boundary of the Mohawk village, thence by a line along the westernmost boundary of the late township of Richmond, running north sixteen degrees west to the depth of twelve miles, thence running north seventy-four degrees east until it meets the northwesternmost boundary of the county of Addington; and comprehending all the islands in the bays and nearest to the shores thereof.

That the tenth of the said counties be hereafter called by the name of the county of Prince Edward; which county is to be bounded on the south by lake Ontario, on the west by the carrying-place on the isthmus of the Presque isle d'Quinte, on the north by the bay of Quinte, and on the east, from point Pleasant to point Traverse, by its several shores and bays, including the late township of Ameliasburg, Sophiasburg, and Marysburg. The said county of Prince Edward is to comprehend all the islands in the said lake Ontario and bay of Quinte nearest to the said county, in the whole or greater part fronting the same.

That the eleventh of the said counties be hereafter called by the name of the county of Hastings; which county is to be bounded on the east by the westernmost line of the county of Lenox, on the south by the bay of Quinte, until it meets a boundary on the easternmost line of the river Trent, thence along the said river until it intersects the rear of the ninth concession, thence by a line running north sixteen degrees west until it intersects the river Ottawa or Grand river, thence descending the said river until it meets the northwesternmost boundary of the county of Addington; and the said county of Hastings to comprehend all the islands in the said bay of Quinte and river Trent nearest to the said county, in the whole or greater part fronting the same.

That the twelfth of the said counties be hereafter called by the name of the county of Northumberland; which county is to be bounded on the east by the westernmost line of the county of Hastings and the carrying-place of the Presque isle d'Quinte, on the south by lake Ontario until it meets the westernmost point of the Little bay, thence by a line running north sixteen degrees west until it meets the southern boundary of a tract of land belonging to the Mississague Indians, thence along the said tract parallel to lake Ontario until it meets the northwesternmost boundary of the county of Hastings. The said county of Northumberland is to comprehend all the islands in the said lake Ontario and bay of Quinte nearest to the said county, in the whole or greater part fronting the same.

That the thirteenth of the said counties be hereafter called by the name of the county of Durham; which county is to be bounded on the east by the westernmost line of the county of Northumberland, on the south by lake Ontario until it meets the westernmost point of Long Beach, thence by a line running north sixteen degrees west until it intersects the southern boundary of a tract of land belonging to the Mississague Indians, thence along the said tract parallel to lake Ontario until it meets the northwesternmost boundary of the county of Northumberland.

That the fourteenth of the said counties be hereafter called by the name of the county of York; which county is to consist of two ridings, the east and west riding; the east riding is to be bounded on the east by the westernmost line of the county of Durham, on the south by lake Ontario until it meets the easternmost boundary of a tract of land belonging to the Mississague Indians, on the west by the easternmost boundary line of said tract, running north sixteen degrees west the distance of twenty-eight miles, north seventy-four degrees east fourteen miles, thence south sixteen degrees east sixteen miles, to the southern boundary of the lands belonging to the said Indians, thence along the said tract parallel to lake Ontario until it meets the northwesternmost boundary of the county of Durham. That the west riding of the said county be hereafter called by the name of the west riding of the county of York; which riding is to be bounded on the east by the westernmost line of a tract of land belonging to the Mississague Indians, running north forty-five degrees west to the river La Tranche, to be called the Thames, on the south by lake Geneva, to be called Burlington bay, and a carrying-place leading through the Mohawk village to where it intersects the river La Tranche or Thames, thence up the said river to the northwesternmost boundary of a tract of land belonging to the Mississague Indians.

That the fifteenth of the said counties be hereafter called by the name of the county of Lincoln; which county is to be divided into four ridings. The first riding is to be bounded on the west by the easternmost line of the county of York, on the south by the Grand river, to be called the Ouse, thence descending the said river until it meets an Indian road leading to the forks of the Chippawa creek, which creek is to be called the Welland, thence descending the said creek until it meets the continuation of the easternmost boundary of the late township No. 5, thence north along the said boundary until it intersects lake Ontario, thence along the south shore of lake Ontario until it meets the southeast boundary of the county of York. The second riding is to be bounded on the west by the easternmost line of the first riding, on the north by lake Ontario, on the east by the river Niagara, and on the south by the northern boundary of the late townships No. 2, No. 9, and No. 10. The third riding is to be bounded on the east by the river Niagara, on the south by the Chippawa or Welland, on the west by the easternmost boundary of the first riding, and on the north by the southern boundary of the second riding. The fourth riding is to be bounded on the east by the river Niagara, on the south by lake Erie, to the north of the Grand river or Ouse, thence up the said river to the road leading from the said Grand river or Ouse to the forks of the Chippawa or Welland, and on the north by the said road until it strikes the forks of the Welland, thence down the said Welland to the river Niagara; the said fourth riding to include the islands comprised within the easternmost boundaries of the river Niagara.

That the sixteenth of the said counties be hereafter called by the name of the county of Norfolk; which county is to be bounded on the north and east by the county of Lincoln and the river La Tranche, now called the Thames, on the south side by the lake Erie until it meets the Barlue, to be called the Orwell river, thence by a line running north sixteen degrees west until it intersects the river La Tranche or Thames, thence up the said river until it meets the northwest boundary of the county of York.

That the seventeenth of the said counties be hereafter called by the name of the county of Suffolk; which county is to be bounded on the east by the county of Norfolk, on the south by lake Erie, until it meets the carrying-place from point au Pins unto the Thames, on the west by the said carrying-place, thence up the said river Thames until it meets the northwesternmost boundary of the county of Norfolk.

That the eighteenth of the said counties be hereafter called by the name of the county of Essex; which county is to be bounded on the east by the county of Suffolk, on the south by lake Erie, on the west by the river Detroit to Maisonville's mill, from thence by a line running parallel to the river Detroit and lake St. Clair, at the distance of four miles, until it meets the river La Tranche or Thames, thence up the said river to the northwest boundary of the county of Suffolk.

That the nineteenth of the said counties be hereafter called by the name of the county of Kent; which county is to comprehend all the country not being territories of the Indians, not already included in the several counties hereinbefore described, extending northward to the boundary line of Hudson's bay, including all the territory to the westward and

southward of the said line, to the utmost extent of the country commonly called or known by the name of Canada.

And know ye, also, that our said lieutenant governor hath also declared and appointed, and doth hereby declare and appoint, that for the purposes of representation, the said county of Glengary, bounded as aforesaid, shall be divided into two ridings, the first riding to include the late township of Charlottenburgh, and the second riding to comprehend such part of the said county of Glengary as is not contained in the first riding, and that each of the said ridings shall send one representative; that is, the said first riding shall and may be represented in the said house of assembly by one member, and the said second riding shall and may be represented in the said house of assembly by one member; and that the said county of Stormont, bounded as hereinbefore is described, shall and may be represented in the said house of assembly by one member; and that the said county of Dundas, bounded as hereinbefore is described, shall and may be represented in the said house of assembly by one member; and that the said county of Grenvill, bounded as hereinbefore is described, shall and may be represented in the said house of assembly by one member; and that the said county of Leeds and county of Frontenac, severally bounded as hereinbefore is described, shall together send one representative, that is, the said counties of Leeds and Frontenac shall and may be represented together in the said house of assembly by one member; and that the county of Ontario and the county of Addington, severally bounded as hereinbefore is described, shall together send one representative, that is, the said counties of Ontario and Addington shall and may be represented together in the said house of assembly by one member; and that the county of Prince Edward, bounded as hereinbefore is described, together with the district of the late township of Adolphus in the county of Lenox, shall together send one representative, that is, the said county of Prince Edward, together with the said district, late the township of Adolphus, shall and may be represented together in the said house of assembly by one member; and that the county of Lenox, (the said district, late the township of Adolphus, excepted,) with the counties of Hastings and Northumberland, severally bounded as hereinbefore is described, shall together send one representative, that is, the said county of Lenox, except as before excepted, and the said counties of Hastings and Northumberland shall and may be represented together in the said house of assembly by one member; and that the counties of Durham and York, and the said first riding of the county of Lincoln, severally bounded as hereinbefore is described, shall together send one representative, that is, the said counties of Durham and York, and first riding of the county of Lincoln, shall and may be represented together in the said house of assembly by one member; and that the said second riding of the said county of Lincoln, bounded as hereinbefore is described, shall and may be represented in the said house of assembly by one member; and that the said third riding of the said county of Lincoln, bounded as hereinbefore is described, shall and may be represented in the said house of assembly by one member; and that the said fourth riding of the said county of Lincoln, and the county of Norfolk, severally bounded as hereinbefore is described, shall together send one representative, that is, the said fourth riding of the said county of Lincoln, and the county of Norfolk, shall and may be represented together in the said house of assembly by one member; and that the county of Suffolk and the county of Essex, severally bounded as hereinbefore is described, shall together send one representative, that is, the said counties of Suffolk and Essex shall and may be represented together in the said house of assembly by one member; and that the said county of Kent, as hereinbefore is described, shall and may be represented in the said house of assembly by two members; of which our loving subjects and all others concerned are to take notice, and govern themselves accordingly.

In testimony whereof, We have caused these our letters to be made patent, and the great seal of our said province of Upper Canada to be hereunto affixed. Witness our trusty and well beloved John Graves Simcoe, esquire, our lieutenant governor of our said province of Upper Canada, and colonel commanding our forces in Upper Canada, &c. &c. at our government house in the town of Kingston, this sixteenth day of July, in the year of our Lord one thousand seven hundred and ninety-two, and in the thirty-second year of our reign. J. G. S.

[Signed] Wm. Jarvis, Secretary.

Ordinances of the late Province of Quebec.

[See revised edition of the Provincial Statutes, published by authority in 1818.]

It appears, on a revision of the ordinances of the late province of Quebec, that none of them remain in force in this province, unless it be the 2d and 4th clauses in an ordinance passed in the 17th year of George III, ch. 7, entitled, "An ordinance to prevent the selling of strong liquors to the Indians in the province of Quebec, as also to deter persons from buying their arms or clothing, and for other purposes relative to the trade and intercourse with the said Indians," which prohibits the purchase of Indian presents, and whereby it is enacted, "That from and after the publication of this ordinance, no person or persons whatsoever shall purchase, or receive in pledge, or in exchange, any clothes, blankets, fire-arms, or ammunition, belonging to any Indian or Indians within this province, under a penalty of five pounds, and imprisonment for any time not exceeding one month, for the first offence, and of ten pounds, and imprisonment for any time not exceeding two months, for the second and every other subsequent offence."

"That it shall and may be lawful for any person or persons whatsoever, to sue for the penalties and forfeitures aforesaid, by information before one or more of the commissioners of the peace of the district in which any offence against any of the above articles of this ordinance shall have been committed, who is and are hereby authorized and required to hear and determine such information in a summary manner, and upon the oath of one credible witness, (being some other than the informer himself,) and to inflict the said imprisonment, and to levy the said penalties or forfeitures, together with the costs of suing for the same, by a warrant to seize and sell the goods or lands of the offenders. Provided always, that such informations shall be brought within six calendar months from the time the offence shall have been committed, and not after."

And that part of the ordinance passed in the 29th year of George III, ch. 3, entitled, "An act to continue an ordinance regulating the practice of law, and to provide more effectually for the dispensation of justice, and especially in the new districts," which enacts "That simple larceny, when the goods stolen shall not in value exceed twenty shillings sterling money of Great Britain, shall be deemed and adjudged only petty larceny."

UPPER CANADA STATUTES,

PASSED IN

THE FIRST SESSION OF THE FIRST PROVINCIAL PARLIAMENT,

MET AT NIAGARA, ON THE SEVENTEENTH DAY OF SEPTEMBER, AND PROROGUED ON THE FIFTEENTH DAY OF OCTOBER FOLLOWING, IN THE THIRTY-SECOND YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1792.

Chapter I.

An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, "An act making more effectual provision for the government of the province of Quebec in North America and to introduce the English law as the rule of decision in all matters of controversy, relative to property and civil rights."

[Passed October 15, 1792.]

Preamble.

Recital of act 14th Geo. III, c 83.

(See 2d Geo. IV, c 12.)

WHEREAS by an act passed in the fourteenth year of his present Majesty, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North America," it was, among other things, provided, "That in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada as the rule for the decision of the same;" such provision being manifestly and avowedly intended for the accommodation of his Majesty's Canadian subjects: And whereas, since the passing of the act aforesaid, that part of the late province of Quebec now comprehended within the province of Upper Canada, having become inhabited principally by British subjects, born and educated in countries where the English laws were established, and who are unaccustomed to the laws of Canada, it is inexpedient that the provision aforesaid, contained in the said act of the fourteenth year of his present Majesty, should be continued in this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, that from and after the passing of this act, the said provision contained in the said act of the fourteenth year of his present Majesty be, and the same is hereby repealed; and the authority of the said laws of Canada and every part thereof, as forming a rule of decision in all matters of controversy relative to property and civil rights, shall be annulled, made void, and abolished, throughout this province, and that the said laws, nor any part thereof as such, shall be of any force or authority within the said province, nor binding on any of the inhabitants thereof.

The same repealed in so far as it constitutes the laws of Canada a rule of decision, in matters of controversy, relative to property and civil rights.

II. Provided always, and be it enacted by the authority aforesaid, That nothing in this act shall extend to extinguish, release, or discharge, or otherwise to affect any existing right, lawful claim, or incumbrance, to and upon any lands, tenements, or hereditaments within the said province, or to rescind, or vacate, or otherwise to affect any contract or

without affecting claims on real property or contracts or securities already executed.

security already made and executed, conformably to the usages prescribed by the said laws of Canada.

The laws of England to be henceforth the rule of decision.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, in all matters of controversy relative to property and civil rights, resort shall be had to the laws of England, as the rule for the decision of the same.

But the ordinances of the province of Quebec are no further repealed than as by this act they are necessarily varied.

IV. Provided always, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to repeal or vary any of the ordinances made and passed by the governor and legislative council of the province of Quebec, previous to the division of the same into the provinces of Upper and Lower Canada, otherwise than as they are necessarily varied by the provisions herein mentioned.

The rules of evidence to be regulated by those established in England.

V. And be it further enacted by the authority aforesaid, That all matters relative to testimony and legal proof in the investigation of fact, and the forms thereof, in the several courts of law and equity within this province, be regulated by the rules of evidence established in England.

But no alteration is made in the subsisting provisions respecting ecclesiastical rights or dues, or the jurisdiction of courts of justice, or to introduce any of the poor or bankrupt laws.

VI. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall vary or interfere, or be construed to vary or interfere, with any of the subsisting provisions respecting ecclesiastical rights or dues within this province, or with the forms of proceeding in civil actions or the jurisdiction of the courts already established, or to introduce any of the laws of England respecting the maintenance of the poor, or respecting bankrupts.

Chapter II.

An act to establish trials by jury.

Preamble.

Whereas the trial by jury has been long established and approved in our mother country, and is one of the chief benefits to be attained by a free constitution, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of December, in this present year of our Lord one thousand seven hundred and ninety-two, all and every issue and issues of fact, which shall be joined in any action, real, personal, or mixed, and brought in any of his Majesty's courts of justice within the province aforesaid, shall be tried and determined by the unanimous verdict of twelve jurors, duly sworn for the trial of such issue or issues, which jurors shall be summoned and taken conformably to the law and custom of England.

All issues of fact to be determined by the verdict of 12 jurors, conformably to the law and custom of England.

(See 34th Geo. III, c 1; 36th Geo. III, c 2; 48th Geo. III, c 13.)

Who may bring in a special verdict.

II. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall prevent, or be construed to prevent, the said jurors, in all cases where they shall be so minded, from bringing in a special verdict.

Chapter III.

An act to establish the Winchester measure, and a standard for other weights and measures throughout this province.

[Repealed by 4th Geo. IV, Ch. 16.]

Chapter IV.

An act to abolish the summary proceedings of the courts of common pleas in actions under ten pounds sterling.

Preamble.

Whereas the introduction of the trial by jury hath materially altered the constitution of the courts of common pleas, held for the trial of causes under the value of ten pounds sterling, so that their times of sitting and forms of process must become manifestly inconvenient; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the

government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, all causes of action that exceed in value the sum of forty shillings, Quebec currency, shall be commenced and proceeded in at the same times and in the same manner as is directed for the trial of causes above ten pounds sterling.

How to proceed in actions above 40s.

Chapter V.

An act to prevent accidents by fire in this province.

Whereas the inhabitants of the province of Upper Canada are liable to receive great injuries from accidental fires that may happen therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of November, in the year of our Lord one thousand seven hundred and ninety-two, it shall and may be lawful for the magistrates of each and every district in this province, in quarter sessions assembled, to make such orders and regulations for the prevention of accidental fires within the same, as to them shall seem meet and necessary, and to appoint firemen, or other officers, for the prevention of accidental fires, or for the purpose of extinguishing the same, when such may happen; and to make such orders and regulations, as to them may seem fit or necessary, in any town or towns, or other place or places, in each district within this province, where there may be forty store houses and dwelling houses within the space of half a mile square.

Preamble.

Magistrates in quarter sessions authorized to make regulations to prevent accidental fires where 40 store and dwelling houses are erected within half a mile square. (See 7th Geo. IV, c 8.)

Chapter VI.

An act for the more easy and speedy recovery of small debts.

Whereas it will contribute to the conveniency of the inhabitants of this province, to have an easy and speedy method of recovering small debts; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any two or more justices of the peace, acting under and by virtue of his Majesty's commission within the respective limits of their said commissions, to assemble, sit and hold a court of justice, to be called a court of requests, on the first and third Saturday in every month, at some fixed place within their respective divisions, which division shall be ascertained and limited by the justices assembled in their general quarter sessions, or the greater part of them, and the place for holding the said court shall be fixed by the justices acting in and for the said division, or the greater part of them; and the said justices are hereby declared, constituted, and appointed, to be commissioners to hear and determine all such matters of debt as are hereinafter mentioned; and shall have power and authority, by virtue of this act, to give judgment, and decree and award execution thereupon, with such costs as shall be hereinafter specified, against the goods and chattels of all and every the person and persons against whom they shall give any judgment or decree, as to them shall seem just in law and equity.

Preamble.

Two or more justices may hold a court of requests on the 1st and 3d Saturday of every month, within their respective divisions, to be ascertained in quarter sessions,

and give judgment and award execution thereupon as shall seem just.

II. [Repealed by 56th Geo. III, c 5, s 1.]

III. And for the more due and regular proceedings in the said court, it is hereby further enacted, That it shall and may be lawful for the said justices to administer an oath to the plaintiff or defendant, as well as to such witness or witnesses as shall be produced by each party, and also to all the officers of the said court, when the said justices shall think it meet.

May administer an oath to either party, and to their witnesses; and also officers of the court.

IV. And be it further enacted by the authority aforesaid, That in case any person or persons shall make oath or give evidence in any cause depending before the said justices in the said court, whereby he or they shall commit wilful or corrupt perjury, and thereof be duly convicted according to law, that such person or persons shall suffer the pains and

Perjury punished as by 5th Eliz.

penalties inflicted on wilful and corrupt perjury, by the statute passed in the fifth year of the reign of Queen Elizabeth.

Commissioners shall be sworn.

V. And be it further enacted by the authority aforesaid, That no person or persons shall be capable of acting as a commissioner or commissioners in the execution of the power given by this act, until such time as he or they shall respectively have taken an oath, to the effect following:

Oath.

"I, A. B., do swear, that I will faithfully, impartially, and honestly, according to the best of my judgment, hear and determine such matters and things as shall be brought before me, by virtue of an act of the legislature of this province, entitled, 'An act for the more easy and speedy recovery of small debts,' without favor or affection to either party. So help me God."

Fees.

VI. And be it further enacted by the authority aforesaid, That the several fees and sums of money hereinafter limited and expressed, and no more, shall and may be taken: For every summons, six pence; for every judgment, two shillings; for every execution, two shillings; for every subpœna, six pence; for every copy of judgment, if demanded, one shilling; the allowance to be paid to all and every of the witnesses, to be left to the discretion of the justices, but not to exceed two shillings and sixpence per day to each witness; and for serving every summons or subpœna, within one mile of the justice's house, one shilling; and for every mile in travelling to execute the same, when the distance exceeds one mile, four pence; for serving a writ of execution, seizing and selling effects and making return, two shillings.

[See 37th Geo. III, c 6, s 7; 38th do. c 3; 42d do. c 2, s 1; and 56th do. c 5.]

Chapter VII.

An act to regulate the toll to be taken in mills.

[Passed October 15, 1792.]

Preamble.

Whereas it is expedient to ascertain and determine the quantity of grain to be taken by way of toll, for grinding the said grain into flour and bolting the same, and whereas different customs have obtained within the several districts of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety-three, no owner or occupier, or owners or occupiers of any mill or mills within this province, or any person employed by him or them, shall demand, take, or receive any quantity or proportion of grain, brought to him or them to be ground and bolted, greater than one twelfth share or part, for grinding and bolting such grain.

No greater proportion to be taken for grinding and bolting grain than one twelfth.

II. And be it further enacted by the authority aforesaid, That any owner or occupier, or owners or occupiers of a mill or mills within the said province, or any person employed by him or them, who shall demand and take, after the day and year above mentioned, any quantity or proportion of grain, greater than one twelfth share or part of such grain as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds, Quebec currency; one moiety thereof to his Majesty, his heirs and successors, for the public uses of the said province, and the support of the government thereof; and the other moiety of the said sum to any person who shall sue for the same in any of his Majesty's courts of record within this province.

Penalty, how levied and applied.

III. And whereas much inconvenience and confusion has arisen from the custom of bringing bags of grain, without any distinguishing mark to whom the said bags of grain belong; be it enacted by the authority aforesaid, That no owner or occupier of any mill shall be bound to receive, or be chargeable with the loss of any bag or bags of grain or flour, unless the same be marked with the initial letters of the christian and sirname of the owner of the said grain, or with some mark distinguishing the said bag or bags, which mark of distinction shall be previously communicated and made known to the said owner or occupier, or his servant usually attending the said mill.

Bags must be marked.

Chapter VIII.

An act for building a gaol and court house in every district within this province, and for altering the names of the said districts.

[Passed October 15, 1792.]

Preamble.

Whereas great inconveniences have been suffered by the inhabitants of this province from the want of prisons and court houses in the several districts thereof, and whereas such buildings are manifestly necessary for the regular administration of justice, and the due execution of the laws; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That a gaol and court house shall be erected, in manner hereinafter to be mentioned, in each and every district throughout the said province.

A gaol and court house to be built in each district.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the name of the district at present known by the name of the district of Lunenburgh, and bounded as in a certain proclamation issued by his excellency, Guy, lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said district shall hereafter, in all public proceedings, be called and known by the name of the Eastern district.

The district of Lunenburgh to be henceforth called the Eastern district.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the name of the district at present known by the name of the district of Mecklenburgh, and bounded as in a certain proclamation issued by his excellency, Guy, lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said district shall hereafter, in all public proceedings, be called and known by the name of the Midland district.

The district of Mecklenburgh to be henceforth called the Midland district.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the name of the district at present known by the name of the district of Nassau, and bounded as in a certain proclamation issued by his excellency, Guy, lord Dorchester, in the twenty-eighth year of his Majesty's reign is described, shall cease, and that the said district shall hereafter, in all public proceedings, be called and known by the name of the Home district.

The district of Nassau to be henceforth called the Home district.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the name of the district at present known by the name of the district of Hesse, and bounded as in a certain proclamation issued by his excellency, Guy, lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said district shall hereafter, in all public proceedings, be called and known by the name of the Western district.

The district of Hesse to be henceforth called the Western district.

VI. Provided always, and it is hereby enacted, That such alteration of the names of the said several districts shall not impeach, or be construed to impeach the validity of any existing commission, granted for the exercise of any authority or jurisdiction within the limits of the said districts, or any of them, by the names hereinbefore mentioned, or to make void any legal or other proceeding, had under and by virtue of the said commissions, or otherwise to affect the said commissions in any respect whatever.

Such alteration of names not to avoid commissions or legal proceedings.

VII. And for the better effectuating the building of the said gaol and court house in each of the said districts, be it further enacted by the authority aforesaid, and it is hereby enacted, That the justices of the peace within the respective limits of their commissions, at the general quarter sessions assembled, shall be authorized, and they are hereby authorized, by such means as shall to them seem most fitting and convenient, to procure different plans and elevations of a gaol and court house, to be laid before them, for the purpose of selecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said justices then and there assembled as aforesaid.

Magistrates in quarter sessions to procure different plans and elevations of a gaol and court house, and to approve of one, and

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the said justices, assembled in manner aforesaid, in the name and on the behalf of the inhabitants of the several districts, to contract, and they are hereby enabled and authorized to contract, with any person or persons, who shall be willing to build the said gaol and court house, according to the plan so approved of as aforesaid, upon a scite or situation to be determined upon by the said justices, or the greater part of them, so assembled as aforesaid; and for that purpose, the said plan and elevation shall remain and continue in the office of the clerk of the peace of the said several districts, for general inspection, and public notice shall be given to all persons willing to contract for the building of the said gaol and court house, to deliver in, within a certain limited time, written proposals or offers, under seal, of the sum of money for

to contract for building the same, agreeable thereto.

Public notice being given for receiving proposals, and the same examined, the lowest shall be accepted, provided the security be sufficient.

which he or they will engage to build such gaol or court house, conformably to certain articles and conditions, to be agreed upon by the justices then present, or the greater part of them as aforesaid; and that the said justices shall, on a day for that purpose previously to be fixed, openly examine the said proposals so delivered in as aforesaid, and shall be empowered, and are hereby required, to contract with such person or persons as shall offer to undertake and perform the said buildings for the lowest price, provided the person or persons making such proposals shall give and enter into good and sufficient security, to be approved of by the said justices, or the greater part of them, in manner aforesaid, for the due performance of their contract.

When to be completed.

IX. Provided always, That it be an article within the said contract, and the person or persons so contracting shall engage, that the said gaol and court house shall be completed within eighteen calendar months after the execution of the said contract.

Where to be built in the Eastern district. (See 34th Geo. III, c 10, s 1; and 48th, c 15.)

X. And be it further enacted by the authority aforesaid, That a gaol and court house for the Eastern district, shall be built in manner aforesaid, in the town of New Johnstown, in the township of Edwardsburgh.

in the Midland district.

XI. And be it further enacted by the authority aforesaid, That a gaol and court house for the Midland district, shall be built in manner aforesaid, in the town of Kingston. [See 2d Geo. IV, c 21, and 4th Geo. IV, c 32.]

in the Home district.

XII. [Repealed by 56th George III, c 18, s 5. See 4th Geo. IV, c 24, 4th Geo. IV, c 33, and 6th Geo. IV, c 4.

in the Western district.

XIII. And be it further enacted by the authority aforesaid, That a gaol and court house for the Western district, shall be built in manner aforesaid, as near to the present court house as conveniently may be.

Sheriff to appoint the gaoler.

XIV. And be it further enacted by the authority aforesaid, That in each and every district, the sheriff thereof shall have power and authority to nominate and appoint such person as he shall judge most proper, to the office of gaoler and keeper of the gaol and court house, and also to remove and discharge such gaoler and keeper.

No license to be granted for retailing spirituous liquors within such gaols.

XV. Provided always, That no license shall be granted for retailing any spirituous liquors within any of the said gaols or prisons, and if any gaoler, keeper, or officer of any gaol or prison, shall sell, lend, use, or give away, or knowingly permit, or suffer any spirituous liquors or strong waters, to be sold, used, lent, or given away, in such gaol or prison, or brought into the same, other than except such spirituous liquors or strong waters as shall be prescribed or given by the prescription and direction of a regular physician, surgeon, or apothecary; every such gaoler, keeper, or other officer, shall for every such offence, forfeit and lose the sum of twenty pounds, current money of this province, one moiety thereof to his Majesty, his heirs and successors, for the public uses of the said province, and the support of the government thereof, and the other moiety of the said sum, with full costs of suit, to such person or persons as will sue for the same, in any of his Majesty's courts of record in this province, by action of debt, bill, plaint, or information; and in case any such gaoler or other officer being convicted thereof as aforesaid shall again offend in like manner, and be thereof a second time lawfully convicted, such second offence shall be deemed a forfeiture of his office.

Penalty on gaolers transgressing in this respect.

Penalty for a second transgression.

Rules made in quarter sessions, when approved by a judge shall be binding on the gaoler and prisoners.

XVI. Provided also, That it shall and may be lawful for the said justices at their quarter sessions assembled, as aforesaid, or the greater part of them, to frame and draw up such rules and regulations to be observed and obeyed within the said gaols respectively, as to them shall seem most proper and convenient, which having received the approbation and signature of one of the judges of the supreme courts shall be binding on the gaoler and prisoners.

A yearly salary shall be appointed to such gaoler in place of all fees, perquisites or impositions whatever.

(See 34th Geo. III, c 10, 38th, c 5, 42d, c 2, s 2, 48th, c 15, 55th, c 8, 56th, c 2, s 3, c 18 and 19, s 4.)

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices within the respective limits of their commissions, assembled as aforesaid, or the greater part of them, and they are hereby authorized and empowered, to ascertain and appoint a reasonable yearly salary, according to their discretion, to be paid to the gaoler, and that the said salary shall be in place of all fees, perquisites, or impositions of any sort or kind whatever; and that it shall not be lawful for the said gaoler or any officer belonging to the said gaol, to demand or receive any fee, perquisite, or other payment, from any prisoner who may be confined within any of the said gaols or prisons.

Second Session of the first Provincial Parliament.

MET AT NIAGARA, ON THE THIRTY-FIRST DAY OF MAY, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING, IN THE THIRTY-THIRD YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1793.

Chapter I.

An act for the better regulation of the militia in this province.

[Repealed by 48th Geo. III, Ch. 1.]

Chapter II.

An act to provide for the nomination and appointment of parish and town officers within this province.

[Passed July 9, 1793.]

Whereas it is requisite for the maintenance of good order and the regular execution of the laws, that proper officers should be appointed to superintend the observance thereof; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful, as soon as conveniently may be, after the passing of this act, for any two of his Majesty's justices of the peace, acting within the division in which any parish, township, reputed township, or place, may be, to issue their warrant, giving eight days previous notice to the constable of such parish, township, reputed township, or place, authorizing him, on a day to be fixed by the said justices in the present year, and on the first Monday in the month of March [*a*] in every ensuing year, to assemble the inhabitant householders, paying or liable to pay to any public assessment or rate of such parish, township, reputed township, or place, in the parish church or chapel, or in some convenient place within the said parish, township, reputed township, or place, for the purpose of choosing and nominating the parish or town officers hereinafter mentioned, to serve in their respective offices for the year next ensuing, at which meeting the said constable shall preside.

Preamble.

Annual town meetings to be holden, assembled by warrant of two magistrates.

when;

(See 46th Geo. III, c 5.)

[*a*] January—see 57th Geo. III, c 7, s 2.

for the purpose of choosing parish and town officers.

II. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitant householders, or the greater part of them so assembled, to choose one fit and proper person from among the inhabitants, to be clerk of the said parish, town, or township, who shall and is hereby required to make a true and complete list of every male and female inhabitant within the limits of his parish, town, or township, and return the same to the justices acting as aforesaid, so as they may produce the said list at the general quarter sessions in the month of April to be holden, and the said clerk shall and is hereby required, to enter and record all such matters as shall relate to the said parish, town, or township, and shall appertain to his office, which records shall be faithfully and carefully kept and preserved by such clerk, and by him delivered to his successor duly nominated and appointed.

Election of a parish or town clerk.

Duties of his office. [Repealed as to the census by 4th Geo. IV, c 7.]

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitant householders, in manner aforesaid, to choose two fit and proper persons, from among the said inhabitants, to serve the office of assessors for the said parish, township, reputed township, or place, who shall assess all such rates and taxes as shall be imposed by any act or acts of the legislature of this province, and be payable by the inhabitants thereof.

Election and duties of assessors.

IV. And also to choose and nominate in manner aforesaid, one fit and proper person to serve the office of collector for such parish, township, reputed township, or place, who

Election and duties of collector.

shall and may, and is hereby authorized, from time to time, to demand and receive from the inhabitant householders, under the said assessment, such monies as may be due and payable from the said inhabitants, in respect of the matters aforesaid, which collector shall account for and pay over the monies so received by him, in such manner as shall be directed by any act or acts of the said legislature, that may authorize the imposing and levying such rates and taxes respectively.

Election and duties of the overseers of the highways. [a] Twelve. See 45th Geo. III, c 6. Fifteen by 59th Geo. III, c 8,—and thirty may be appointed by 11th Geo. IV, c 7.

V. And also to choose and nominate, in manner aforesaid, not less than two, or more than six [a] persons, as shall be specified in the warrant to be issued by the said justices, to serve the office of overseers of highways and roads, to oversee and perform such things as shall be directed by any act to be passed, touching or concerning the highways and roads in this province, which said overseers shall also serve the office of fence viewers, and are hereby authorized and required, upon receiving proper notice, to view and determine upon the height and sufficiency of any fence or fences within their respective parish, township, reputed township, or place, conformably to any resolutions that may be agreed upon by the said inhabitants at such meeting to be holden under and by virtue of such warrant as aforesaid.

The sufficiency of fences to be within their cognizance.

Nomination of pound keeper, and duties incident to his office. [b] Six may be appointed by 11th Geo. IV, c 7.

VI. And also to choose and nominate, in manner aforesaid, a person or persons [b] to serve the office of pound-keeper, who is hereby authorized to impound all cattle, and each and every horse, sheep, and hog, that shall trespass on the lands of any person, having inclosed the same by such high and sufficient fence, as shall have been agreed on in manner aforesaid, and also to impound any stoned horse, more than one year old, that shall be running at large upon the highways or commons, and to detain such horse, until the owner thereof shall have paid the sum of twenty shillings, one half to be paid to the person taking such horse, the other half thereof to the collector, towards the public stock of the district.

Nomination of town wardens.

VII. And also to choose and nominate, in manner aforesaid, two fit and discreet persons to serve the office of town wardens for such parish, township, reputed township, or place; but as soon as there shall be any church built for the performance of divine service, according to the use of the church of England, with a parson or minister duly appointed thereto, then the said inhabitant householders shall choose and nominate one person, and the said parson or minister shall nominate one other person, which persons shall jointly serve the office of church warden; and that such town wardens or church wardens, and their successors duly appointed, shall be as a corporation, to represent the whole inhabitants of the township or parish, and as such may have a property in goods or chattels of or belonging to the said parish, and shall and may sue, prosecute or defend, in all presentments, indictments, or actions, for, and on the behalf of the inhabitants of the said parish.

Provision in behalf of parish churches when built.

Powers vested in town wardens.

A list of persons nominated at such meeting shall forthwith be communicated to a magistrate of the division.

VIII. And be it further enacted by the authority aforesaid, That the constable presiding at such meeting shall, and is hereby required, to cause a list to be made out, containing the names of the persons chosen and nominated to serve and execute the several offices hereinbefore mentioned in manner aforesaid, which list shall be signed by the said constable, who shall forthwith communicate the same to either of the justices, having signed the warrant by virtue of which such meeting was holden, and it shall and may be lawful for either of the said justices, or for any justice of the peace, acting within the division, and he is hereby authorized and empowered to administer an oath of office, to each and every person or persons so chosen and nominated as aforesaid, within seven days after such meeting as aforesaid, in the following form:

Who may swear the same into office.

Oath.

"You, A. B., do promise and swear, that you will faithfully, diligently, and justly serve and perform the office and duties of for according to the best of your abilities. So help you God."

Persons sworn shall be held lawfully appointed.

And that every person having taken such oath, shall be held to be lawfully appointed to such office, for which he shall have been chosen and nominated as aforesaid.

Penalty for neglecting or refusing to be sworn into office, after nomination.

IX. Provided always, That any person so chosen and nominated to serve any of the offices hereinbefore mentioned, in manner aforesaid, who shall refuse or neglect to signify his consent to enter upon such service, and to take the oath hereinbefore set forth, by the space of seven days after such nomination as aforesaid, shall forfeit and pay the sum of forty shillings for every such neglect or refusal, to be recovered upon proof thereof on confession, or by the oath of one credible witness, before any one justice of the peace, acting within the said division, to be levied by warrant of distress, and sale of the goods and chattels of the party so neglecting or refusing; and to be paid into the hands of the treasurer, towards the public stock of the district, except in the case of forfeiture of any person or persons nominated to be overseers of the highways and roads, and refusing to act, whose penalties shall be paid into the hands of the commissioners of the highways and roads; and that it shall and may be lawful, in case of refusal as aforesaid, for any two of his Majesty's justices, acting within the said division, to hold a special session for the purpose of naming one or more person or persons to serve the office that may have been

Application of such penalties.

Magistrates to name other persons into offices vacant by refusal.

refused by the party chosen to serve the same, and fined in manner aforesaid; and if the person or persons so named by the said justices, upon being served with due notice thereof, which notice the constable is hereby required to serve upon the person, or leave the same at his usual place of abode, shall neglect or refuse by the space of seven days after the service of such notice, to accept the said office and take the oath hereinbefore prescribed, he shall for every such neglect or refusal forfeit the sum of forty shillings, to be levied by distress and sale, and paid over in manner hereinbefore mentioned.

Penalty for refusing such office.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, within the respective limits of their commissions, at their general quarter sessions in the month of April assembled, or the greater part of them, to nominate and appoint yearly and every year, a sufficiently discreet and proper person to serve the office of high constable in each and every district, and also to nominate and appoint such a sufficient number of persons, as in their discretion will be necessary, to serve the office of constable in each and every parish, township, reputed township, or place, and the said constable and constables, before they enter into their office, shall severally take the following oath, which it shall and may be lawful for any justice of the peace to administer:

Nomination of a high constable, annually, for each district,

and of constables for each township, &c.

"You shall well and truly serve our sovereign lord the King, in the office of for the of for the year ensuing, according to the best of your skill and knowledge. So help you God."

Oath.

XI. Provided always, and be it further enacted by the authority aforesaid, That no person having been appointed and served any of the offices mentioned in this act, shall be liable to be appointed, or serve the same office, within three years from such appointment and service, unless he shall consent thereto.

Period of exemption from an office after serving the same.

XII. Provided also, That when any township or reputed township shall not contain thirty inhabitant householders, it shall not be lawful for the said justices to issue their warrant for calling a meeting therein, but the said inhabitant householders shall be joined to, and be reputed and taken as inhabitants of the township adjacent thereto, which shall contain the smallest number of inhabitants.

Provision for townships, &c. thinly inhabited.

XIII. And be it enacted, That it shall and may be lawful for the justices of the peace within the respective limits of their commissions, at the general quarter sessions in the month of April to be holden, assembled, or the greater part of them, to limit and appoint such fees and perquisites as to them shall appear reasonable to be demanded and taken by every town clerk and pound-keeper of the several parishes or townships within their respective districts.

Fees and perquisites of the town clerks and pound-keepers to be regulated in the April sessions.

SCHEDULE.

Justices' Warrant to assemble the Inhabitants.

Home District.—*To the Constable for the Township of in the said District.*

By virtue of a power for such purpose granted by a certain act of the legislature of this province, made and passed in the thirty-third year of his present Majesty's reign, to us, A. B., esquire, and C. D., esquire, two of his Majesty's justices of the peace in and for the said district, these are to authorize and require you, giving eight days previous notice, to assemble the inhabitant householders, paying or liable to pay to any public assessment or rate, living within your parish or township, to meet at on for the purpose of choosing and nominating certain fit and proper persons, to serve the offices herein specified, for the ensuing year, that is to say, one town clerk, two assessors, one collector, two or more overseers of the highways and roads, one or two pound-keepers, and two town wardens, according to the directions in the said act contained; and for so doing, this shall be a sufficient warrant.

Form of a warrant for a town meeting.

Given under our hands and seals at on the day of in the year of the reign of

Constable's Notice to be given on a Nomination to an Office by the Justices.

Home District.—*Township of*

Whereas at a special session for that purpose holden on the day of by A. B., esquire, and C. D., esquire, two of his Majesty's justices of the peace for the said district, you were by the said justices nominated and appointed to serve the office of for the township of for the year next ensuing, by virtue of a power to them for that purpose granted by a certain act of the legislature of this province; these are therefore to notify unto you, that unless you accept the said office, and take the oath prescribed, within seven days from the receipt of this notice, you shall for such neglect or refusal forfeit and pay the sum of forty shillings, as by the said act is directed.

Form of notice on a nomination by the justices.

Dated this day of in the year

To Mr. L. M. G. H., Constable.

(See 46th Geo. III, c 5; 48th, c 14; 50th, c 12; 50th, c 1, s 14; 53d, c 9; 57th, c 7.)

Chapter III.

An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly.

[Repealed by 47th Geo. III, Ch. 7.—Passed July 9, 1793.]

Chapter IV.

An act to regulate the laying out, amending, and keeping in repair, the public highways and roads within this province.

[Repealed by 50th Geo. III, Ch. 1.]

Chapter V.

(See 38th Geo. III, c 4; 59th Geo. III, c 15, and the marriage act of 1831.)

An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same.

Preamble.

Whereas many marriages have been contracted in this province, at a time when it was impossible to observe the forms prescribed by law for the solemnization thereof, by reason that there was no protestant parson or minister duly ordained residing in any part of the said province, nor any consecrated protestant church or chapel within the same, and whereas the parties having contracted such marriages and their issue may therefore be subjected to various disabilities, in order to quiet the minds of such persons and to provide for the future solemnization of marriage within this province; be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the marriage and marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted before any magistrate or commanding officer of a post, or adjutant, or surgeon of a regiment, acting as chaplain, or any other person in any public office or employment, before the passing of this act, shall be confirmed and considered to all intents and purposes as good and valid in law, and that the parties who have contracted such marriage, and the issue thereof, may become severally entitled to all the rights and benefits, and subject to all the obligations arising from marriage and consanguinity, in as full and ample a manner as if the said marriages had respectively been solemnized according to law.

Marriages heretofore contracted, before any person in public employment, declared valid,

and the issue thereof legitimate.

II. And be it further enacted by the authority aforesaid, That in order to enable those persons who may be desirous of preserving the testimony of such marriage and of the birth of their children, to effectuate the same, it shall and may be lawful at any time, within three years from the passing of this act, for any magistrate of the district where any such parties as may have contracted matrimony as aforesaid shall reside, at the request of either of the said parties, to administer the following oath to the husband:

Method of preserving the testimony of such marriages.

Oath of the husband.

"I, A. B., do solemnly swear, in the presence of Almighty God, that I did publicly intermarry with C. D. at on the day of in the year of our Lord and that there is now living issue of the said marriage (as the case may be)

T. B., born on the day of
M. B., born on the day of

And to administer the following oath to the wife:

Oath of the wife.

"I, C. D., do solemnly swear, in the presence of Almighty God, that I did publicly intermarry with A. B. at on the day of in the year of our Lord and that there is now living issue of the said marriage (as the case may be)

T. B., born on the day of
M. B., born on the day of

Which form of attestation shall be subscribed by the parties, and certified under the hand and seal of the magistrate administering the said oath, who shall be entitled to demand and receive one shilling for such certificate; and that it shall and may be lawful for the clerk of the peace of the district to enter and record, and he is hereby required, upon the payment of the sum of two shillings, to enter and record such attestation, duly certified as aforesaid, in a book or register to be by him kept for that purpose; and that such register or an attested copy thereof, which copy the said clerk is hereby required to make out, and on the payment of the sum of two shillings, to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such marriage, and the birth of such children, in all his Majesty's courts of law and equity.

Manner of entering the same of record.

The register of such record, or an attested copy thereof, to be sufficient evidence.

Regulations for the future celebration of marriages.

III. And be it further enacted by the authority aforesaid, That until such time as there shall be five parsons or ministers of the church of England, severally incumbent, or doing duty on and in their respective parishes or places of residence in any one district within this province, such parties as are not under any canonical disability, and are desirous of intermarrying with each other, and neither of them living within the distance of eighteen miles of any parson or minister of the church of England, may apply to any neighboring justice of the peace within the district, and declare the same, whereupon it shall and may be lawful for the said justice to cause to be affixed in some public place within the township or parish wherein the parties reside, or if they should reside in different townships or parishes, then in the most public place within each of the said townships or parishes, a notice in the following form, for which he shall be entitled to receive one shilling and no more:

Circumstances under which it may be lawful for a justice to solemnize marriage.

Public notice.

"Whereas A. B. of and C. D. of are desirous of intermarrying with each other, and there being no parson or minister of the church of England living within eighteen miles of them, or either of them, all persons who know any just impediment why they should not be joined in matrimony, are to give notice thereof to E. F., esquire, of one of his Majesty's justices of the peace for the district."

Form of the church of England to be followed.

And if no valid objection shall have been made to such intended marriage, when three Sundays have intervened after the publication of the said notice, it shall and may be lawful for the said magistrate to proceed to solemnize the marriage, according to the form prescribed by the church of England, and to give to the parties a certificate thereof, in the following form, for which he shall be entitled to receive the sum of one shilling, and no more:

Certificate of marriage.

"Whereas A. B. of and C. D. of were desirous of intermarrying with each other, and there being no parson or minister of the church of England living within eighteen miles of them, or either of them, they have applied to me for that purpose: Now these are to certify, that in pursuance of the powers granted by an act of the legislature of this province, passed in the thirty-third year of his Majesty's reign, I, E. F., one of his Majesty's justices of the peace, having caused the previous notice by the statute required to be given, have this day married the said A. B. and C. D. together, and they are become legally contracted to each other in marriage."

The same to be signed by the parties, and by two or more persons present;

Which certificate shall be signed by the parties, and also by any two or more persons present at the said marriage, and such marriage shall be good and valid in law to all intents and purposes whatever: And that upon application for that purpose made, the clerk of the peace for the said district shall and may, and he is hereby required, to register the said certificate in a book for that purpose by him to be kept, and that it shall and may be lawful for him to demand and receive the sum of two shillings for registering the same, and that such register, or an attested copy thereof, which the said clerk is hereby required to make and deliver to any person requesting the same, and paying for it the sum of two shillings, shall be held and taken to be sufficient evidence of such marriage in all his Majesty's courts of law and equity.

and on application to be registered by the clerk of the peace

Persons counterfeiting or procuring to be counterfeited, the evidence of any marriage, to suffer, on conviction, fine and imprisonment.

IV. And be it further enacted by the authority aforesaid, That if any person shall, after the passing of this act, make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or act or assist in falsely making, altering, forging, or counterfeiting, any such certificate of marriage as hereinbefore is required to be given, or shall knowingly and willingly insert, or cause to be inserted, in such register book to be kept in each district, any false entry of any matter or thing relating to any marriage, or act or assist in falsely making, altering, or forging any such entry in such register, or utter or publish as true, any such false, forged, altered, or counterfeit certificate or register, as aforesaid, or a copy thereof, knowing such certificate or register of marriage respectively to be false, altered, forged, or counterfeited, or shall wilfully destroy, or cause or procure to be destroyed, any register book of marriages or any part of such register book, with an intent to avoid any marriage, every person so offending, and being thereof lawfully convicted, shall for such offence suffer such fine and imprisonment as to the court shall seem meet, provided such imprisonment be in the common gaol of the district, for a term not less than twelve calendar months.

Eventual determination and period of the powers vested in justices to solemnize marriages.

V. Provided always, That when and so soon as there shall be five parsons or ministers of the church of England, severally incumbent and doing duty within their respective parishes or places of residence, in any one district within this province, that the authority hereinbefore given to the justices of the peace within such district, for the purposes aforesaid, shall cease and determine; and to the end that it may become publicly known when such a number of parsons or ministers are incumbent within any district, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, and he is hereby required to give notice thereof, by an instrument under

Method of ascertaining such event.

his hand and seal, to the first general quarter sessions to be holden for the said district, certifying that there are five parsons or ministers of the church of England, severally incumbent and doing duty within their respective parishes or places of abode, in the said district, and that therefore the provisions hereinbefore made, authorizing the justices of the peace to solemnize matrimony, have ceased and determined within the said district; which said instrument shall be publicly read before the justices in quarter sessions assembled, and kept and preserved by the clerk of the peace, among the records of the said district, and from and after the publication of such notice, it shall not be lawful for any justice of the peace within such district, to perform the marriage ceremony; and if any justice of the peace within the district where such notification shall have been made in manner aforesaid, shall after the publication thereof knowingly and wilfully pretend to perform the marriage ceremony between any persons under and by virtue of this act, or under any pretence whatever, he shall for every such offence forfeit and pay the sum of twenty pounds, one moiety thereof to his Majesty, his heirs and successors, for the public uses of the province, and the support of the government thereof, and the other moiety to any person who shall sue for the same by action of debt, plaint, bill, or information, in any of his Majesty's courts of record within this province, and such pretended marriage so performed, shall be null and void to all intents and purposes whatever.

Penalty for solemnizing marriage after such event:

and the marriage to be void.

VI. And be it further enacted by the authority aforesaid, That it shall be no valid objection to the legality of any marriage heretofore solemnized by any parson or minister, either by license, or after due publication of banns, or hereafter to be solemnized in manner aforesaid, or by any justice of the peace, duly authorized under the provisions of this act, that the same was not solemnized in a church or chapel duly consecrated, nor shall any such marriage, on account thereof, be held or taken to be illegal.

No valid objection to a marriage, it's not being celebrated in a church or chapel.

Promulgation of this act.

VII. And be it further enacted by the authority aforesaid, That this act shall be publicly read in the several districts of this province, at the opening of the general quarter sessions of the peace for each district, that shall be holden next after the passing thereof, and once in every year for two years following at the quarter sessions to be holden in the month of January. [See 38th Geo. III, c 4.]

Chapter VI.

An act to fix the times and places of holding the courts of general quarter sessions of the peace, within the several districts of this province.

[Passed July 9, 1793.]

Preamble.

Whereas it is necessary to fix the times and places for holding the courts of general quarter sessions of the peace within the several districts in this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the several courts of general sessions of the peace within this province respectively, shall commence and be holden at the times and places hereinafter mentioned, yearly and in every year, that is to say: That the courts of general quarter sessions of the peace for the Eastern district of this province shall commence and be holden in New Johnstown [*a*] on the second Tuesday in the month of October, and on the second Tuesday in the month of April; and in the town of Cornwall on the second Tuesday in the month of January, and on the second Tuesday in the month of July.

Time and place of holding the quarter sessions in the Eastern district. [*a*] Cornwall. (See 35th Geo. III, c 4, s 4.)

II. And be it enacted, That the courts of general quarter sessions of the peace for the Midland district of this province shall commence and be holden in Adolphustown, on the second Tuesday in the month of July, and on the second [*b*] Tuesday in the month of January; and in Kingston on the second [*b*] Tuesday in the month of April, and on the second Tuesday in the month of October.

In the Midland district. [*b*] Fourth Tuesday in January and April. (See 36th Geo. III, c 4, and 41st Geo. III, c 6.)

III. And be it enacted, That the courts of general quarter sessions of the peace for the Home district of this province shall commence and be holden in the town of Newark on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April. [*c*]

In the Home district.

[*c*] (See 41st Geo. III, c 6, s 2.)

IV. } [Repealed by 36th Geo. III, c 4, s 1.]
V. }

In the Western district Special sessions at Michilimackinac. (See 47th Geo. III, c 11; 55th, c 9 & 16; 56th, c 1, s 4; 58th, c 2.)

Chapter VII.

An act to prevent the further introduction of slaves, and to limit the term of contracts for servitude within this province.

[Passed July 9, 1793.]

Preamble.

Whereas it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and whereas it is highly expedient to abolish slavery in this province, so far as the same may gradually be done without violating private property; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of a certain act of the parliament of Great Britain, passed in the thirtieth year of his present Majesty, entitled, "An act for encouraging new settlers in his Majesty's colonies and plantations in America," as may enable the governor or lieutenant governor of this province, heretofore parcel of his Majesty's province of Quebec, to grant a license for importing into the same any negro or negroes, shall be, and the same is hereby repealed; and that from and after the passing of this act, it shall not be lawful for the governor, lieutenant governor, or person administering the government of this province, to grant a license for the importation of any negro or other person to be subjected to the condition of a slave, or to a bounden involuntary service for life, into any part of this province; nor shall any negro, or other person who shall come or be brought into this province after the passing of this act, be subject to the condition of a slave, or to such service as aforesaid, within this province, nor shall any voluntary contract of service or indentures that may be entered into by any parties within this province, after the passing of this act, be binding on them or either of them for a longer time than a term of nine years, from the day of the date of such contract.

Recital of act 30th, Geo. III.

The same in part repealed.

Provisions against the further introduction of slaves.

Term of servitude by contract limited.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to liberate any negro, or other person subjected to such service as aforesaid, or to discharge them or any of them from the possession of the owner thereof, his or her executors, administrators, or assigns, who shall have come or been brought into this province, in conformity to the conditions prescribed by any authority for that purpose exercised, or by any ordinance or law of the province of Quebec, or by proclamation of any of his Majesty's governors of the said province for the time being, or of any act of the parliament of Great Britain, or shall have otherwise come into the possession of any person, by gift, bequest, or *bona fide* purchase before the passing of this act, whose property therein is hereby confirmed, or to vacate or annul any contract for service that may heretofore have been lawfully made and entered into, or to prevent parents or guardians from binding out children until they shall have obtained the age of twenty-one years.

The owners of slaves at present within the province, confirmed in their property therein.

Nothing herein to extend to contracts for service already made, nor to parents or guardians.

III. And in order to prevent the continuation of slavery within this province, be it enacted by the authority aforesaid, That immediately from and after the passing of this act, every child that shall be born of a negro mother, or other woman subjected to such service as aforesaid, shall abide and remain with the master or mistress in whose service the mother shall be living at the time of such child's birth, (unless such mother and child shall leave such service, by and with the consent of such master or mistress,) and such master or mistress shall, and is hereby required to give proper nourishment and clothing to such child or children, and shall and may put such child or children to work, when he, she, or they shall be able so to do, and shall and may retain him or her in their service until every such child shall have attained the age of twenty-five years, at which time they and each of them shall be entitled to demand his or her discharge from, and shall be discharged by such master or mistress, from any further service. And to the end that the age of such child or children may be more easily ascertained, the master or mistress of the mother thereof, shall, and is hereby required, to cause the day of the birth of every such child as shall be born of a negro or other mother, subjected to the condition of a slave, in their service as aforesaid, to be registered within three months after its birth, by the clerk of the parish, township, or place, wherein such master or mistress reside, which clerk shall be authorized to demand and receive the sum of one shilling, for registering the same. And in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witness or witnesses, before any justice of the peace, he or she shall for every such offence forfeit and pay the sum of five pounds to the public stock of the district.

The children that shall be born of female slaves, to remain in the service of the owner of their mother until the age of 25 years, when they shall be discharged.

Birth of the children of slaves to be recorded.

Penalty for neglecting or refusing to record the same.

Remedy against the undue detention of such children.

IV. And be it further enacted by the authority aforesaid, That in case any master or mistress shall detain any such child born in their service as aforesaid, after the passing of this act, under any pretence whatever, after such servant shall have attained the age of twenty-five years, except by virtue of a contract of service or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such servant to apply for a discharge to any of his Majesty's justices of the peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause why such servant should not be discharged, and the proof that such servant is under the age of twenty-five years shall rest upon and be adduced by the master or mistress of such servant; otherwise it shall and may be lawful for the said justice to discharge such servant from such service as aforesaid, provided always, That in case any issue shall be born of such children during their infant servitude or after, such issue shall be entitled to all the rights and privileges of free born subjects.

Provision for the issue of children of slaves.

Security to be given on liberating a slave.

V. And be it further enacted, That whenever any master or mistress shall liberate or release any person subject to the condition of a slave from their service, they shall at the same time give good and sufficient security to the church or town wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.

Chapter VIII.

An act to establish a court of probate in this province, and also a surrogate court in every district thereof.

[Passed July 9, 1793.]

Preamble.

Whereas it is expedient to establish a court for the purpose of granting probate of wills and committing letters of administration of the goods of persons dying intestate, having personal estate within this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there be constituted and established, and there is hereby constituted and established a court, with full power and authority to issue process and hold cognizance of all matters relative to the granting of probates, and committing letters of administration, and to grant probates of wills, and commit letters of administration of the goods of persons dying intestate, having personal estate, rights, and credits, within this province, to be called and known by the name of the court of probate of the province of Upper Canada, and that the governor, lieutenant governor, or person administering the government thereof, shall preside in the said court, to hear, give, order, or decree, or pronounce judgment in all questions, causes, or suits, that may be brought before him, relative to the matters aforesaid, and that for such purpose he may from time to time, when he shall be so disposed, call such person or persons as he shall think proper, to be assessor or assessors with him, and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government in this province, to nominate and appoint from time to time an official principal of the said court, together with a register and such officers as may be necessary for the exercise of the jurisdiction to the said court belonging.

Constitution and jurisdiction of the court of probate.

II. And whereas it will be convenient for the inhabitants of this province to be enabled to obtain probate of wills and letters of administration within their several districts; be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government in this province, to institute, and he is hereby authorized to institute by commission, under the great seal of this province, in each and every district thereof, a court for the purpose of granting probate of wills, and letters of administration of the goods of persons dying intestate, having personal estate within the limits of each district respectively, which courts shall be severally called and known by the names of the surrogate court of the Eastern district, the surrogate court of the Midland district, the surrogate court of the Home district, and the surrogate court of the Western district, and also to appoint from time to time a surrogate, to preside as judge in each of the said courts, to hear, give, order, or decree, or pronounce judgment in all questions, causes, or suits, that may be brought before him relative to the said matters, and also from time to time to nominate and appoint a fit and proper person to be register, and also such officers as may be necessary for the exercise of the jurisdiction to the said

Institution of a surrogate court in each district.

courts belonging, and that each and every of the said courts shall have full power and authority to issue process and hold cognizance of all matters relative to the granting of the probate of wills and letters of administration, and to grant probate of wills, and commit letters of administration of all and singular the goods and effects, rights, and credits, of persons dying intestate, within the limits of their respective districts, except in the cases hereinafter mentioned.

When testator or intestate dies possessed of chattels or credits in different districts, probate of the will and letters of administration shall be granted by the court of probate only.

III. Provided always, That in all cases where a testator or intestate shall die possessed of goods, chattels, or credits, to the amount of five pounds in any district, other than that in which he usually resided at the time of his decease, or when any testator or intestate shall die possessed of goods to the value of five pounds, in two or more several districts within this province, the probate of such will and letters of administration of the goods and effects of such person shall be granted by the court of probate only, and not by any surrogate court.

Seal of each of the said courts.

A description whereof to be sent to the secretary's office.

IV. And in order to give due authenticity to the acts and proceedings of the said several courts, be it enacted by the authority aforesaid, That each of the said courts be provided with a suitable seal; that on the seal of the court of probate be inscribed the name of the province; and on the several seals of the surrogate courts the name of the district over which its jurisdiction extends; and that a particular description of such seals be respectively sent to the office of the secretary of the province, to be kept among the records of the province.

V. Provided always, That no person shall be entitled or qualified to enter upon or execute the office of surrogate in any of the courts so to be established, until after he shall have taken the following oath:

Oath of the surrogate.

"I, A. B., do solemnly promise and swear, that I will honestly and impartially execute the office of according to the best of my knowledge and ability. So help me God."

And that no person shall be entitled or qualified to act as a register in any of the said courts until after he shall have taken the following oath:

Oath of the register.

"I, A. B., do promise and swear, that I will diligently and faithfully execute the office of and that I will not knowingly permit or suffer any alteration, obliteration, or destruction, to be made or done by myself or others, on any wills or testamentary papers committed to my charge. So help me God."

Every will or testamentary paper to be kept as recorded in court, and the transcript thereof duly sealed to be held a sufficient probate.

VI. And be it enacted by the authority aforesaid, That every will or testamentary paper, which shall be duly proved, approved, and insinuated in the court of probate, or in any surrogate court within this province, shall be kept and preserved among the records of the said court, and that a transcript thereof, duly authenticated under the seal of the said court, shall be taken and received as the regular probate of such will or testamentary paper, so far as the same may regard the disposal of any personal estate or effects, in all and every of his Majesty's courts within this province, or wherever it may be necessary to produce the same.

Circumstances required to render nuncupative wills good.

VII. And be it enacted by the authority aforesaid, That from and after the passing of this act, no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses, at the least, that were present at the making thereof, nor unless it be proved that the testator at the time of pronouncing the same did bid the persons present, or some of them, bear witness that such was his will, or to that effect, nor unless such nuncupative will were made at the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she hath been resident for the space of ten days or more next before the making of such will, except when such person was surprised or taken sick being from his or her own home, and died before he or she returned to the place of his or her dwelling.

Period of time within which proof of nuncupative wills is admissible.

VIII. And be it further enacted by the authority aforesaid, That after six months passed after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony or the substance thereof were committed to writing within six days after making the said will.

Preliminary measures to be taken previous to granting probate of nuncupative wills.

IX. And be it further enacted by the authority aforesaid, That no letters testamentary or probate of any nuncupative will shall pass the seal of any court till fourteen days at the least after the decease of the testator be fully expired, nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow or next of kindred of the deceased, to the end that they may contest the same, if they shall be so advised.

Proof to be adduced of the demise of an intestate.

X. And be it enacted by the authority aforesaid, That no letters of administration shall be granted by the court of probate, or by any surrogate court, of the goods, chattels, or credits, of any person represented as having died intestate, until due proof be made before the said judge or surrogate, to his satisfaction, that such person is dead and died intestate.

Steps to be taken in granting administration to persons not next of kin.

XI. And be it further enacted by the authority aforesaid, That when application is made for letters of administration of the goods, chattels, and credits, of any person dying intestate, by any person or persons not entitled to the same as next of kin to the intestate, the judge of the court of probate, or surrogate to whom such application shall be made, shall, before the granting of the administration, issue a citation to the next of kin to the intestate, summoning him or her to appear, and shew cause, if any they have, why the administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate residing within this province, and if the next of kin, nor any person of the kindred of the intestate shall happen to reside in this province, then a copy of such citation shall be affixed up in some public place in the town where the intestate did reside at the time of his or her death, at least ten weeks before the return thereof, and in case such intestate did not reside within this province at the time of his or her death, then a copy of the citation shall be published in the Upper Canada Gazette, once in every month during the space of eight months before the return thereof: Provided always, That in case the person next of kin usually residing within this province, and regularly entitled to administer, should happen to be absent from the province, it shall and may be lawful for the judge of probate or surrogate, within the limits of his district, to grant a temporary administration to the next of kin who shall be in the province of the intestate, during a limited time, or to be revoked upon the return and application of such nearest of kin as aforesaid, and for that purpose to take sufficient bonds from the party to whom such temporary administration shall have been granted, for the surrender of such letters of administration, and to account for the same in manner hereinafter to be mentioned.

Temporary administration.

Bonds to be taken of the persons to whom administration shall be granted.

XII. And be it further enacted by the authority aforesaid, That the judge of probate and every surrogate in his several district shall and may upon their respective granting and committing letters of administration of the goods of persons dying intestate, take sufficient bonds of the respective person or persons to whom any administration is to be committed, with two or more able sureties, respect being had to the value of the estate, in the name of the governor, lieutenant governor, or person administering the government of the said province, or with the condition in form and manner following, *mutatis mutandis:*

Form and condition of such bonds.

"The condition of this obligation is such, that if the within bounden A. B., administrator of all and singular the goods, chattels, and credits, of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, and credits, of the said deceased, which have or shall come into the hands, possession, or knowledge, of him, the said A. B., or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the registry of court, on or before the day of next ensuing, and the same goods, chattels, and credits, and all other the goods, chattels, and credits, of the said deceased, at the time of his or her death, which at any time after shall come into the hands or possession of the said A. B., or into the hands and possession of any other person or persons for him, do well and truly administer according to law, and further do make or cause to be made, a true and just account of his said administration, at or before the day of and all the rest and residue of the said goods, chattels, and credits, which shall be found remaining upon the said administrator's account, the same being first examined and allowed by the judge of the court for the time being, shall deliver and pay unto such person or persons respectively, as the said judge by his decree or sentence, conformably to the provisions in a certain act of parliament, entitled, "An act for the better settling intestate estates," and passed in the twenty-second and twenty-third year of the reign of Charles II, and also in a certain act passed in the first year of king James II, contained, shall limit and appoint; and if it shall hereafter appear that any last will or testament was made by the deceased, and the executor or executors therein named do exhibit the same unto the said court, making request to have it allowed and approved accordingly, if the said A. B. within bounden, being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court, then this obligation to be void and of none effect, or else to remain in full force and virtue."

Such bonds pleadable.

Which bonds are hereby declared and enacted to be good and binding to all intents and purposes, and pleadable in any courts of justice.

Method of making distribution of the proceeds of an intestate's estate.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said judge of probate and surrogate respectively, and they are hereby enabled to call, by citation under the seal of their several courts, such administrators to account, for and touching the goods of any person dying intestate within their several jurisdictions, and upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts, funeral and just expenses of every sort, first allowed and deducted, according to the provisions in the said statutes hereinbefore mentioned, contained: Provided always, to the end that a due regard be had to creditors,

that no such distribution of the goods of any person dying intestate be made, until after one year be fully expired after the intestate's death; and that such and every one, to whom any distribution and share shall be allotted, shall give bonds, with sufficient sureties, in the said courts, that if any debt or debts truly owing by the intestate, shall be afterwards sued for and recovered, or otherwise made to appear, that then and in every such case he or she shall respectively refund and pay back to the administrator, his or her rateable part of such debt or debts, and of the costs of suit, and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts, so discovered after the distribution made as aforesaid.

After the term of one year.

Security to be given the administrator against demands which may arise after distribution.

XIV. And in order to enforce, when it shall be necessary, due respect and obedience to the process, orders, sentence, or decree, of the said courts, in all matters within their cognizance, be it enacted by the authority aforesaid, That it shall and may be lawful for the said judge of the court of probate, and his surrogates within their respective districts, and they are hereby authorized upon application made and supported by certificate from the register or proper officer, of any neglect of or disobedience to the regular process, order, or sentence of the court, or upon any complaint to be verified upon oath, by any apparitor, officer, or other person, of any wilful contempt or resistance to the regular process or sentence of the said courts, or any of them, or to the service thereof, to proceed against the parties so withstanding, disobeying, or offending, by attachment to be directed to the sheriff of the district, who is hereby authorized and required to execute the same; and in case the sheriff return that the party is not found in his district, that the said courts and each of them may issue a proclamation directed to the sheriff of the district, which he is hereby authorized and required to make, that the said party do on his allegiance personally appear in the said court, on a day in the said proclamation to be named; and in case the sheriff return that the party is not found, and he do not appear at the time and place as commanded, that the said courts and each of them may proceed to a sequestration of the personal effects, goods, and chattels, of the said party in contempt, to be directed to certain persons to detain and keep the same, until the said contempt be cleared, or the court make order to the contrary.

Process of the said courts respectively, in cases of disobedience or contempt.

Attachment.

Sequestration of the personal estate.

XV. And be it further enacted by the authority aforesaid, That in all cases where any administration shall be granted with a will annexed, either by the judge of the court of probate in this province, or by any surrogate of any district of this province, such letters shall contain an express provision or condition that the will of the deceased, in such testament expressed, shall be observed and performed, and for such purpose that bonds, with two or more able and sufficient sureties, shall be taken of the respective person or persons to whom such administration shall be committed, in such penalties as to the judge or surrogate shall appear reasonable, respect being had to the value of the estate of the said testator, which condition may be as follows:

In administration granted with a will annexed, it shall be expressly conditioned, that such will shall be performed.

"The condition of this obligation is such, that if the above bounden , administrator [or administratrix, as the case may be,] of all and singular the goods, chattels, and credits, of the said , deceased, with the will of the said , annexed, and not administered by [as the case may be] do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, and credits, of the said , deceased, which shall have come to the hands, possession, or knowledge, of the said , or into the hands and possession of any other person for the said , and the same so made do exhibit or cause to be exhibited [where such bond shall be taken by the judge of the court of probate] into the registry of the court of probate of this province, or into the office of the surrogate of the district of , at or before the expiration of six calendar months from the date of the above written obligation, and the same goods, chattels, and credits, and all other goods, chattels, and credits, of the said deceased, at the time of his or her death, which at any time after shall come into the hands and possession of the said , or into the hands and possession of any other person or persons for the said , do well and truly administer, according to the directions and true intentions of the testator or testatrix, [as the case may be,] expressed in the will to the letters of administration granted to the said , annexed, as the law directs, and further, when thereunto lawfully required, do make or cause to be made a true and just account of administration, then this obligation to be void and of none effect, or else to remain in full force and virtue."

Form and condition of bond to be entered into in such case.

Which bonds shall be of the same force and effect, and may be prosecuted upon the like occasions, and for the purposes and in the same manner as the bonds taken upon the granting of administrations of persons dying intestate, hereinbefore set forth.

Force and effect of such bond.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons who may be aggrieved by any order, sentence, judgment, or decree of any surrogate court within this province, to appeal from the same, or any part thereof, to the judge of the court of probate, who shall have full power and authority, and hereby

An appeal to lie from the surrogate courts to the court of probate,

is authorized and required to examine, hear, and finally determine, all such appeals, and all matters concerning the same, and to reverse, affirm, or alter, such order, sentence, judgment, or decree, and to make such other order or decree therein, as justice and equity shall require, and thereupon to remit the same, with his order, judgment, or decree in the premises, and all things concerning the same, into the court so appealed from: Provided always, That all such appeals from the said surrogate court shall be made within fifteen days next after making or giving the order, sentence, judgment, or decree, so appealed from, and upon security being given to the satisfaction of the said surrogate, for prosecuting such appeal, such order, sentence, judgment, or decree, shall be suspended: Provided always, That no appeal shall be had or lie from any such order, judgment, sentence, or decree, of any surrogate court, unless the value of the goods, chattels, rights, or credits, to be affected by such order, judgment, sentence, or decree, shall be more than fifty pounds.

if made within fifteen days next after judgment below,

and that the value of the rights affected exceeds fifty pounds.

XVII. And in order that certain stated times be fixed for the hearing and determining all motions, petitions, pleadings, suits, and causes, respecting the matters aforesaid, that may be brought before the said court of probate, or the said surrogate courts; be it enacted by the authority aforesaid, That four terms or times of session be appointed in each and every year for the purposes aforesaid; the first term to be holden from the first Monday in January to the Saturday of the same week inclusive; the second to be holden from the last Monday in March to the Saturday of the same week inclusive; the third to be holden from the first Monday in June to the Saturday of the same week inclusive; and the fourth term to be holden from the last Monday in September to the Saturday of the same week.

Terms of sitting of the said courts.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the members and officers of the said courts to demand and take the following fees:

Fees to be taken by the official principal surrogate and register.

	Official Principal and Surrogate.			Register.		
For seal to the probate of a will, to letters of administration with the will annexed, and to letters of administration where the property devolving is under £300,	£ 0	s. 16	d. 0	£ 0	s. 6	d. 8
From £300 to £1000,	1	0	0	0	6	8
When above £2000,	2	0	0	0	6	8
For seal of the court to any writing or instrument,	0	13	4	0	3	4
For receiving caveat,	0	6	8	0	0	0
For filing the same,	0	0	0	0	3	4
For receiving inventory,	0	6	8	0	0	0
For filing the same,	0	0	0	0	3	4
For citation,	0	3	4	0	1	0
For collating will,	0	0	0	0	6	8
For drawing bond and attesting execution,	0	0	0	0	6	8
For searching register, each year,	0	0	0	0	1	0
For office copy, each page eighteen lines, six words in each,	0	0	0	0	1	0
Apparitor or Messenger.						
For service of citation,				0	2	0
For travelling, each mile,				0	0	4

by the apparitor or messenger.

Chapter IX.

An act to authorize the lieutenant governor to nominate and appoint certain commissioners for the purposes herein mentioned.

[Expired.]

Chapter X.

An act to establish a fund for paying the salaries of the officers of the legislative council and assembly, and for defraying the contingent expenses thereof.

[Expired.]

Chapter XI.

An act to encourage the destroying of wolves and bears in different parts of this province.

[Repealed by 47th Geo. III, Ch. 2.]

Chapter XII.

An act to provide for the appointment of returning officers of the several counties within this province.

[Passed July 9th, 1793.]

Whereas the powers at present subsisting for the appointment of persons to execute the office of returning officer in each of the districts, counties, or circles, and towns or townships in this province, are limited to a certain period, which will soon expire, and whereas it is necessary to make further provision for the appointment of such officers; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government for the time being, from time to time to nominate and appoint by an instrument under his hand and seal at arms, a proper person to execute the office of returning officer, for every county or riding, division or town, within the province. Preamble. In what manner returning officers shall be in future appointed.

II. Provided always, and it is hereby enacted, That no person shall be obliged to execute the office of returning officer for any longer time than one year, unless he shall be disposed to continue to execute the same, by and with the consent and approbation of the said governor, lieutenant governor, or person administering the government for the time being. Shall not be compelled to serve for any longer term than one year.

III. Provided also, and be it hereby enacted by the authority aforesaid, That this act shall continue in force for and during the space of seven years, and no longer. Determination of this act.

[Revived and continued by 40th Geo. III, c 5; 48th, c 5; 52d, c 11, 1st sess.; 56th, c 4; 59th Geo. III, c 23, and for 8 years by 4th Geo. IV, c 2.] (See 48th Geo. III, c 11, s 3.)

Chapter XIII.

An act to establish a further fund for the payment of the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof.

[Passed July 9, 1793.]

Whereas by a certain act of the parliament of Great Britain, passed in the fourteenth year of his Majesty's reign, entitled, "An act for establishing a fund towards further defraying the charges of the administration of justice and support of the civil government within the province of Quebec, in North America," it was therein, amongst other things, enacted, "That from and after the fifth day of April, one thousand seven hundred and seventy-five, there should be raised, collected, and paid into his Majesty's receiver general of the province, for the use of his Majesty, his heirs and successors, a duty of one pound sixteen shillings, sterling money of Great Britain, for every license that should be granted by the governor, lieutenant governor, or commander in chief of the said province, to any person or persons, for keeping a house or other place of public entertainment, or for retailing wine, brandy, rum, or other spirituous liquors, within the said province;" and whereas it is necessary that the said revenue should be increased for the purpose of paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof: Preamble. (See 14th Geo. III, c)

We, your Majesty's most dutiful and loyal subjects, the representatives of the people of the province of Upper Canada, in assembly met, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" That in addition to the said sum of one pound sixteen shillings sterling as aforesaid, which shall still be and continue to be levied, collected, and paid as it hitherto has been levied, collected, and paid, by virtue of the act aforesaid, there shall be raised and levied, collected and paid, under the same restrictions and penalties, in the said act contained, unto his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, and to and for the use of this province, and towards the support of the civil government thereof, the further sum of twenty shillings currency, upon every license that shall be granted by virtue of this act, in manner following; that is to say, that from and after the fifth day of An additional duty of twenty shillings to be levied on all licenses

for the retail of wines or spirituous liquors, after the fifth day of April, 1794.
[a] See 45th Geo. III, c 1.

April, [a] which will be in the year of our Lord one thousand seven hundred and ninety-four, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, by or through the secretary of the province, or other person empowered to issue licenses for the vending of wines, brandy, rum, or other spirituous liquors, to ask for, demand, and receive, over and above the sum of one pound sixteen shillings sterling as aforesaid, the further sum of twenty shillings currency, for every license that shall or may be granted to any person for keeping a house or any other place of public entertainment, or for the retailing of wine, brandy, rum, or other spirituous liquors, within this province.

Time and manner of giving public notice annually to the persons, liable to the provisions of this act, to comply therewith.
[b] See 45th Geo. III, c 1, s 1 & 3.

II. And be it further enacted by the authority aforesaid, That in every district throughout the said province, one month at least before the fifth day of April, in every year, being the day whereon the said sums of one pound sixteen shillings sterling and twenty shillings currency, shall be due and payable as aforesaid, the secretary of the province, [b] or other person empowered to issue the said license, shall and he is hereby required to give public notice in the Upper Canada Gazette, or otherwise, to every person selling wine, brandy, rum, or other spirituous liquors, as aforesaid, to pay the said sum of one pound sixteen shillings sterling, and twenty shillings currency, and to receive or take out a license for the same, and by such public notice to warn every person who shall neglect, omit, or refuse to take out a license, and still continue to retail any wine, brandy, rum, or other spirituous liquors, in less quantities at any one time than three gallons, of the pains and penalties that they are thereby likely to incur, and hereafter to be inflicted by this act.

Words to be written, painted, or printed over the door of every house of public entertainment

Penalty for neglecting.

III. And be it further enacted by the authority aforesaid, That every person who shall keep a house or other place of public entertainment, for retailing wine, brandy, rum, or other spirituous liquors, shall cause to be written, painted, or printed over the door of such house of entertainment, in legible characters, the following words; "Licensed to sell wine and other spirituous liquors," and every person neglecting to have the aforesaid words, written, painted, or printed as aforesaid, and continuing to keep such a house of entertainment, shall for every such offence forfeit and pay the sum of five shillings currency, to be recovered before any one of his Majesty's justices of the peace, upon the oath of one credible witness; one half of which said sum shall be given to the person informing, and the other half paid into his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, and to and for the use of this province, and towards the support of the civil government thereof.

Persons licensed shall enter into bonds to keep a decent and orderly house.

IV. And whereas by a certain ordinance passed in the twenty-eighth year of his present Majesty's reign, it was declared and enacted, that every person taking out a license for the purpose of retailing wine, brandy, rum, or other spirituous liquors, should be obliged to enter into a bond with sufficient sureties, to keep an orderly and decent house; be it therefore enacted by the authority aforesaid, That every person taking out a license by virtue of this act, shall upon receiving such license from the secretary of the province, or his agent, or other person for that purpose appointed, enter into a bond in the penal sum of ten pounds to his Majesty, his heirs and successors, well and truly to keep a decent and orderly house during the continuance of the said license to him granted as aforesaid.

Fees of the secretary or his agents, on licenses.
[c] See 43d Geo. III, c 9.

Fee for drawing bond.

V. And be it further enacted by the authority aforesaid, That the secretary of the province, or his agent, [c] or other person appointed to grant such license, shall receive from each person to whom a license may be granted, over and above the duty hereinbefore specified, the further sum of two shillings and sixpence, for his trouble in making out and issuing the same, and no more; and the clerk of the peace, or other person who shall draw out such bond as aforesaid, shall receive and take the sum of two shillings and sixpence for his trouble therein as aforesaid, and no more, any thing contained in any ordinance of the province of Quebec, to the contrary notwithstanding.

Retailers not keeping a house of entertainment, exempted from the additional duty after the expiration of two years. (See 37th Geo. III, c 11.)

VI. And be it further enacted by the authority aforesaid, That the additional duty imposed by this act, shall not extend nor be construed to extend to any person not keeping a house of public entertainment for a longer space of time than two years next after the fifth day of April, which will be in the year of our Lord one thousand seven hundred and ninety-four, but that at and after the expiration of the said term of two years, no person other than such as shall keep a house of public entertainment, shall be obliged to pay for any license to him granted a greater sum than one pound sixteen shillings sterling, as imposed by the above recited act.

Application of the monies arising by this act. (See 33d Geo. III, c 10.) (See 41st Geo. III, c 12, s 3.)
Poundage of the receiver general. (See 41st Geo. III, c 12; 43d, c 9; 45th, c 1; 46th, c 6; 48th, c 6; 56th, c 22.
[d] Repealed by 1st Will. IV, c 15, s 1.

VII. And be it further enacted by the authority aforesaid, That the said receiver general do pay and apply the monies by him received under and by virtue of this act, in the manner and for the purposes as set forth in a certain act, entitled, "An act to establish a fund for paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof;" and that it shall and may be lawful for the receiver general of the province to deduct from and out of the several sums of money by him received, the sum of three pounds for every hundred [d] pounds that may be raised, levied, collected, and paid by virtue of this act.

Third Session of the first Provincial Parliament.

MET AT NEWARK, ON THE SECOND DAY OF JUNE, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING, IN THE THIRTY-FOURTH YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1794.

Chapter I.

An act for the regulation of juries.

[Passed July 9, 1794.]

Preamble.

For the regulation of juries, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the clerk of the peace of each and every district in this province shall yearly and every year make up from the returns of the several assessors of each parish, township, reputed township, or place, which shall have been transmitted to him, a true and complete list or transcript of the names of the several inhabitant householders, living in each of the said parishes, townships, reputed townships, or places, classed and divided in such manner as by the said returns shall appear, which list or transcript shall be transmitted or delivered by the clerk of the peace to the sheriff of each respective district, or his under sheriff, in order for his returning juries out of the said list from time to time, as he shall be commanded, and that each and every person, whose name shall be returned in either of the said lists, shall be held and taken as qualified to serve on juries, and that no sheriff or coroner shall return any person to serve on any jury, whose name shall not appear in the said list, and that every clerk of the peace neglecting his duty therein, shall forfeit the sum of five pounds to such person or persons as shall inform or prosecute for the same, until the party be thereof convicted, by indictment, before the justices of the peace, at any quarter sessions of the peace, to be holden for the district where such neglect shall have been committed.

The clerks of the peace to deliver yearly to the sheriffs a list of jurors, duly classed.

Persons included in such lists qualified alone to serve on juries.

Penalty for neglect in the clerks of the peace.

II. And for preventing abuses by sheriffs, bailiffs, or other officers, concerned in the summoning and returning of jurors, be it enacted by the authority aforesaid, That no person or persons shall be returned as a juror or jurors, to serve on trials at any assizes or nisi prius, quarter sessions or district court, who have served thereat within the space of one year before, and if any such sheriff shall wilfully transgress herein, any judge or justice of assize or nisi prius, may and is hereby required, on examination and proof of such offence in a summary way, to set a fine or fines upon every such offender, as he shall think meet, not exceeding the sum of ten pounds for any one offence.

No sheriff or other officer to return as a juror on trials, any person who has already served as such, within one year.

Penalty.

III. And be it further enacted, That the sheriff, under sheriff, or officer to whom the return of juries shall belong, shall from time to time enter or register in a book to be kept for that purpose, the names of such persons as shall be summoned and shall serve as jurors on trials at any assizes or nisi prius, quarter sessions or district court, with the times of their services; and every person so summoned and attending or serving as aforesaid, shall upon application by him made to such sheriff, under sheriff, or officer, have a certificate testifying the same, which certificate the said sheriff, under sheriff, or officer, is hereby required to make out without fee or reward.

Sheriffs or other officers to keep registers of the jurors on all trials, and to grant certificates of service, if required.

IV. And be it further enacted by the authority aforesaid, That no sheriff, under sheriff, or officer, or any person whatsoever, shall directly or indirectly take or receive any money or other reward, to excuse any person from serving or being summoned to serve on juries, and that no bailiff or other officer appointed by any sheriff or under sheriff to summon juries, shall summon any person to serve thereon, other than such whose name is specified in a mandate signed by such sheriff or under sheriff, and directed to such bailiff or other officer, and if any sheriff, under sheriff, bailiff, or other officer, shall wilfully transgress in any of the cases aforesaid, any judge or justice of assize or nisi prius may, and is hereby

No reward to be taken for excusing any person from serving on juries, and no juror to be summoned whose name is not specified in the sheriff's mandate.

Penalty.

required on examination and proof of such offence in a summary way, to set a fine or fines upon any person so offending, as he shall think meet, not exceeding the sum of three pounds.

Method of making the returns of writs of *venire facias juratores*.

V. And be it further enacted by the authority aforesaid, That every sheriff or other officer to whom the return of venire facias juratores, or other process for the trial of causes, before justices of assize or nisi prius, who may be assigned to hold assizes in any district or place within this province, doth or shall belong, shall upon his return of every such writ of venire facias (unless in causes to be tried at bar, or in cases where a special jury shall be struck by order or rule of court) annex a pannel to the said writ, containing the christian and sir names, additions and places of abode of a competent number of jurors, whose names shall have been returned in the said lists, hereinbefore directed to be made out, whose names shall be inserted in the pannel annexed to every venire facias, for the trial of all issues at the same assizes in each respective district or place, which number of jurors shall not be less than thirty-six in any district or place, nor more than forty-eight, and the persons named in such pannels shall be summoned to serve on juries at the then next assizes or sessions of nisi prius, for the respective districts or places to be named in such writs, and no other. [*a*]

Number of jurors to be returned.

[*a*] See 36th Geo. III, c 2.

Manner of empannelling the jury for the trial of every cause.

VI. And be it further enacted by the authority aforesaid, That the name of each and every person who shall be summoned and empanneled as aforesaid, with his addition and the place of his abode, shall be written on several and distinct pieces of parchment or paper, being all as near as may be of equal size, and shall be delivered to the marshal of such judge of assize or nisi prius, who is to try the causes in each respective district, by the sheriff or under sheriff of the said district, or some agent of his, and shall be put together in a box or glass to be provided for that purpose, and when a cause shall be called on to be tried, the marshal or some indifferent person by direction of the court, may and shall in open court draw out twelve of the said parchments or papers successively, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged and set aside, then such further number, until twelve persons be drawn, who shall appear; and after, all causes of challenge shall be allowed to be indifferent; and the said twelve persons, their names being marked in the pannel [*a*] and they being sworn, shall be the jury to try the cause, and the names of the persons so drawn and sworn shall be kept apart by themselves till such jury shall have given in their verdict, and the same is recorded, or until the jury shall by consent of the parties or leave of the court, be discharged; and then the said names shall be rolled up again and returned to the former box or glass, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any cause remains to be tried.

Penalty for not appearing when duly summoned as a juror and drawn to serve on trial.

VII. And be it further enacted by the authority aforesaid, That every person or persons, whose name or names shall have been drawn to serve on the trial of any issue, and who shall not appear after being openly called three times, shall forfeit and pay, upon oath made by some credible person that the party so making default had been lawfully summoned, such fine, not exceeding the sum of three pounds, nor less than twenty shillings, as the judge who sits to try the cause shall think reasonable to inflict; unless some reasonable cause of his absence be assigned or proved to the satisfaction of such judge.

Persons aged 60 years exempted.

VIII. Provided always and be it enacted, That no person aged sixty years shall be obliged to attend upon any summons to be directed to him for the purposes aforesaid.

Fee of each juror sworn to give his verdict.

IX. [Repealed by 2d Geo. IV, c 1.]

The court of king's bench, on motion, may order a special jury to be struck for the trial of any issue.

X. [Repealed by 48th Geo. III, c 13.]

Persons competent to serve on special juries.
Fee to be taken by each special juror serving as such.
Which party shall bear the increased costs occasioned by a special jury.

XI.
XII.
XIII. } [Repealed by 48th Geo. III, c 13.]

Provision in cases where a view shall be allowed.
Method of appointing viewers

XIV. Provided always and be it further enacted, That where a view shall be allowed in any case, that in such case six of the jurors named in such pannel, or more, who shall be mutually consented to by the parties or their agents on both sides, or if they cannot agree, shall be named by the officer of the court, or by the judge before whom the said cause shall be tried, shall have the view and be first sworn, or such of them as appear upon the jury to try the said cause, before any drawing of jurors as aforesaid, and so many only shall be drawn to be added to the viewers as aforesaid, as shall make up the number of twelve to be sworn for the trial of such issue: Provided also, That every

person attending such view as aforesaid, shall and may demand and receive a sum not exceeding ten shillings, for every day on which he shall be so employed. Allowance to each of them per day.

XV. Provided always, and be it further enacted, That in case no view shall be had, or if a view shall be had by any of the said jurors, no valid objection shall be made on either side, either for want of a view, or that it was not had by any of the twelve jurors first named, or that it was not had by any particular number of jurors named in the said writ, but the trial of the issue shall proceed, any formal objection respecting the view, to the contrary notwithstanding. The want of a view, or any informalities in having the same, shall not stay proceedings in trying the issue.

[See 32d Geo. III, c 2; 36th, c 2; 48th, c 13.]

Chapter II.

An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal.

[Repealed by 2d Geo. IV, Ch. 1, except the 1st, 33d, 34th, 35th, and 36th Clauses.—Passed July 9, 1794.]

For the general and regular administration of justice throughout this province, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there be constituted and established, and there is hereby constituted and established, a court of law, to be called and known by the name and style of his Majesty's court of king's bench, for the province of Upper Canada, which shall be a court of record of original jurisdiction, and shall possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction, and may and shall hold plea in all and all manner of actions, causes, or suits, as well criminal as civil, real, personal, and mixed, arising, happening, or being, within the said province, and may and shall proceed in such actions, causes or suits, by such process and course as shall tend with justice and despatch to determine the same, and may and shall hear and determine all issues of law, and shall also hear, and by and with an inquest of good and lawful men, determine all issues of fact that may be joined in any such action, cause, or suit as aforesaid, and judgment thereon give, and execution thereof award, in as full and ample a manner as can or may be done in his Majesty's courts of king's bench, common bench, or in matters which regard the King's revenue by the court of exchequer in England. And that his Majesty's chief justice of this province, together with two puisne justices, shall preside in the said court, which court shall be holden in a place certain, that is, in the city, town, or place where the governor or lieutenant governor shall usually reside; and until such place be fixed, the said court shall be holden at the last place of meeting of the legislative council and assembly. Preamble. A court of king's bench established. Jurisdiction and powers thereof. Persons who shall preside therein, and place where the same shall be holden.

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XXXIII. And be it further enacted, That the governor, lieutenant governor, or person administering the government of this province, or the chief justice of the province, together with any two or more members of the executive council of the province, shall compose a court of appeal, for hearing and determining all appeals from such judgments or sentences as may lawfully be brought before them. Court of appeals.

XXXIV. Provided always, and be it further enacted, That when any person having given the judgment or sentence appealed from, shall be a member of the court of appeal, it shall and may be lawful for him to assign to the said court his reasons for delivering such judgment, in case he shall be so disposed, but he shall not be at liberty to give his vote in the decision of the question before the court. The judges below, if members of the court of appeal, may assign their reasons, but not give their votes in appeal.

XXXV. And be it further enacted, That an appeal shall lie to the court of the governor and executive council, from all judgments given in the said court of king's bench, in all cases where the matter of controversy shall exceed the sum of one hundred pounds, or shall relate to the taking of any annual or other rent, customary or other duty, fee, or any other such like demand, of a general and public nature, affecting future rights, of what value or amount soever the same may be, upon proper security being given by the appellant that he will effectually prosecute his appeal and answer the condemnation, and also pay such costs and damages as shall be awarded in case the judgment or sentence appealed from shall be affirmed, and that upon the perfecting such security, execution shall be stayed in the original cause. Limitation of appeals. Security to be given.

XXXVI. And be it further enacted by the authority aforesaid, That the judgment of the said court of appeal shall be final, in all cases where the matter in controversy shall Cases of appeal to his Majesty in council.

not exceed the sum or value of five hundred pounds sterling, but in cases exceeding that amount, as well as in all cases where the matter in question shall relate to the taking of any annual or other rent, customary or other duty, or fee, or any other such like demand of a general and public nature, affecting future rights, of what value or amount soever the same may be, an appeal may lie to his Majesty, in his privy council, upon proper security being given by the appellant that he will effectually prosecute his appeal, and answer the condemnation, and also pay such costs and damages as shall be awarded by his Majesty, in his privy council, in case the judgment of the said court of governor and executive council, or court of appeals shall be affirmed, and upon the perfecting of such security, execution of the said judgment shall be stayed, until the final determination of such appeal to the King in council.

Security to be given.

Provision for removing the court of king's bench to another place of holding the same.

Provided always, and be it further enacted, That in time of actual war, and when there may be reason to suspect an invasion of the province from the King's enemies, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, by and with the advice and consent of the executive council, to issue his proclamation to remove the place of holding the said court, and to appoint and make known such other place, within the limits of the province, as shall be deemed most safe and convenient for holding the same.

Chapter III.

An act to establish a court for the cognizance of small causes in each and every district of this province.

[Repealed by 2d Geo. IV, Ch. 2.]

Chapter IV.

An act to authorize the governor or lieutenant governor to license practitioners in the law.

[Passed July 9, 1794.]

Preamble.

Whereas much inconvenience may ensue from the want of persons duly authorized to practise the profession of the law in this province, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the operation and effect of the provisions contained in a certain act or ordinance of the late province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, "An act concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues," so far forth as the same regards the regulations concerning advocates, attornies, solicitors, and notaries, be suspended, and the same is hereby suspended, for and during the term of two years from the passing of this act. [a]

Suspension for 2 years of part of the ordinance of Quebec, respecting attornies, &c.

[a] See 37th Geo. III, c 13, and 38th, c 2.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize by license, under his hand and seal, such and so many of his Majesty's liege subjects, not exceeding sixteen in number, as he shall deem, from their probity, education, and condition in life, best qualified to act as advocates and attornies, in the conduct of all legal proceedings in this province; and that upon producing such license to the proper officer, their names shall be inscribed on a roll for that purpose to be provided, and to be kept among the records of the court of king's bench; and each and every person whose name shall be so inscribed, and no other, shall be holden as duly authorized to receive fees for practising in any of his Majesty's courts within this province.

Persons duly qualified to be licensed, to a certain number, as advocates and attornies.

Enrolled,

and authorized to receive fees accordingly.

III. Provided always, and be it enacted, That in case any person or persons, so licensed and enrolled, shall be guilty of any malversation or corrupt practice, and the same shall be proved, by evidence, to the satisfaction of the court of king's bench, it shall and may be lawful for the said court to order his or their name or names to be struck off the roll.

But may be struck off by the court, on satisfactory evidence of corrupt practices.

IV. Provided also, and be it further enacted, That nothing herein contained shall prevent, or be construed to prevent, any person duly qualified according to the provisions in the said act or ordinance contained, from being admitted to the exercise of the practice of the law, conformably to the said act, and that at and after the expiration of the said two

Persons admissible by the ordinance, not disqualified by this act.

years, the said act or ordinance shall again be in force, until other or further provision be made for the like purposes. Revival of the ordinance.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the secretary of the governor, lieutenant governor, or person administering the government of this province, to demand and take the sum of forty shillings on the delivery of each and every such license, and for the clerk of the court of king's bench, to demand and take the sum of thirteen shillings and four pence, for inscribing the name of each and every person so licensed upon the roll. Fees for each license and for enrollment.

VI. Provided always, and be it enacted, That the clerk of the court shall, and is hereby required, to inscribe on the said roll the name of each and every person duly qualified, according to the provisions in the said act or ordinance contained, without any gratuity or fee whatever. The names of persons authorized according to the ordinance to be enrolled gratis.

Chapter V.

An act to provide for the accounting for all fines, forfeitures, and penalties, hitherto reserved to his Majesty, to and for the uses of this province.

[Passed July 9, 1794.]

Whereas his Majesty, by his royal instructions, hath been graciously pleased to direct that all laws or ordinances of this province, for levying of monies, or imposing of fines, forfeitures, and penalties, should mention and declare the same to be granted or reserved to his Majesty, his heirs and successors, for the public uses of the said province, and for the support of the government thereof, as by the said laws or ordinances may be directed; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the due application of all monies heretofore granted or reserved, and arising or accruing to his Majesty, for the purposes aforesaid, by any act or acts of the legislature of this province, heretofore made, shall be accounted for unto his said Majesty, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct; any thing in any former act or ordinance or clause in any act or ordinance to the contrary hereof in any wise notwithstanding. Preamble. The application of all monies levied for the uses of the province; and of fines, &c. to be accounted for to his Majesty.

Chapter VI.

An act to amend certain parts of an act passed in the thirty-third year of the reign of his present Majesty, entitled, "An act to authorize and direct the laying and collecting of assessments and rates, in every district within this province, and to provide for the payment of wages to the members of the house of assembly."

[Repealed by 47th Geo. III, Ch. 7.]

Chapter VII.

An act for the further regulation of the militia of this province.

[Repealed by 48th Geo. III, Ch. 1.]

Chapter VIII.

An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large.

[Passed July 9, 1794.]

Whereas the custom of allowing horned cattle, horses, sheep, and swine, to run at large, has been found occasionally inconvenient and detrimental; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of Preamble.

his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to permit any horned cattle, horse, sheep, or swine, to run at large, otherwise than under the regulations and restrictions hereinafter provided.

Cattle henceforth not to run at large, but under certain regulations.

II. And be it further enacted, That henceforth it shall and may be lawful for the inhabitant householders, or the greater part of them, in every district within this province, in their annual town meetings lawfully assembled, to ascertain and determine in what manner and at what periods, horned cattle, horses, sheep, [*a*] and swine, [*b*] or any of them, shall be allowed to run at large, within their respective divisions, or to resolve that the same, or any part thereof, shall be restrained from so doing.

Which regulations shall be made in the respective town meetings annually.
[*a*] See 44th Geo. III, c 4, s 1.
[*b*] As to swine in certain towns, see 4th Geo. III, c 10.

III. And be it further enacted, That if any horned cattle, horse, sheep, or swine, the found running at large in any town, township, reputed township, or place, contrary to the regulations of the town meeting thereof, it shall and may be lawful for any of the pound-keepers thereof, and on receiving notice, he is hereby required to empound such horned cattle, horse, sheep, or swine, so trespassing, and to detain the same, until the person or persons who may have sustained any damage by the trespass of the same, shall have received from the owner or owners of such horned cattle, horse, sheep, or swine, reasonable compensation, and until the fees of such pound-keeper shall have been satisfied, which fees his Majesty's justices of the peace in their general quarter sessions assembled, or the greater part of them, are hereby authorized and required to regulate and ascertain, in and for their respective districts; any thing in any act or ordinance of the late province of Quebec, or in any act of the legislature of this province to the contrary of the provisions of this act, in any wise notwithstanding.

Cattle trespassing to be empounded until the damages done and the pound-keeper's fees be paid.

Which fees shall be regulated in quarter sessions.

(Amended by 2d Geo. IV, c 11.)

Chapter IX.

An act to repeal certain parts of an act passed in the second session of the legislature of this province, entitled, "An act to regulate the laying out, amending, and keeping in repair, the public highways and roads within this province," and to make further provisions respecting the same.

[Repeals for a time part of 33d Geo. III, Ch. 4; which is repealed in toto by 50th Geo. III, Ch. 1.]

Chapter X.

An act to amend certain parts of an act passed in the thirty-second year of his Majesty's reign, entitled, "An act for building a gaol and court house in every district throughout this province, and for altering the names of the said districts."

[Passed July 9, 1794.]

32d Geo. III, c 8.

Whereas it is necessary for the ease of the inhabitants of the Eastern district, that two gaols and court houses should be built therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in addition to the above mentioned act, which authorizes and directs that a gaol and court house for the Eastern district shall be built in manner therein mentioned, in the town of New Johnstown, [*a*] in the township of Edwardsburgh, it shall and may be lawful for the inhabitants of the Eastern district, to erect and build, or cause to be erected and built in the town of Cornwall, a gaol and court house, after the manner and under the rules, regulations, and conditions, appointed and prescribed, by the above mentioned act, passed in the thirty-second year of his Majesty's reign as aforesaid.

Preamble.

[*a*] See 48th Geo. III, c 15, s 3.

A gaol and court house to be erected in the town of Cornwall, in the Eastern district.

II. } [Temporary.]
III. }

Funds for erecting the said gaol and court house.
The application and distribution of such funds to be cognizable in quarter sessions.

IV. And be it further enacted, That the sheriff of the said district shall have the same power and authority to nominate and appoint such person as he shall judge most

The sheriff to nominate the gaoler, &c.

proper to the office of gaoler and keeper of the gaol and court house at Cornwall, as well as to do all other matters and things necessary to be done respecting the government of the said gaol and court house at Cornwall, as he had, by virtue of the said act, to regulate the gaol and court house of New Johnstown. [*a*]

V. And be it further enacted by the authority aforesaid, That all and every the rules, regulations, and conditions, respecting the management and government of the gaols in each district, as they are prescribed in the thirty-second year of his Majesty's reign, shall extend and be construed to extend to the management and government of the said gaol, as in and by this act is allowed to be erected and built in the said town of Cornwall, in the Eastern district as aforesaid.

The gaol and court house to be under the established rules and regulations.

Chapter XI.

An act to lay and collect a duty upon stills.

[Passed July 9, 1794.]

Whereas for the better support of the government of this province, it is expedient to increase the revenues thereof, we, your Majesty's most dutiful and loyal subjects, the representatives of the people of the province of Upper Canada, in assembly met, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the fifth day of April next, there shall be raised, levied, collected, and paid, yearly and every year, unto his Majesty, his heirs and successors, to and for the uses of this province, and towards the support of the civil government thereof, of and from all persons having and using a still or stills, or hereafter to have and use a still or stills, for the purpose of distilling spirituous liquors for sale, a sum not exceeding one shilling and three pence lawful money of this province, for every gallon, which the body of such still or stills shall or may be capable of containing, in manner hereinafter mentioned.

Preamble.

Duty to be paid for every gallon which a still in use is capable of containing.

II. And whereas it is expedient to make provision for the service of the current year, be it enacted by the authority aforesaid, That the said duties shall begin and be payable for the seven months which will elapse between the fifth day of September and the fifth day of April next ensuing the passing of this act, to be paid at and after the rate of seven pence half-penny lawful money as aforesaid, per gallon, in manner hereinafter mentioned.

Provision for the current year, to determine in April.

III. And in order that the size of the several stills to be employed for the purposes aforesaid, may be more truly ascertained, and the duties to be imposed thereon more easily collected; be it enacted by the authority aforesaid, That from and after the fifth day of November next, it shall not be lawful for any person to make use of any still or stills, for distilling spirituous liquors for sale, until he shall have obtained a license for that purpose; and every person desirous of obtaining such a license, shall, in a written requisition for the same, to be made in manner hereafter mentioned, specify and set forth the number of gallons which the body of the still or stills he proposes to use, does or do contain, which specification shall be inserted in the license to him to be granted; and in case any person shall make use of any still for the purpose of distilling spirits for sale, without having obtained such license, or shall make use of any still or stills for the purpose of distilling spirits, of larger dimensions than that or those specified in his license or requisition, or shall have in his possession any still or stills erected or set up over a furnace or fire-place, so as the same may be used for distilling, capable of containing singly or together a greater number of gallons in the body or bodies thereof than the number of gallons specified and set forth in his license or requisition, and be thereof lawfully convicted by confession, or on the oath of one credible witness before any of his Majesty's justices of the peace, he shall forfeit and pay for every such offence the sum of ten pounds lawful money as aforesaid, to be levied by distress and sale of the offender's goods and chattels, one half of which said sum of ten pounds shall be given to the person or persons informing, and the other half paid into the hands of his Majesty's receiver general, to and for the public uses of this province; and that the still or stills so employed shall be forfeited to his Majesty, and that the party having used the same shall be incapable of obtaining a license for the purpose of distilling spirituous liquors for sale, for and during the term of three years.

Method of ascertaining the contents of rateable stills.

(As to the measurement of wooden stills, see 4th Geo. i V, c 13.)

Penalty for using or having in a situation to be used, stills of larger dimensions than specified in the license.

Licenses to be issued by the secretary.

[a] Repealed as to the duties of the secretary by 43d Geo. III, c 9.

IV. And be it further enacted by the authority aforesaid, That the secretary of the province for the time being, [a] shall and may by himself, and agents for that purpose to be duly appointed in each and every district of this province, issue all licenses for the purpose above mentioned, upon such requisition as aforesaid, which may be in the following form:

Form of requisition for such licenses.

"I, A. B., do require a license for using a still, the body of which is capable of containing gallons and no more, [and in case more than one still is intended to be used] and also for another still, the body of which is capable of containing gallons and no more, for the year ensuing the fifth day of April next, as witness my hand, A. B., this day of

"To the secretary of the province of Upper Canada, or his agent for the district."

Such requisitions to be filed, and copies thereof granted when required.

V. And be it further enacted, That every such requisition, signed by the party as aforesaid, shall be carefully filed and preserved by the said secretary, or his respective agent duly appointed, (which appointment shall by the said secretary be publicly notified in the Upper Canada Gazette,) and the said secretary and each of his said agents shall, upon application to any of them for that purpose made, grant to every person desiring the same, a true copy of any such requisition filed in his office, on payment of one shilling by the party applying for the same, which copy shall be signed by the said secretary or his agent, and shall be held and taken as lawful evidence of such requisition or license, for all purposes whatever.

Time of applying for licenses.

VI. And be it further enacted by the authority aforesaid, That all persons desirous of obtaining such license as aforesaid, shall make such application as hereinbefore is set forth, so that they may be supplied with the same, on or before the fifth day of September next ensuing, and to the end that the public may be informed where to apply for such purpose,

Public notice to be given by the secretary.

the secretary of the province shall, and is hereby required to give notice in the Upper Canada Gazette, or otherwise, at least six weeks next before the said fifth day of September, and hereafter yearly and every year, at least one month before the fifth day of April, setting forth at what place and by whom such licenses are to be issued in every district in this province; and also the penalties to be incurred by such persons as shall refuse or neglect to comply with the provisions herein contained, and the said secretary, and his agents in their respective districts, shall upon such requisition as aforesaid, make

Duty for the current seven months.

out and deliver to every person applying for the same, upon payment of the sum of seven pence half-penny per gallon as hereinbefore mentioned, a license for the purpose of distilling spirituous liquors for a period of seven months, which shall expire on the fifth day of April next.

Duty for every ensuing year.

VII. And be it further enacted by the authority aforesaid, That all licenses to be granted for the purposes aforesaid, after the said fifth day of April next, shall be dated on the sixth day of April in the year in which they are issued, and shall expire on the fifth day of April next ensuing the date thereof, and that it shall and may be lawful for the said secretary or his agents to demand and receive from every person requiring such license, the sum of one shilling and three pence for every gallon which the body of the still or stills so licensed shall be capable of containing, according to the specification in the said license contained.

Fees.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said secretary and each of his agents severally, to demand and take the sum of two shillings and six pence and no more, as his fee upon the issuing of every such license as aforesaid.

Stills containing less than ten gallons not to be licensed to distil spirits for sale.

IX. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said secretary or any of his agents to grant a license for the working of any still, unless the body thereof be capable of containing at least ten gallons wine measure, and if any person shall use a still for the distilling of spirituous liquors for sale, the body of which is not capable of containing ten gallons, and be thereof lawfully convicted, by confession or by the oath of one credible witness, before any one of his Majesty's justices of the peace,

Penalty.

he shall forfeit and pay for every such offence the sum of ten pounds, one half of which shall be paid to the informer, and the other half into the hands of his Majesty's receiver general, to and for the public uses of this province, and the support of the government thereof.

Search warrant to be granted on affidavit.

X. And in order to prevent fraud in the matters aforesaid, be it enacted by the authority aforesaid, That it shall and may be lawful for any of his Majesty's justices of the peace, upon oath first to be made by any credible person, that such person has good reason to believe that the still or stills employed by any licensed person, does or do contain a greater number of gallons in the body or bodies thereof than what is specified in his requisition or license, to grant a search warrant to a peace officer; taking with him the party making oath as aforesaid, and any one other person, for the purpose of examining the

still-house or other place, where any still or stills may be set up, and of measuring or gauging the bodies thereof; provided always, That no such warrant be executed before sun-rise or after sun-set.

Distillers not to retail, nor to be licensed to retail.

XI. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person working any licensed still or stills as aforesaid, to sell or barter any quantity of such distilled liquor less than three gallons, nor shall it be lawful for the secretary of the province or any of his agents, to grant a license for the purpose of distilling spirituous liquors to any person or persons licensed at the same time to retail spirituous liquors, or to grant a license for retailing spirituous liquors to any person or persons licensed at the same time to distil spirituous liquors.

Payment of the monies into the hands of the receiver general.

XII. And be it further enacted by the authority aforesaid, That all monies which shall be received by the secretary of the province or his agents, under and by virtue of this act, for licenses, to commence on the fifth day of September next, shall be paid by the said secretary into the hands of the receiver general of this province, on or before the twentieth day of May , and that all monies hereafter to be received by virtue of this act, for licenses, to commence on the sixth day of April, shall be paid in to the said receiver general, on or before the twenty-first day of June next ensuing, and that all monies that may be received by virtue of this act after the said twenty-first day of June in each and every year successively, be paid in to the receiver general, on or before the fifth day of April next ensuing.

Poundage of the receiver general.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the receiver general, as treasurer of this province, to deduct from and out of the several sums of money to him paid by the secretary of the province, under and by virtue of this act, the sum of three pounds, for every hundred pounds by him received as aforesaid.

Accounting of monies.

XIV. And be it further enacted by the authority aforesaid, That all the fines, forfeitures, and penalties, that shall be incurred under this act, shall be accounted for to his Majesty, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

Chapter XII.

An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license.

[Passed July 9, 1794.]

Preamble.

Whereas the provisions contained in a certain ordinance of the late province of Quebec, passed in the twenty-eighth year of his Majesty's reign, entitled, "An act or ordinance for the better security of the revenue arising on the retail of wine, brandy, rum, or spirituous liquors, have been found inconvenient; and whereas it is expedient to make other and more easy regulation respecting the granting licenses to houses of public entertainment; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act or ordinance shall be, and the same is hereby repealed.

Recital of an ordinance passed 28th Geo. III.

The same repealed.

Certificates to be obtained by persons, previous to their being licensed.

II. And be it further enacted by the authority aforesaid, That from and after the twentieth day of March next, no license shall be granted to any person to keep an inn or public house for the purpose of vending wines, brandy, rum, or other spirituous liquors, unless he shall first have obtained a certificate of his being a proper person to keep an inn or public house from the magistrates of the division wherein he resides or is about to reside, to be granted to him as hereinafter specified; and all licenses which shall be hereafter granted to the contrary hereof, shall be null and void.

Number of inns may be limited by the magistrates; their annual meeting in March, to determine on application for licenses, &c.

III. [Repealed by 59th Geo. III, c 2.]

Restrictions in granting licenses to persons not licensed of the preceding year.

IV. And be it further enacted by the authority aforesaid, That no certificate, to obtain such license, shall be granted to any person not licensed the year preceding, unless such person shall produce to the justices at the said meeting, should they require it, a testimonial under the hands of the parson and church or town wardens, or of four reputable and substantial householders and inhabitants of the said division, wherein the said inn or public

house is intended to be kept, setting forth, that such person is of good fame, sober life and conversation, and that he has taken the oath of allegiance to our sovereign lord the King.

Provision for the assignees of inn-holders dying or removing.

V. Provided nevertheless, That if any licensed person shall die or remove from the inn or public house kept by him, it shall and may be lawful for the person succeeding to the occupancy of such house, to keep on the said inn or public house, during the residue of the term of such license, on condition that such person shall obtain an assignment endorsed on the back of the license granted to the person so deceased or removed; which assignment shall be executed in the presence of a magistrate, and shall within thirty days after the death or removal of such person obtain a testimonial as aforesaid, in order to its being produced at the next division meeting; and if such assignment be not executed as aforesaid, and such testimonial obtained and signed within the said thirty days, then and in such case immediately from and after the expiration thereof, such license shall be null and void; and no license so assigned shall entitle any person to keep an inn or public house in any other division than that in which it was originally kept by virtue of the said license, such license being with regard to all other places, and the same is hereby declared to be, null and void.

Recognizance to be entered into on obtaining a certificate.

(See 33d Geo. III, c 13.)

Fees.

VI. And be it further enacted by the authority aforesaid, That every person obtaining such certificate as aforesaid, shall at the same time enter into such recognizance as by a certain act of the legislature of this province, entitled, "An act to establish a further fund for the payment of the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof," is directed, and that the clerk of every division meeting, or other person employed to draw out such recognizance, shall at the execution thereof demand and take from the person acknowledging the same, over and above the fee by law directed to be taken for such recognizance, the further sum of one shilling, to be paid to the clerk of the peace for filing the same, and the clerk of every division meeting, or other person drawing the said recognizance, shall and is hereby required to deliver or transmit the same to the clerk of the peace of the district, in order that the same may be filed, and that the clerk of the peace in each and every district shall file all recognizances that they may have taken, and shall be transmitted or delivered to them in manner aforesaid, to be kept among the records of the district; and the clerks of the peace within their several districts shall keep a register of all the recognizances that may have been transmitted or delivered to them, and shall deliver or cause to be delivered to the justices of the peace in their quarter sessions assembled, next ensuing the fifth day of April yearly, a list of the names of the persons whose recognizances shall respectively have been filed, and any justice of the peace in any district wherein such license shall be granted, upon complaint or information that such licensed person hath done or committed any act, offence, or misdemeanor, whereby in the judgment of the said justice, such recognizance may be forfeited, or the condition thereof broken, may, by summons under his hand and seal, require such person so complained of or informed against, to appear at the next quarter sessions of the peace for the said district, then and there to answer the matter of such complaint or information; and also may bind the person or persons who shall make such complaint or information, or any other person or persons concerned, in a recognizance to appear at such quarter sessions, and give evidence against the person so complained of, or informed against, and the justices of the peace in their quarter sessions assembled, shall and may have power to direct the jury which shall attend at such sessions, for the trial of traverses, or some other jury of twelve honest and substantial men to be then and there empannelled by the sheriff without fee or reward, to enquire of the misdemeanor charged in the said complaint or information; and if such jury shall find that the person so complained of, or informed against, hath done any act, whereby the condition of his recognizance is broken; such act being specified in such complaint or information, it shall and may be lawful for the court at such quarter sessions, to adjudge such person guilty of the breach of such recognizance, which verdict and adjudication shall be final to all intents and purposes; and thereupon the said justices shall order the recognizance entered into by such offender to be estreated into his Majesty's court of king's bench, to be levied to his Majesty's use; and that the said offender shall, from and after such adjudication, be utterly disabled to sell any wine, brandy, rum, or spirituous liquors or strong waters, for the space of three years; and any license or licenses granted or to be granted to such person during such time shall be null and void.

Recognizance to be transmitted to the clerk of the peace, and filed and registered.

A list of persons under such recognizances to be laid before the ensuing quarter sessions.

Method of proceeding against persons who may have broken the condition of this recognizance.

Recognizances to be estreated.

Disability of an offender for three years.

Monies to be paid into the treasurer's hands within six months.

VII. And be it further enacted by the authority aforesaid, That the secretary of the province, or other person appointed to deliver licenses to inn-keepers or keepers of public houses, shall cause all monies that shall or may be by himself or his agents received for such licenses, as may have been issued in each and every district, to be paid into the hands of the treasurer of this province, for the time being, on or before the expiration of six months next succeeding the year when such licenses were issued and distributed.

VIII. And be it further enacted by the authority aforesaid, That the secretary of the province shall and is hereby required, yearly and every year, to cause the names of the several persons who shall have taken out a license for keeping an inn or public house, to be published in the Upper Canada Gazette, on or before the twenty-first day of June, and that the clerk of the peace in each and every district do cause the names of all such persons as shall have entered into such recognizance, to be affixed in two of the most public places in the district for public inspection.

Names of licensed persons to be advertised;

and of those under recognizances.

Form of a Warrant to a Constable to give Notice.

Home District, Division.—*To the High Constable, or other Peace Officer of this District:*

In pursuance of the act in such case made and provided, you are hereby required to give notice in the most public manner to all licensed inn-keepers or keepers of public houses, and also to all persons unlicensed, who do intend to offer themselves to be licensed at the next general meeting of the said justices, for that purpose, within this division; that they do personally appear before the said justices at the on the at hour of the forenoon of the same day, to take or renew their licenses for the year ensuing; and also to give them notice that every person to be licensed, must personally enter into a recognizance of ten pounds before the clerk of the peace of the district, together with two sureties in five pounds each, that they will not use or suffer any unlawful games, and that they will keep good order and rule within their respective houses; and if he, she, or they shall be hindered by sickness or other reasonable cause to be allowed by the said justices, that he, she, or they must procure two sureties to be then and there bound in the like manner in ten pounds each. And unto such persons as have not been licensed for the year preceding, you are further to give notice, that no license will be granted to any of them, unless every such person shall also at the same time and place produce a testimonial, should the same be required by the justices, under the hands of the minister and church or town wardens, or otherwise, of four reputable and substantial householders of the division, setting forth, that he is of good fame, and sober life and conversation, and as they believe, a good subject of our lord the King, having taken the oath of allegiance: Hereof fail not.

Given under our hands, this day of in the year of our Lord

A. B. } Justices of the Peace for
C. D. } the said Division.

Form of warrant.

(As to the secretary of the province, see 43d Geo. III, c 9.)

(See 36th Geo. III, c 3; 37th, c 11; 40th, c 4; 41st, c 8; 43d, c 9; 45th, c 1; 54th, c 10; and 56th, c 10.)

Fourth Session of the first Provincial Parliament.

MET AT NEWARK, ON THE SIXTH DAY OF JULY, AND PROROGUED ON THE TENTH DAY OF AUGUST FOLLOWING, IN THE THIRTY-FIFTH YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1795.

Chapter I.

An act to regulate the practice of physic and surgery.

[REPEALED BY 46TH GEO. III, CH. 2.]

Chapter II.

An act to ascertain the eligibility of persons to be returned to the house of assembly.

[REPEALED BY 58TH GEO. III, CH. 9.]

Chapter III.

An act to ratify, approve, and confirm, the provisional agreement entered into by the commissioners on behalf of this province, with the commissioners on behalf of the province of Lower Canada.

[EXPIRED.]

Chapter IV.

(See 34th Geo. III, c 2.)

An act to explain and amend an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal."

[Passed August 10, 1795.]

Preamble.

WHEREAS doubts have arisen respecting the jurisdiction of his Majesty's court of his bench in this province, as far as the same may concern the condemnation of contraband goods; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, all actions of debt, bill, plaint, or information, that may be brought upon any seizure of contraband goods, by any ordinance or act in force, or to be in force in this province, for the prevention of smuggling or any clandestine or unlawful commerce or intercourse heretofore, now, or hereafter carried on, or to be carried on, by and between his Majesty's subjects or people of any other state or country when and where the same may be prohibited, shall be heard and determined in his Majesty's court of his bench; and that it shall and may be lawful upon any action of debt, bill, plaint, or information, brought or to be brought upon any seizure before this act made, or to be hereafter made, of any contraband or prohibited goods, now or hereafter made or to be made contraband, for the justices of his Majesty's bench for the time being to proceed to the hearing and determining thereof, in as full and ample a manner as is now done and practised in his Majesty's court of exchequer in England, and to condemn the same, if it shall be lawful so to do, and to award such damages and costs as may now or hereafter be given by any ordinance or law now in being, or hereafter to be for the regulation of

Jurisdiction granted to the court of king's bench in actions for goods seized as contraband, and process to be had therein, as in similar cases in his Majesty's court of exchequer in England.

the commerce of this country, any ordinance or law to the contrary hereof in any wise notwithstanding.

II. [Repealed by 2d Geo. IV, c 1.]

Michaelmas term to commence henceforth in November.

III.—

The court of king's bench to be holden for two years at Newark.

Chapter V.

An act for the public registering of deeds, conveyances, wills, and other incumbrances which shall be made, or may affect any lands, tenements, or hereditaments, within this province.

[Passed August 10, 1795.

Preamble.

Whereas the lands now holden within this province, under the authority of the crown, will be shortly confirmed by grant from his Majesty under the seal of the said province; and whereas it seems to be a desirable measure to establish a register in each county and riding within the said province, that when the said lands shall be so confirmed, if any, or any part of the same shall be transferred or alienated by any deed of sale, conveyance, enfeofment, or exchange, or by gift, devise, or mortgage, a memorial of such transfer or alienation shall be made for the better securing and more perfect knowledge of the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, there shall be established in each and every county and riding of this province, wherein it may be deemed for the present necessary, and as often after as occasion may require within others, an office for the enregistering of memorials of all deeds and instruments by which lands within the same shall or may be transferred or disposed of, by bargain and sale, enfeofment, gift, devise, mortgage, or exchange, and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province for the time being, to name the place where such register office shall be kept, and to nominate and appoint a person of sufficient integrity and ability to each and every office that shall or may for the present be established, and as often as occasion may require within the said province, under the conditions hereinafter mentioned, who shall faithfully cause to be enregistered a memorial of all deeds and other instruments by which lands may be transferred or alienated, that shall or may be presented to him in manner hereinafter mentioned; and because the population of the country may not for the present admit of a separate register to be appointed to each and every office that may be for the present established, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province for the time being, to nominate and appoint one sufficient person as aforesaid, to hold and perform the duty or duties of one or more office or offices wheresoever they may be established, and to order and appoint the place or places where such person shall be constantly or occasionally resident.

Register offices to be established.

Appointment of register.

A register may perform the duties of more than one office.

II. And be it further enacted by the authority aforesaid, That from and after the confirmation of all or any lands to any person or persons, by grant from the crown under the seal of the province, a memorial of all deeds and conveyances which shall be made and executed, and of all wills and devises in writing made, or to be made and published when the devisor or testator shall die, after making and publishing of the same, of or concerning, and whereby any lands, tenements, or hereditaments, in any county or riding of this province may be any wise affected in law or equity, may, at the election of the party or parties concerned, be registered in such manner as is hereinafter directed; and that every deed and conveyance that shall at any time after any memorial is so registered, be made and executed of the lands, tenements, or hereditaments, or any part thereof, comprised or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial be registered as by this act is directed, before the registering of the memorial of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim, and that every devise by will of the lands, tenements, or hereditaments, or any part thereof mentioned or contained in any memorial registered as aforesaid, that shall be made and published after the registering of such memorial, shall be adjudged fraudulent and void against a subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such will be registered in such manner as hereinafter directed.

A memorial of deeds, conveyances, and wills, affecting any land held by grant from the crown under the seal of the province, may be registered.

Subsequent deeds and conveyances of lands, tenements, &c. comprized in such memorial so registered, to be held fraudulent and void.

Exception.

Notice to be given when the office of register becomes vacant, to the governor, &c.

III. And be it further enacted by the authority aforesaid, That when and as often as the said office shall become vacant by the death, forfeiture, or surrender, of any such register or registers, the justices of the peace for the said county or counties, riding or ridings, if more than one be held by one person, or the district wherein such county or counties, riding or ridings, may be assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court draw up a memorial of such vacancy, and transmit the same without delay to the governor, lieutenant governor, or person administering the government of this province for the time being, praying that a person of sufficient integrity and ability may be appointed to the said office or offices; and the said governor, lieutenant governor, or person administering the government of this province for the time being, shall within one month after the said memorial shall be received, appoint a person of sufficient integrity and ability to the said office or offices.

Term limited for filling up such vacancy.

The memorials to be put in writing and brought to the office.

IV. And be it further enacted by the authority aforesaid, That all and every memorial or memorials, so to be entered and registered, shall be put into writing, and brought to the said office, and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance, which witness shall upon his oath before the said register or his deputy, prove the signing and sealing of such memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof shall upon his oath before the said register or his deputy, prove the signing and sealing of such memorial, which respective oaths the said register or his deputy are hereby empowered to administer, and shall endorse a certificate thereof on every such memorial, and sign the same.

Oaths to be administered and witnesses requisite in registering every memorial.

Particulars to be inserted in every memorial.

V. And be it further enacted by the authority aforesaid, That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance, or will, bears date, and the names and additions of all the parties to such deed, conveyance, or will, or the devisor or testatrix of such will, and of all the witnesses to such deed, will, or conveyance, and the places of their abode, and shall express or mention the lands, tenements, or hereditaments, contained in such deed, will, or conveyance, and the names of all the townships or parishes within the said county or counties, riding or ridings, where any such lands, tenements, or hereditaments, are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, will, or conveyance, in such manner as the same are expressed or mentioned in such deed, will, or conveyance, or to the same effect; and that every such deed, conveyance, and will, or probate of the same, of which such memorial is to be registered as aforesaid, shall be produced to the said register or his deputy, at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance, and will, or probate thereof, and therein mention the certain day, hour, and time, on which such memorial is entered and registered, expressing also in what book, page, and number, the same is entered, and that the said register or his deputy shall sign the said certificate when so endorsed, which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever; and that every page of such register book, and every memorial that shall be entered therein, shall be numbered, and the day of the month, and the year and hour of time of the day when every memorial is registered, shall be entered in the margins of the said register books and of the said memorial; and that every such register shall keep an alphabetical calendar of all townships and parishes within the said county or counties, riding or ridings, with reference to the number of every memorial that concerns the lands, tenements, or hereditaments, in every such township or parish respectively, and of the names of the parties mentioned in such memorial; and the said register shall enter or register the said memorials in the same order that they shall respectively come to his hand.

The deed, conveyance, or will, shall be produced to the register or his deputy, who shall endorse a circumstantial certificate thereon.

Such certificate shall be evidence of registry.

Books of entries to be kept by the registers.

Registers to be sworn.

VI. And be it further enacted by the authority aforesaid, That every such register, before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the county or counties, riding or ridings, or district to which such register shall be appointed, or district wherein such register shall reside, or any three or more of them, (who are hereby empowered and required to administer such oath,) in these words:

Oath.

"You shall truly and faithfully perform and execute the office and duty that is directed and required by an act of the legislature of this province, in registering memorials of deeds, conveyances, and wills, within the county or counties of so long as you shall continue in the said office, and that you have not given, or promised directly or indirectly, nor authorized any person to give any money, gratuity, or reward whatsoever, for procuring or obtaining the said office for you. So help you God."

And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall, before he enter upon the execution thereof, take the said oath appointed to be taken by the register, before two or more justices of the peace for said county or counties, riding or ridings, or of the district wherein they may be, (who are hereby empowered and required to administer such oath,) and that every register, at the time of his being sworn into the said office, shall also enter into a recognizance, with two or more sufficient sureties, to be approved of by five or more justices of the peace of the said county or counties, riding or ridings, or of the said district, by writing, under their hands and seals, to be registered at the next general quarter sessions of the peace for the said county or counties, riding or ridings, or district, of the penalty of one thousand pounds unto his Majesty, his heirs and successors, to be taken by the same justices of the peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office in all things directed and required by this act; the same to be transmitted by the same justices of the peace, within six months after the date thereof, into the court of his Majesty's bench of the said province, there to remain amongst the records of the said court.

The same oath to be taken by the deputy registers.

Recognizance to be entered into by each register.

The same to be transmitted into the court of king's bench.

VII. Provided nevertheless, and be it further enacted, That when any register shall die, or surrender his office, and that within the space of one year from and after such death or surrender, no misbehaviour appear to have been committed by such register in the execution of his said office, then, and in such case, at the end of the said one year after his death or surrender, the recognizance so entered into by him shall become void and of no effect to all intents and purposes whatever.

Limitation of actions upon such recognizances.

VIII. And be it further enacted by the authority aforesaid, That every such register, or his sufficient deputy, shall give due attendance at his office every day in the year, (except Sundays and the first week in June and the last week in December, as also the week of the Holy Passion, yearly and every year,) between the hours of nine in the forenoon and one in the afternoon, for the despatch of all business belonging to the said office, and that every such register or his deputy, as often as required, shall make searches concerning all memorials that are registered as aforesaid, and give certificates concerning the same under his hand, if required by any person.

Office hours for the despatch of business in every register office.

Searches.

IX. And be it further enacted by the authority aforesaid, That every such register shall be allowed for the entry of every such memorial as is by this act directed, the sum of two shillings and six pence, and no more, in case the same doth not exceed one hundred words; but if such memorial shall exceed one hundred words, then after the rate and proportion of one shilling for every hundred words contained in such memorial, over and above the first hundred words, and the like fees for the like number of words contained in every such certificate or copy given out of the said office, and no more, and for every search in the said office, one shilling and six pence, and no more.

Fees.

X. And be it further enacted by the authority aforesaid, That if any such register or his deputy shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this act mentioned, or commit or suffer to be committed any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, that then such register shall forfeit his said office, and pay treble damages with full costs of suit to every person or persons that shall be injured thereby; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, wherein no essoin, protection, privilege, or wager of law, shall be allowed, nor any more than one imparlance.

Penalties for neglecting of duty, or fraudulent practices of registers or their deputies.

XI. Provided also, and be it further enacted by the authority aforesaid, That this act shall not extend to any leases at a rack rent, or to any lease not exceeding twenty-one years, where the actual possession and occupation goeth along with the lease, any thing in this act contained to the contrary thereof in any wise notwithstanding.

Provision relative to leases.

XII. Provided always, and be it further enacted by the authority aforesaid, That where there are more writings than one for making and perfecting any conveyance or security which do name, mention, or any wise affect or concern the same lands, tenements, and hereditaments, it shall be a sufficient memorial and register thereof, if all the said lands, tenements, and hereditaments, and the parishes and townships where the same lie, be only once named or mentioned in the memorial, register, and certificate, of any one of the deeds or writings, made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security, with the names and additions of the parties and witnesses and the places of their abodes, be only set down in the memorials, registers, and certificates, of the same, with a reference to the deed or writing whereof the memorial is so registered that contains or expresses the parcels mentioned in all the deeds, and directions how to find the registering the same.

Several writings, relating to one fact, may be comprized in one memorial and registry.

XIII. And be it further enacted by the authority aforesaid, That a memorial of any such deeds, conveyances, and wills, as shall be made and executed or published in any

A memorial may be registered of deeds.

conveyances, and wills, executed out of the county wherein the lands, &c. lie, on due proof.

other place within the said province, not being within the county or counties, riding or ridings, wherein such lands, tenements, or hereditaments lie, shall be entered or registered by the aforesaid register or his deputy, in case an affidavit sworn before one of the judges of the court of king's bench, or commissioner duly authorized to take affidavits, be brought to the said register or his deputy, wherein one of the witnesses to the execution of such deeds, wills, and conveyances, shall swear he or she saw the same executed, the same shall be a sufficient authority to the said register or his deputy to give the party that brings such deed, conveyance, or will and affidavit, a certificate of the registering the same, which certificate signed by the said register or his deputy shall be taken and allowed as evidence of the registry of the same in all courts of record in this province, any thing in this act to the contrary thereof contained in any wise notwithstanding.

Pains and penalties of forgery and perjury.

XIV. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such memorial or certificate as are hereinbefore mentioned and directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an act of the parliament of Great Britain, made in the fifth year of the reign of Queen Elizabeth, entitled, "An act against forgers of false deeds and writings," are imposed upon persons for forging or publishing deeds, charters, or writings, sealed court rolls or wills, whereby the freehold or inheritance of any person or persons of, in, or to, any lands, tenements, or hereditaments, shall or may be molested, troubled, or charged; and that if any person or persons shall at any time forswear himself before the said register or his deputy, or before any judge or commissioner duly authorized in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties as if the same had been made in any of the courts of record.

Provision for the registry of memorials of wills.

XV. Provided always, and it is hereby enacted, That all memorials of wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective devisor or testatrix, dying within this province, shall be as valid and effectual against subsequent purchasers as if the same had been registered immediately after the death of such respective devisor or testatrix, any thing herein contained to the contrary in any wise notwithstanding: Provided always, that in case the devisee or person or persons interested in the lands, tenements, or hereditaments, devised by any such will as aforesaid, by reason of the contesting such will or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof within the respective times hereinbefore limited, then, and in such case, the registry of the memorial within the space of six months next after his, her, or their attainment of such will or a probate thereof, or removal of the impediment whereby he, she, or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this act, herein any thing contained to the contrary thereof in any wise notwithstanding.

Provision in favor of devisees.

No members of the assembly to hold directly or indirectly the office of register.

XVI.—[Repealed by 39th Geo. III, c 4, s 1.]

This act to be held and taken as a public act.

XVII. And be it further enacted by the authority aforesaid, That this act shall be taken and allowed in all courts within this province, as a public act; and all judges and justices are hereby required as such, to take notice thereof without special pleading the same.

SCHEDULE

Forms.

Of a Bargain and Sale to be enrolled.

Memorial of a bargain and sale.

An indenture dated made between I. A. of of the one part, and D. P. of of the other part, purporting a deed of bargain and sale to be enrolled, of and concerning the same premises mentioned in a lease for a year, bearing date next before the day of the date of the said indenture of bargain and sale, [or as the date is,] and made between the said I. A. of the one part, and the said D. P. of the other part; a memorial whereof is registered at the same time herewith, [or as the time is,] which indenture, or bargain and sale, is witnessed by T. A. of and J. W. of and is hereby required to be registered by me, the said I. A., the grantor, in the said deed of bargain and sale mentioned; as witness my hand and seal this day of [Signed, &c.] I. A.

Of a Mortgage for Years.

Of a morigage.

An indenture of mortgage dated the made between W. D. of of the one part, and J. W. of of the other part, whereby the said W. D., for and in consideration of pounds demised unto the said J. W. all that situate and being in and called or known by the name of now in the tenure to hold unto the said J. W. for the term of years; subject nevertheless to a proviso that the same shall be void, on the payment of the sum of pounds and lawful interest for the same, on the day of in the year of our Lord one thousand seven hundred and which said indenture of mortgage is witnessed by and is hereby required to be registered pursuant to the said act of the legislature of this province, by me, the said W. D., the grantor in the said deed; as witness, &c. [Signed, &c.] W. D.

Of an Endorsement.

Of an endorsement.

An endorsement dated the day of made from J. E. of and W. N. of on the back of a mortgage deed dated the and made between the said J. E., of the one part, and the said W. N., of the other part, of and concerning all that situate and being in now in the tenure or occupation of J. D., which said endorsement is witnessed by J. E. of and R. W. of and is hereby required to be registered by me, the said J. E., the grantor; as witness, &c. [Signed, &c.] J. E.

Of a Will.

A will dated the made by J. F. of of and concerning all that messuage and tenement in late in the tenure and occupation of G. L. [or if the words of the will be general, then say] of and concerning all the lands, tenements, or hereditaments, which the said J. F. died possessed of, in the county of which said will is witnessed by J. G. of and F. W. of and E. T. of this memorial is therefore desired to be registered pursuant to the above said act, by me, E. L., one of the devisees in the said will mentioned; as witness, &c.

[Signed, &c.] E. L.

Of a will.

A Certificate of Mortgage Money being paid.

To the Register of the county of

I, J. W. of do hereby certify that W. D. of hath paid and satisfied all such sum and sums of money as were due and owing upon a mortgage made by the said W. D. to me, bearing date the day of and registered at of the clock in the forenoon of the day of following, in full discharge of the same; and I do hereby require an entry of such payment and satisfaction to be made pursuant to the act of the legislature in that case made and provided; as witness my hand this day of [Signed] J. W.

Attested by W. M. of J. H. of

Of a redemption of a mortgage.

Memorandum, that upon the certificate of the within named J. W. dated the day of proved by the oaths of W. M. of and J. H. of that all monies due on the within mentioned mortgage is fully paid and satisfied in discharge of the same: this entry in discharge thereof is made pursuant to the said act of the legislature this day of by

Thomas Jones, Register.

Of a certificate of such redemption.

(See 37th Geo. III, c 8; 39th, c 4, and 58th, c 8.)

Fifth Session of the first Provincial Parliament.

MET AT NEWARK, ON THE SIXTEENTH DAY OF MAY, AND PROROGUED ON THE THIRD DAY OF JUNE FOLLOWING, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1796.

Chapter I.

(See 49th Geo. III, c 8, and 11th Geo. IV, c 6.)

An act for the better regulation of certain coins current in this province.

[This act repealed, so far as affected by 7th Geo. IV, Ch. 4.] Passed June 3, 1796.

Preamble.

For the better regulation of certain coins current in this province, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the gold and silver coins hereinafter mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, at the weights and rates following; that is to say,

The gold and silver coins herein specified shall be deemed a legal tender.

Specification, value, and respective weights of such gold coins.

of gold coins, the British guinea, weighing five pennyweights and six grains, Troy, at one pound three shillings and four pence; the johannes of Portugal, weighing eighteen pennyweights, Troy, at four pounds; the moidore of Portugal, weighing six pennyweights and eighteen grains, Troy, at one pound ten shillings; [Repealed by 49th Geo. III, c 8, s 1.]

Of such silver coins.

the American eagle piece, weighing eleven pennyweights and six grains, Troy, at two pounds and ten shillings; and of silver coins, the British crown, at five shillings and six pence; the British shilling, at one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence, sterling money of Great Britain; the Spanish pistareen at one shilling; the French crown, coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres, ten sols, Tournois, at four shillings and two pence; the French piece of thirty-six sols, Tournois, at one shilling and eight pence; the French piece of twenty-four sols, Tournois, at one shilling and one penny; [a] the American dollar, at five shillings; and all the higher and lower denominations of the said gold and silver coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this province, in the same proportions respectively.

[a] The Spanish pistareen, French crown, and the smaller French coins, not a legal tender. See 11th Geo. IV, c 6.

Allowance for excess or deficiency in the standard weight of pieces of gold paid by detail.

II. [Repealed by 49th Geo. III, c 8, s 3.]

Counterfeiting or falsifying such current coins shall be deemed felony,

or knowingly importing such counterfeit and falsified coins.

III. And be it further enacted by the authority aforesaid, That any person or persons who shall color, gild, or case over with gold or silver, or with any wash or materials producing the color of gold or silver, any coin of coarse gold, or of coarse silver, or of base metal resembling any such foreign coin, so declared current, and any person or persons who shall gild over any piece of silver resembling any such foreign coin, so declared current, and any person or persons who shall bring or cause to be brought into this province, any forged or counterfeit money, like to the foreign gold or silver coin so declared current, knowing the same to be forged or counterfeit, or any coin of coarse gold, or of coarse silver, or of base metal, colored, gilded, or cased over with gold or silver, or with any wash or materials producing the color of gold or silver, and resembling any such foreign coin, or any piece of gilded silver, resembling any such foreign coin, knowing the same, every such person shall for every such offence be deemed guilty of felony, and upon conviction thereof, in his Majesty's court of his bench, shall suffer death, as in cases of felony.

Punishment for uttering or tendering false

IV. And be it further enacted by the authority aforesaid, That if any person whosoever shall after the passing of this act, utter, or tender in payment to any persons or persons

any false or counterfeit money, counterfeited to any of the gold or silver coins of Great Britain, Portugal, the United States of America, Spain, or France, as hereinbefore specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour, in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be, guilty of felony without benefit of clergy.

and counterfeit money knowingly.

A second offence to be deemed felony.

V. And be it further enacted by the authority aforesaid, That any person or persons who shall after the passing of this act, import or bring, or cause to be imported or brought, into this province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall, for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges, of the court of his Majesty's bench, or oyer and terminer, before whom such person or persons shall be tried and convicted: Provided always, That such imprisonment shall not exceed twelve calendar months.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

VI. And be it further enacted by the authority aforesaid, That all such false or counterfeit brass or copper money may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court, after being found to be false or counterfeit, or in presence of a justice of the peace, and one moiety shall then belong to his Majesty, his heirs and successors, to be applied to the public uses of this province, and the support of the civil government thereof, the due application of which shall be accounted for to his Majesty, his heirs and successors, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized and defaced, and one moiety thereof to belong to his Majesty, and the other to the informer.

VII. And be it further enacted by the authority aforesaid, That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this province, in copper money.

Tender in copper money limited to 1s. at one payment.

VIII. [Repealed by 49th Geo. III, c 8, s 1.]

After the first of June, 1797, the gold coins, in payments exceeding £50 shall be weighed in bulk if either of the parties require it.

IX. And be it further enacted by the authority aforesaid, That any person or persons to whom any gold, silver, or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, color, or weight thereof, afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented, may cut, break, or deface every such piece, and if any piece so cut, broken, or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke, or defaced the same, shall receive the same at the rate it was coined for.

Suspected pieces of money may be broken, cut, or defaced.

By whom the loss arising thereby shall be borne.

X. And if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit, it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or the majority thereof, shall be final.

Decision of questions arising thereupon.

XI. And be it further enacted by the authority aforesaid, That if any false or counterfeit gold or silver coin shall be produced in any court of justice in this province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a justice of the peace, and there be delivered to or for the person or persons to whom it belongs.

Counterfeit gold or silver coin, produced in a court of justice, how disposed of.

XII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the act or ordinance made in the seventeenth year of his Majesty's reign, entitled, "An ordinance for regulating the currency of the province," be, and the same is hereby repealed.

Repeal of ordinance 17th Geo. III, for regulating the currency.

Chapter II.

An act to amend certain parts of an act, entitled, "An act for the regulation of juries," and a certain other act, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal."

[Passed June 3, 1796.]

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and

Preamble.

assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, and before the first day of Trinity term now next ensuing, and before the first day of the respective terms next preceding the time when the issuing of the writs of assize and nisi prius are directed to be issued, according to the form and effect of a certain act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal," and in every year thereafter ensuing, the sheriffs of the Eastern, Midland, and Western districts, and each respectively, shall cause a pannel of the names of the jurors, not less than thirty-six nor more than forty-eight persons, according to the rules and regulations contained in the said act, entitled, "An act for the regulation of juries," to be transmitted into his Majesty's court of his bench, that shall be liable to be summoned for the trial of all causes at the then next ensuing assizes, without a venire facias for that purpose.

A pannel of jurors for the trial of issues at the assizes shall be transmitted, at stated periods, into the court of king's bench, by the sheriffs of the Eastern, Midland, and Western districts respectively, without any venire facias for that purpose.

II. And be it further enacted, That the sheriff of the Home district, on or before the first day of every term, shall cause a pannel of the names of jurors, not less than thirty-six nor more than forty-eight, according to the rules and regulations of the said act for the regulation of juries, to be transmitted into his Majesty's court of his bench, of persons that shall be liable to be summoned for the trial of all causes at the sittings during and ensuing each term, without a venire facias for that purpose.

The sheriff of the Home district, to return in like manner, on the first day of every term.

Chapter III.

An act to amend an act, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license."

[Passed June 3, 1796.]

Preamble.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, if any person or persons shall keep an inn or public house for the purpose of vending wine, brandy, rum, or other spirituous liquors; unless he, she, or they shall have previously obtained a license in manner and form prescribed by an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license," such person or persons shall forfeit and pay the sum of twenty pounds, to be levied upon his, her, or their goods and chattels, upon being convicted on the oath of any one credible witness, of his, her, or their having offended against the said act, in manner and form as is therein mentioned; a moiety whereof shall be given to the informer, and the other moiety paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public use of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct.

Keepers of inns, &c. to be licensed.

(See 34th Geo. III, c 12, and 43d, c 9.)

Penalty for selling without license.

Application thereof.

II. [Repealed by 59th Geo. III, c 2.]

Cases in which license to keep an inn may be granted in any general quarter sessions, to persons duly qualified.

Chapter IV.

An act to amend certain parts of an act, entitled, "An act to fix the times and places of holding the courts of general quarter sessions of the peace, within the several districts of this province."

[Passed June 3, 1796.]

Preamble.

Whereas it is expedient to alter the place of holding the court of general quarter sessions of the peace, in and for the Western district of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and

consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of a certain act passed in the thirty-third year of his Majesty's reign, entitled, "An act to fix the times and places of holding the courts of general quarter sessions of the peace within the several districts of this province," which directs that the courts of quarter sessions of the peace for the Western district of this province shall commence and be holden in the town of Detroit, on such days and times as are therein mentioned; and that a special sessions of the peace shall commence and be holden yearly and in every year in the town of Michilimackinac, at a certain time therein mentioned, be, and the same are hereby repealed accordingly.

Recital of act 33d Geo. III.

The same in part repealed.

II. And be it further enacted, That from and after the passing of this act, the court of general quarter sessions of the peace for the Western district shall commence and be holden in the parish of Assumption, in such place as may now be found most convenient to the magistrates of the said district, or the major part of them, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April, until such time as it shall seem expedient to the magistrates, or the major part of the magistrates of the said district, to remove and hold the same nearer to the island, called the isle of Bois Blanc, being near the entrance of the river Detroit; and when it shall seem expedient to the said magistrates, or the major part of them, to hold the said general quarter sessions nearer to the said island, it shall and may be lawful for them to remove the same, having given due notice of such intended removal, at least three months before the same shall be removed as aforesaid. [*a*]

Regulations for the times and places of holding in future the courts of quarter sessions for the Western district.

[*a*] See 41st Geo. III, c 6, s 2.

III. And whereas by a certain other act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a court for the cognizance of small causes in each and every district of this province," the district court in and for the Western district of this province, is appointed to be holden in the town of Detroit, in the said district; but as it seems not to be any longer expedient to hold the said court in the town of Detroit aforesaid, be it enacted, That from and after the passing of this act, the district court in and for the said district shall be holden at and in the same place where the general quarter sessions may be holden under and by virtue of the authority of this act.

And of holding the district court for the same.

IV. And be it further enacted by the authority aforesaid, That the courts of quarter sessions for the Midland district and the Eastern district shall hereafter be held on the fourth Tuesday in the month of January and the fourth Tuesday in the month of April, instead of the second Tuesday in the month of January and the second Tuesday in the month of April.

Alterations in the terms of holding the sessions in the Eastern and Midland districts. (See 33d Geo. III, c 6; 34th, c 3; & 41st, c 6.)

Chapter V.

An act to repeal certain parts of an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to encourage the destroying of wolves and bears in different parts of this province."

[Repeals so much of 33d Geo. III, Ch. 11, as relates to bears.]

Chapter VI.

An act to authorize the lieutenant governor to nominate and appoint certain commissioners for the purposes herein mentioned.

[Expired August 1, 1798.]

Chapter VII.

An act to amend an act, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district within this province, and to provide for the payment of wages to the members of the house of assembly."

[Temporary.]

Authorizes an entire rate, or any aliquot part thereof, to be laid and raised in every district whereof the magistrates in their next general sessions shall deem necessary for immediate exigencies.

First Session of the second Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF JUNE, AND PROROGUED ON THE THIRD DAY OF JULY FOLLOWING, IN THE THIRTY-SEVENTH YEAR OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

Anno Domini 1797.

Chapter I.

An act for the better securing the province against the King's enemies.

[EXPIRED MARCH 9, 1804.]

Chapter II.

An act to enable the inhabitants of the township of York to assemble for the purpose of choosing and nominating parish and town officers.

[TEMPORARY.]

Chapter III.

An act for securing the titles to lands in this province.

[EXPIRED.]

Chapter IV.

An act for regulating the practice of the court of king's bench.

[REPEALED BY 2d GEO. IV, CH. 1.]

Chapter V.

An act for the further regulation of the militia of this province.

[REPEALED BY 48TH GEO. III, CH. 1.]

Chapter VI.

An act to extend the jurisdiction and regulate the proceedings of the district court and court of requests.

[REPEALED BY 2D GEO. IV, CH. 2.]

Chapter VII.

An act for the more easy barring of dower.

[Passed July 3, 1797.]

Preamble.

FOR the more easy barring of dower, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful to and for any person entitled to dower, by any deed executed either alone or jointly with other persons, to release all her right and title to dower in the lands, tenements, or hereditaments therein mentioned and described; and such release shall be as valid and effectual to bar the person executing the

Persons entitled to dower, by deed, jointly or alone, may release their right, and such release to be an effectual bar,

same, of dower in such lands, tenements, and hereditaments, and every part thereof, as if a fine had been levied thereof, any law or usage to the contrary notwithstanding.

II. Provided nevertheless, That no such release so executed as aforesaid, shall have any force or effect to bar the person so entitled to dower, and executing the same, unless such person shall come before his Majesty's chief justice of this province, or one of the justices of the court of king's bench, or shall appear at some general quarter sessions of the peace for the district, county, or place, in which she shall reside, and shall have been examined by such chief justice, or justice, or by the chairman or presiding magistrate of such quarter sessions, [*a*] when not less than three magistrates, besides himself, shall be present, touching her consent to be barred of dower in the premises in the said deed or writing mentioned; and in case she shall give her consent thereto, and it shall appear to the said chief justice, or justice, or to the said court, that such consent is free and voluntary, and not the effect of any coercion on the part of her husband, or any other person, it shall and may be lawful to and for the said chief justice, or justice, or to the said chairman, or other presiding magistrate, and they are, and each of them respectively is, hereby required to certify the same by indorsement on the said deed, which certificate, in the case of the said court of quarter sessions, may be in the following form:

provided such persons come before, &c. and consent thereto, which shall be certified.

[*a*] Or judge of district court, or chairman of quarter sessions. See 50th Geo. III, c 10.

(Out of sessions dower may be barred by persons residing in Great Britain or any of the colonies, before the mayor or chief magistrate. See 48th Geo. III, c 7.)

"At a general quarter sessions for the district of held at in the county of on the day of personally appeared the within named A. B., and being openly examined in the presence of L. M., C. D., E. F., and G. H., [at least four] esquires, his Majesty's justices of the peace in and for the said district, touching her consent thereto, and did appear to this court to give the same freely and voluntarily, without any coercion on the part of her husband, or any other person. S. M., Chairman."

Form of certificate.

And the clerk of the peace shall be entitled to receive the sum of five shillings, and no more, for the said certificate.

Clerk's fees.

III. [Repealed by 48th Geo. III, c 7.]

Certificate to be enregistered.

Chapter VIII.

An act to supply the want of enrolment of deeds of bargain and sale.

[Passed July 3, 1797.]

WHEREAS in certain cases lands have been intended to have been conveyed by deed of bargain and sale; and whereas such deeds of bargain and sale not having been enrolled in a court of record are not valid in law; in order therefore to prevent the injury that might hence arise to his Majesty's subjects in this province, and for the better regulating the conveyance of land in future; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That wherever any lands have been sold, or shall hereafter be sold under deed of bargain and sale, and such deed of bargain and sale hath been, or shall hereafter be duly enregistered in the register office of the county in which such lands are situate, agreeably to the provisions of an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may affect any lands, tenements, or hereditaments within this province," the same shall be, and is hereby declared to be, a good and valid conveyance in law.

Preamble.

Deeds of sale to lands sold or to be sold, that have been or hereafter shall be enregistered, agreeably to the act of 35th Geo. III, declared valid.

(See 35th Geo. III, c 5.)

Chapter IX.

An act to enlarge the time between the issuing and the opening of commissions of assize and nisi prius, in and for the Home district, and for altering the time of holding the sittings for the said district.

[Passed July 3, 1797.]

WHEREAS by the nineteenth clause of a certain act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal," all suits and actions that arise, and are triable within the Home district, are directed to be tried within term time, or within ten days next after the end of every Easter and Trinity term, respectively; and whereas it is expedient to enlarge the times of issuing and opening the respective commissions for

(See 34th Geo. III, c 2, s 19.)

the hearing and trying of such suits and actions, and to alter the time of holding the sittings for the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all commissions of assize and nisi prius shall be issued after the terms of Hilary and Trinity respectively, and shall be tested on the last day of each of those terms, and the chief justice, or any other judge of the said court, in his absence, shall, as judge of assize and nisi prius, issue his precept to the sheriff of the said district for the summoning of jurors for the trying of all such issues as may be joined in the said court, and arise and be triable in the said district, as by law he is authorized to do, so that the same may be in no instance holden sooner than eight days from the end of Hilary and Trinity terms respectively.

(See 34th Geo. III, c 2, & 57th, c 8.)

Chapter X.

An act for the regulation of ferries.

[Passed July 3, 1797.]

Preamble.

Whereas it is necessary for the convenience of his Majesty's subjects, that ferries should be put under proper regulations within this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for his Majesty's justices of the peace, in and for the several districts of this province, in their general quarter sessions assembled, and they are hereby authorized and empowered, from time to time, to make and ordain such rules and regulations as to them, or to the greater part of them, may appear necessary and proper to be observed and followed at such ferry or ferries, by the person or persons attending the same, or having the charge thereof; and also to establish and assess such rates and fees, as the person or persons attending such ferry or ferries, shall and may demand and receive for the passage of persons, cattle, carriages, or wares thereat; a list or table of which rules and regulations, rates and fees, shall be set up in some conspicuous place at every such ferry or ferries, for public inspection; and any person attending, or having charge of a ferry, who shall be convicted before any one justice of the peace, of demanding or receiving any higher or greater rate or fee than such as shall be so established, assessed, and allowed, or of any breach of any such rules and regulations so made and ordained as aforesaid, shall for every such offence forfeit and pay the sum of twenty shillings, to be recovered before any one justice of the peace, and levied by distress and sale of the offender's goods and chattels; one half of which penalty shall be paid to the informer or informers, and the other half to the treasurer of the district wherein the same may arise, to be applied to the public use of the district.

Quarter sessions to ordain rules and regulations,

and to assess the rates.

Table of regulations and fees to be posted up at the ferry.

Penalty for a ferryman convicted of a breach.

Penalty how to be recovered and disposed of.

(See 34th Geo. III, c 5, as to the disposal of fines.)

Chapter XI.

An act to increase the revenue, and to compel the accounting more regularly for the same to the treasurer of the province.

[Passed July 3, 1797.]

Most gracious Sovereign:

Address.

Whereas the provisions contained in a certain act of the parliament of this province, passed in the thirty-third year of your Majesty's reign, entitled, "An act to establish a further fund for the payment of the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof;" in so far as the same did extend to persons retailing spirituous liquors or wines, in less quantities than three gallons, but not keeping a house of public entertainment, are expired: We, your Majesty's most dutiful and loyal subjects, the representatives of the people of the province of Upper Canada, in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and

with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the fifth day of August in this present year, and from and after the fifth day of April in every year ensuing, every shop-keeper, or other person whatsoever, who shall sell or vend any wine, brandy, rum, or other spirituous liquor, in less quantity at any one time than three gallons, shall be possessed of a license for that purpose, whether he or she does keep a house of public entertainment, or does not; which license it shall and may be lawful for the governor, lieutenant governor, or person administering the government, by or through the secretary of the province, or other person or persons whom he shall authorize to issue the same, to grant upon payment of the like rates, duties, and fees, as by law are now paid by any person licensed to keep a house of public entertainment, for his or her license so to do; such rates and duties to be collected, paid, and applied, in like manner and form, and to the same uses as by the herein recited act of the parliament of this province is directed; and if any person shall at any time after the time or times respectively herein specified and limited, sell or vend any wine, rum, brandy, or other spirituous liquor, in less quantity than three gallons, not being possessed as aforesaid of a license for that purpose, and shall be thereof convicted in manner and form set forth by a certain act of the parliament of this province, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license," he or she shall forfeit and pay the sum of twenty pounds; a moiety whereof shall be paid to the informer, and the other moiety shall be paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, and towards the support of the government of this province, to be accounted for to his Majesty, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as it shall please his Majesty to direct.

After, &c., and annually, no person to sell less than three gallons without license.

(Innkeepers may sell by retail, to be consumed out of the house. See 2d Geo. IV, c 8.)

Governor to grant license.

Rates and duties, how collected, &c.

Penalty for selling without license.

(34th Geo. III, c 12.)

Penalty how to be applied.

II. And whereas unnecessary delay in accounting to the provincial treasurer for the revenue, may be detrimental to the same, be it therefore enacted by the authority aforesaid, That the secretary of the province, [*a*] shall use efficient means of compelling all persons employed by or under him, as his agents or deputies, in receiving and collecting the duties imposed by virtue of this act, or by virtue of any other act or acts of the parliament of this province, to transmit to him from time to time without delay, all such monies as they shall so receive and collect; and that the said secretary of the province shall pay into the hands of the said provincial treasurer all monies which he shall from time to time so receive or otherwise collect, as duties imposed by this act, or by any other act or acts of the parliament of this province, within one calendar month after he shall have received or collected the same, any act, law, or usage, to the contrary notwithstanding.

[*a*] See 43d Geo. III, c 9.

Secretary to compel agents to account without delay.

Secretary to account to the treasurer within one month.

(See 34th Geo. III, c 12.)

Chapter XII.

An act to authorize the lieutenant governor to nominate and appoint certain commissioners for the purposes therein mentioned.

[Passed July 3, 1797.]

WHEREAS from the local situation of this province, it appears to be altogether impracticable to carry into effect that part of the provincial agreement entered into at Montreal, the twenty-eighth day of January last, between the commissioners in behalf of this province and the commissioners of the province of Lower Canada, which relates to the imposing of duties on articles coming into this province from the United States of America, and to the taking of measures for enforcing the collection of such duties; and from this circumstance the agreement so entered into as aforesaid may become void and of no effect; and whereas it is expedient that arrangements should take place between this province and the province of Lower Canada, respecting the imposing of duties, and allowing of drawbacks on goods passing from one province into the other, and of and concerning any regulations, provisions, matters, and things, which might regard the commerce, manufactures, or produce, of the said province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, 'An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government

Preamble.

Governor to appoint three commissioners.

of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering his Majesty's government in this province, from time to time by letters patent, under the great seal of the province, to commission, authorize, and empower, three able and discreet persons, two of whom shall be a quorum, to treat, consult, and agree, with the persons to be duly authorized for that purpose by a power to be granted by an act of the legislature of his Majesty's province of Lower Canada, of and concerning the establishing such regulations as may regard the collection of duties, or payment of drawbacks, to be imposed or allowed on goods passing from one province into the other, by the legislature of each province respectively; and of and concerning any proportions to be received and paid of any equal duties already imposed, or hereafter to be imposed, by the said legislatures respectively, on any article or commodity passing from one province into the other; and of and concerning any regulations, provisions, matters, and things, which may regard the commerce, manufactures, or produce, of the said province.

Their agreement invalid until confirmed by the legislature. (58th Geo. III, c 13.)

II. Provided always, and be it enacted and declared, That no regulation, provision, matter, or thing, so proposed, treated, consulted, or agreed, shall have any other force or effect, or be carried any further into execution, until the same shall have been confirmed by the legislature of this province.

Chapter XIII.

An act for the better regulating the practice of the law.

(Amended by 2d Geo. IV, c 5.)

[Passed July 8, 1797.]

Preamble.

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the persons now admitted to practise in the law, and practising at the bar of any of his Majesty's courts of this province, to form themselves into a society, to be called the Law Society of Upper Canada, as well for the establishing of order amongst themselves, as for the purpose of securing to the province and the profession a learned and honorable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the said province.

Present practitioners incorporated into a law society.

The society to form rules.

II. And be it further enacted by the authority aforesaid, That the said society shall, and is hereby authorized, to form a body of rules and regulations for its own government, under the inspection of the judges of the province for the time being, as visitors of the said society, and to appoint the six senior members, or more, of the present practitioners, and the six senior members, or more, for the time being, in all times to come, (whereof his Majesty's attorney general and solicitor general, for the time being, shall be, and be considered to be two,) as governors or benchers of the said society, and also to appoint a librarian and a treasurer.

Place and time for the first meeting for adopting rules.

III. And be it further enacted, That it shall and may be lawful for the said practitioners, or as many as can be called together, (whereof his Majesty's attorney general and solicitor general shall be two,) to assemble at the town of Newark, in the county of Lincoln, on the seventeenth day of July next ensuing the passing of this act, for the purpose of framing and adopting such rules and regulations as may be necessary for the immediate establishment of the said society and its future welfare; and such rules and regulations as shall then and there be adopted, shall be openly read and entered in a book, to be for that purpose provided, and having received the approbation of the said judges as visitors as aforesaid, shall be, and be considered to be the constitution of the said society, and binding upon all its members: Provided always, That it shall and may be lawful in time to come, to add such other rules and regulations, with the approbation of the judges as aforesaid, as may then and there be necessary.

Present practitioners may take one pupil.

[a] See 47th Geo. III, c 5.

IV. And be it further enacted, That it shall and may be lawful to and for every person now practising at the bar of any of his Majesty's courts, to take one [a] pupil or clerk, for the purpose of instructing him in the knowledge of the laws, any law or ordinance to the contrary notwithstanding.

None but members of the society to practise, except, &c.

V. And be it further enacted, That no person other than the present practitioners, and those hereafter mentioned, shall be permitted to practise at the bar of any of his Majesty's

courts in this province, unless such person shall have been previously entered of and admitted into the said society as a student of the laws, and shall have been standing in the books of the said society for and during the space of five years, and shall have conformed himself to the rules and regulations of the said society, and shall have been duly called, and admitted to the practice of the law as a barrister, according to the constitutions and establishment thereof: Provided always, That it shall and may be lawful for any person having been duly admitted to practise at the bar of any of his Majesty's courts in England, Scotland, or Ireland, or of any of his Majesty's provinces in North America, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the judges of the king's bench, to be admitted to practice in this province, so as such person shall within one month from such admission, enter himself of the said society, and conform to all the rules and regulations thereof: Provided also, That nothing hereinbefore contained shall affect, or be construed to affect, any person who shall, or may have been articled as a clerk, before the passing of this act, with any person practising at the bar in any of the courts of this province, authorized to take a clerk or clerks, and duly acting as a clerk accordingly; but the time which such person shall have spent as such clerk shall be considered and taken to be, *pro tanto*, as a standing in the books of the said society, and as a reasonable and lawful deduction of so much of the said term of five years, so that such person shall likewise conform to the rules and regulations of the said society, in all matters and things thereunto appertaining.

(See 2d Geo. IV, c 5.)

Provision in favor of clerks articled before the passing of this act.

VI. [Repealed by 2d Geo. IV, c 5.]

Further provision.

VII. Provided nevertheless, and be it further enacted, That no person shall be admitted to practice in this province, who shall not at the time of such admission have attained the full age of twenty-one years.

No person but of full age admitted to practice.

VIII. And be it further enacted by the authority aforesaid, That a certain ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, "An ordinance concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues," as far as it may relate to barristers, advocates, attornies, or solicitors, be, and the same is, hereby repealed.

Ordinance of Quebec repealed.

Chapter XIV.

An act to obviate the objections that might arise from a clerical error in some of his Majesty's letters patent of grant lately issued.

[Passed July 3, 1797.]

WHEREAS it appears that a clerical error hath crept into a few of the deeds given by our sovereign lord the King to some of his subjects, by the insertion of the word "clergyman" instead of the word "clergy" in that part of the letters patent that reserves a proportion of one seventh of the crown lands, for the lands in each of the deeds granted, which error might lead to consequences that it is necessary to obviate; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That wherever the word "clergyman" shall or may occur in any one of his Majesty's letters patent, the same shall be read, taken, and understood to be, mean and signify, "clergy," and shall have to all intents and purposes the same force and effect, tendency, and operation, towards establishing, securing, and confirming, the rights of the protestant clergy of this province, in such a quantity of the lands of the crown as shall and may amount to, and be in the proportion of one to seven of the lands in any such deed granted, according to the form and effect of an act passed in the parliament of Great Britain, in the thirty-first year of his Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and that every such deed shall be to all intents and purposes as valid and effectual in securing to the subject the lands thereby granted, and to his Majesty all the rights, conditions, reservations, limitations, and restrictions, and to the said clergy the rights aforesaid, as if no such clerical error had crept into it, but as if such deed had been perfected in the word "clergy," where the rights of the church are intended to be secured, instead of the word "clergyman," wherever it occurs; any act, ordinance, or law, to the contrary in any wise notwithstanding.

Preamble.

The word clergy shall be intended to be meant by the word clergyman in certain deeds of grant.

Such deeds to be valid in securing the rights of the crown, of the clergy, and of the subject respectively.

Chapter XV.

An act to authorize the apprehending of felons, and others, escaping from any of his Majesty's provinces and governments in North America into this province.

[Passed July 3, 1797.]

Preamble.

Whereas it may happen that felons and other malefactors, having committed crimes in some of his Majesty's provinces and governments in North America, may escape into this province, and their offences thereby remain unpunished, for want of provision by law for apprehending such offenders in this province, and transmitting them into the province in which their offences were committed; for remedy thereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, if any person or persons, against whom a warrant shall be issued by the chief justice of the king's bench, or any other magistrate having competent authority in any of his Majesty's provinces or governments in North America, respectively, for any felony or other crime of a high nature, shall escape, come into, reside, or be, in any part of this province, it shall and may be lawful for any justice of the peace of the district, county, city, or place, where such person or persons shall escape, come into, reside, or be, to indorse his name on the said warrant, (due proof being first made of the hand writing of the magistrate issuing the same,) which warrant so endorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all constables of the district, county, city, or place, where such warrant shall be so indorsed, to execute the same, by apprehending the person or persons against whom such warrant is granted, and to convey him, her, or them, into the province from which such warrant originally was issued, to be dealt with according to law.

Warrants issuing within his Majesty's other governments in North America against felons escaping therefrom, may be executed within this province, being duly endorsed.

II. Provided nevertheless, and be it further enacted by the authority aforesaid, That before any such warrant shall be so indorsed as aforesaid, the person applying for such indorsement shall enter into a recognizance with sufficient sureties for a sum not less than fifty pounds, lawful money of this province, to indemnify this province, and every part thereof, against any expense that may arise or accrue from the apprehension of such offender, and also to bring, or cause the said offender to be brought to trial; and the magistrate to whom such application shall be made is hereby authorized to take such recognizance.

Security being previously given to indemnify the province against any expense, and to bring the offender so apprehended to trial.

Chapter XVI.

An act for making temporary provision for the regulation of trade between this province and the United States of America, by land or by inland navigation.

[Expired June 1, 1799.]

Chapter XVII.

An act for the better division of the county of Prince Edward into townships.

(As to the township of Hillier, see 4th Geo. IV, c 38.)

[Passed July 3, 1797.]

Preamble.

Whereas the inhabitants of the townships of Marysburg and Sophiasburg, in the county of Prince Edward, experience many difficulties from the uncommon length of the said townships; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That a township shall be struck off from the southernmost parts of the townships of Marysburg and Sophiasburg, in form following: To commence in Marysburg in the limit between the lots numbers eleven and twelve, south side of the bay of Quinty, to the eastward of a small bay which leads to the Carrying-Place, to the East lake; then along the said limit south ten degrees west, the depth of three concessions, more or less, until it intersects the limit between lots numbers twelve and thirteen in the second con-

The southernmost parts of Marysburg and Sophiasburg, to be formed into a distinct township.

cession, north of Black river; and then along the limit between the said lots numbers twelve and thirteen, south thirty-two degrees east, to the rear of the first concession from Black river; then south fifty-eight degrees west along the line between the first and second concessions, passing lot number thirty-two, to a small creek which empties itself into the East lake; then south thirty-two degrees east to lake Ontario; then westerly along the shore of the said lake to the mouth of the West lake; thence by the nearest line to the limit between lot number one in Ameliasburg, and lot number one in Sophiasburg; then north twenty degrees west, the depth of two concessions; then north seventy degrees east to the northeast angle of lot number sixteen in the second concession, nearly; then north fifty-eight and one half degrees east to the northeast angle of a lot, numbered thirty-nine, in the third concession; then south thirty-one and one half degrees east to the rear of the second concession; then a small distance by the most direct line to the northernmost angle of lot number ten in the second concession; then along the limit between the lots numbers ten and eleven south sixty-one degrees east to the small bay first mentioned; then following the shores of the said bay and the bay of Quinty, according to its different windings and courses, to the place of beginning, which township shall be under the same regulations and entitled to the same privileges as any other township in this province.

Boundary lines thereof.

Regulations and privileges.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the lieutenant governor, or person administering the government of this province, on or before the first day of August next, by a proclamation, to declare the name of such township.

By whom the name of such township shall be declared.

III. Provided always, and it is hereby further enacted, That such alteration of the said townships shall not impeach, or be construed to impeach, the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said townships, or any of them, or to make void or otherwise affect any grant of land or other legal proceeding within the limits of the said townships, any law or usage to the contrary notwithstanding.

Such alteration in no wise to affect any existing commission, legal proceeding, or grant of land.

Second Session of the second Provincial Parliament.

MET AT YORK, ON THE FIFTH DAY OF JUNE, AND PROROGUED ON THE FIFTH DAY OF JULY FOLLOWING, IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

Anno Domini 1798.

Chapter I.

(Amended by 59th Geo. III, c 14.)

An act to ascertain and establish on a permanent footing, the boundary lines of the different townships of this province.

[Passed July 5, 1798.]

Recital.

WHEREAS it is expedient and necessary to ascertain and establish upon some permanent principle, the boundary lines of the different townships within this province, and distinctly to preserve them when so ascertained and established; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points, or off-sets, of every township that hath been surveyed, or may hereafter be surveyed; and also at each end of the several concession lines of such townships; and that lines from the monuments so erected, or to be erected, be taken and considered as the permanent boundary lines of such townships and concessions respectively.

Monuments to be placed at the corners, &c. of each township and concession. Lines therefrom to be the permanent boundary lines of such township and concession.

II. And be it further enacted by the authority aforesaid, That the monuments above directed to be placed as afore mentioned, shall be placed under the inspection and order of the surveyor general of this province.

To be under the inspection and order of the surveyor general.

III. And be it further enacted by the authority aforesaid, That the courses and distances of the said boundary lines, so ascertained and established, shall on all occasions be, and be taken to be, the true courses and distances of the boundary lines of the said townships and concessions, whether the same do or do not, on actual measurement, coincide with the courses and distances in any letters patent of grant, or other instrument in respect of such boundary lines, mentioned and expressed.

Effect of such boundary lines.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly and wilfully pull down, deface, alter, or remove any such monument so erected as aforesaid, he, she, or they, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

Capital felony knowingly or wilfully to pull down, &c. such monuments.

V. And be it further enacted by the authority aforesaid, That it shall not be necessary for the surveyor general to proceed to carry the provisions of this act into execution, until an application for that purpose shall have been made to the governor, lieutenant governor, or person administering the government, by the magistrates of any district or county, not being part of a district, in quarter sessions assembled, signifying that the erecting of such monuments, and ascertaining such boundaries as aforesaid, is necessary and expedient for some particular township or townships within such district or county.

How the surveyor general shall proceed.

VI. And be it further enacted by the authority aforesaid, That when and so often as application shall be made to the justices of the peace in and for any district, in quarter sessions assembled, by thirty freeholders of any township within such district, to have monuments erected conformably to the intention of this act, it shall and may be lawful for the said justices, and they are hereby authorized and required, to form an estimate of the sum of money which, in their judgment and discretion, shall seem requisite to defray the charges of erecting such monument, and to lay an equal assessment (proportionable thereto) upon each and every acre of land within such township; which assessment they shall cause to be raised and collected by a warrant under the hands and seals of any two or more of them, directed to the collectors of such township, and requiring them to raise and

Application to be made to the justices.

Expense how defrayed.

collect the said assessment, in such manner and by such means as in other such cases by law directed and required, and to pay the same, when so collected, into the hands of the treasurer of the district, to answer the charges to be incurred by erecting such monuments.

VII. And be it further enacted by the authority aforesaid, That when any person liable to pay his proportion and rate of such assessment shall be absent from the township, and shall not have taken means to answer the same to the said collector within one year from and after the date of the warrant for collecting the same, the land of such absentee shall be held liable and answerable for the payment of such rate, with the lawful interest arising thereon; and when the same shall amount to twenty shillings or upwards upon each lot of one hundred acres of land, and so in proportion for any number of acres, more or less, it shall and may be lawful for the treasurer of the district in which such lands shall lie and be situate, and he is hereby required to give notice of the same for six months in the Upper Canada Gazette, and if after the expiration of that time the same shall not be paid, it shall and may be lawful for him to sell so much thereof, after publicly advertising the same, as may be necessary to satisfy the said arrears, and the necessary expenses incurred by the proceedings, and to receive the monies arising from such sale to and for the use of the township.

Provision with respect to persons liable, who are not resident in the township.

(See 59th Geo. III, c 14.)

Chapter II.

An act to repeal an ordinance passed in the twenty-fifth year of the reign of his present Majesty, entitled, "An ordinance concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues, as far as the same relates to notaries."

[Passed July 5, 1798.]

WHEREAS the provisions of an ordinance passed in the twenty-fifth year of the reign of his present Majesty, entitled, "An ordinance concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues," have been, so far as the same relates to notaries, found inconvenient and inapplicable to this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the same shall be, and hereby is, so far as it relates to notaries, repealed.

Ordinance so far as relates to notaries, repealed.

Chapter III.

An act to repeal part of an act passed in the thirty-seventh year of the reign of his Majesty, entitled, "An act to extend the jurisdiction and regulate the proceedings of the district court and court of requests," and to make further provision for the same.

(See 37th Geo. III, c 6.)

[REPEALED BY 2D GEO. IV, CH. 2.]

The four following acts passed in the legislative council and house of assembly in the thirty-eighth year of George the Third, but the royal assent was reserved for the signification of his Majesty's pleasure.

Chapter IV.

An act to extend the provisions of an act passed in the second session of the first provincial parliament of Upper Canada, entitled, "An act to confirm and make valid certain marriages, heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same."

(See 33d Geo. III, c 5, and 59th, c 15; and the act of 1831.)

[The royal assent to this act was promulgated by proclamation, bearing date the twenty-ninth day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and thirty-ninth of his Majesty's reign.]

Preamble.

WHEREAS it hath been found expedient to extend the provisions of a certain act passed in the thirty-third year of his Majesty's reign, entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper

Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to and for the minister or clergyman of any congregation or religious community of persons, professing to be members of the church of Scotland, or Lutherans, or Calvinists, who shall be authorized in manner hereafter directed to celebrate the ceremony of matrimony, according to the rights of such church or religious community, between any two persons, neither of whom are under any legal disqualification to contract matrimony, and one of whom shall have been a member of such congregation or religious community at least six months before the said marriage, any law or usage to the contrary notwithstanding.

Minister of church of Scotland, &c. authorized to celebrate marriage.

II. Provided nevertheless, and be it enacted by the authority aforesaid, That no person shall be taken, or deemed to be a minister or clergyman of any such congregation or religious community, within the intent and meaning of this act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and forms of such congregation or religious community, and unless he shall have appeared or come before the justices of the peace assembled in quarter sessions in the district in which he shall reside, when not less than six magistrates, besides the chairman, shall be present, and shall have then with him at least seven respectable persons, members of the congregation or religious community to which he belongs, who shall declare him to be their minister or clergyman, and unless he shall produce proofs of his ordination, constitution, or appointment, to that office, and unless he shall then and there take the oath of allegiance to his Majesty; when, if it shall appear to the majority of the justices then present, expedient and proper, they are hereby authorized to grant him a certificate under the seal of the court, and signed by the chairman and clerk of the peace, (for which the said clerk of the peace shall be entitled to demand and receive the sum of five shillings,) certifying him to be the settled minister or clergyman of such congregation or religious community; which certificate shall be in the following form:

Minister or clergyman must have been ordained, and appear before six magistrates in quarter sessions assembled, and take the oath of allegiance.

Fee to the clerk.

Form of certificate.

"Be it remembered, that at the general quarter sessions of the peace, holden at the town of in the county of in and for the district, on the day of in the year of our Lord before A. B., [and six others,] esquires, and others, justices of our sovereign lord the King, assigned to keep the peace in the said district, &c. came C. D. of together with E. F. of [and six others, whose names and descriptions must be inserted,] members of a [congregation] or [community] of at in the county of in the said district. And the said E. F. &c. being duly examined, satisfied the court that the said C. D. is the settled [minister] or [clergyman] of the said [congregation] or [community] and was regularly ordained, constituted, and appointed thereto.

J. K., Clerk of the Peace. G. H., Chairman."

No certificate to be given unless notice shall have been given, &c.

III. Provided nevertheless, That no such certificate shall be given by the said court of quarter sessions as aforesaid, unless the person applying for the same shall have given notice in writing to the clerk of the peace, at or before the general quarter sessions immediately preceding that on which he shall apply for such certificate; which notice in writing the said clerk of the peace shall read in open court, and shall also fix up in some conspicuous part of his office, within eight days after the same shall have been so read; for which service he, the said clerk of the peace, shall be entitled to demand and receive the sum of five shillings, and no more.

No clergyman to celebrate matrimony, unless, &c.

IV. Provided also, and be it further enacted by the authority aforesaid, That no such minister or clergyman shall at any time celebrate the ceremony of matrimony between any two persons, as above described, unless he shall on three several Sundays before he shall celebrate the said ceremony, openly, and with a loud voice, in the church, chapel, meeting house, or other place of worship of such congregation or religious community, either in some intermediate part of the service, or immediately before it begins, or immediately after it is ended, declare his intention so to do; and shall at each time of making such declaration, also declare the number of times for which he shall have made such declaration respectively; or unless such minister or clergyman shall have been duly authorized by license, under the hand and seal of the governor, lieutenant governor, or person administering the government of the province, to celebrate the said ceremony between the two persons therein named.

Parties may demand certificate.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the parties thus married, or either of them, to demand of the said minister or clergyman, and he is hereby authorized and required to give the same a certificate of such marriage, which may be in the following form, viz:

Form thereof.

"Whereas A. B. of and C. D. of were desirous of intermarrying with each other, and have applied to me for that purpose, their intention so to do having been regularly proclaimed on three several Sundays, as is directed, or having presented a license: (as the case may be.) Now these are to certify, that I, E. F., minister of the community of at have this day married the said A. B. and C. D. together, and they are become legally contracted to each other. As witness my hand, at this day of in the year of our Lord

In presence of G. H., J. K."

Certificate to be registered.

Which certificate shall and may be registered by the clerk of the peace in like manner as is directed in the aforesaid act, passed in the thirty-third year of his Majesty's reign, entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same."

All marriages celebrated since the passing of 33d Geo. III, by such person as, &c. valid.

VI. And be it further enacted by the authority aforesaid, That all marriages which may have been celebrated since the passing of the said act of the thirty-third year of his Majesty's reign, by any person who shall obtain such certificate as aforesaid, between any two persons, either of whom now is, or then was, a member of any of the said congregations or communities above named, shall be deemed good and valid, any law to the contrary notwithstanding.

Chapter V.

An act for the better division of this province.

(Amended by 2d Geo. IV, c 3.)

[The royal assent to this act was promulgated by proclamation, bearing date the first day of January, in the year of our Lord one thousand eight hundred, and fortieth of his Majesty's reign.]

Preamble.

FOR the better division of this province, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the townships of Lancaster, [*a*] Charlottenburg, and Kenyon, together with the tract of land claimed by the St. Regis Indians, and such of the islands in the river Saint Lawrence as are wholly or in greater part opposite thereto, shall constitute and form the county of Glengary.

[*a*] See 59th Geo. III, c 3.

County of Glengary.

County of Stormont.

II. And be it further enacted by the authority aforesaid, That the townships of Cornwall, Osnaburg, Finch, and Roxburg, together with such of the islands in the river Saint Lawrence as are wholly or in greater part opposite thereto, shall constitute and form the county of Stormont.

County of Dundas.

III. And be it further enacted by the authority aforesaid, That the townships of Williamsburg, Matilda, Mountain, and Winchester, with such of the islands in the river Saint Lawrence as are wholly or in greater part opposite thereto, do together constitute and form the county of Dundas.

County of Prescott.

IV. And be it further enacted by the authority aforesaid, That the townships of Hawkesbury, Longueil, with the tract of land in its rear, Alfred, and Plantagenet, with such of the islands in the Ottawa river as are wholly or in greater part opposite thereto, shall constitute and form the county of Prescott.

County of Russell.

(Prescott and Russell now called the district of Ottawa. 56th Geo. III, c 1.)

V. And be it further enacted by the authority aforesaid, That the townships of Clarence, Cumberland, Gloucester, Osgoode, Russell, and Cambridge, with such of the islands in the river Ottawa as are wholly or in greater part opposite thereto, shall constitute and form the county of Russell.

Eastern district.

[*b*] See 56th Geo. III, c 2, s 1.

VI. And be it further enacted by the authority aforesaid, That the counties of Glengary, Stormont, Dundas, Prescott, and Russell, [*b*] do constitute and form the Eastern district.

County of Grenville.

VII. And be it further enacted by the authority aforesaid, That the townships of Edwardsburg, Augusta, Wolford, Oxford on the Rideau, Marlborough, Montague, and Gower, called North and South Gower, together with such of the islands in the river Saint Lawrence as are wholly or in greater part opposite thereto, shall constitute and form the county of Grenville.

County of Leeds

VIII. And be it further enacted by the authority aforesaid, That the townships of Elizabethtown, Yonge, (including what was formerly called Escot,) Lansdown, Leeds, Crosby, Bastard, Burgess, Elmsley, and Kitley, together with such of the islands in the river Saint Lawrence as are wholly or in greater part opposite thereto, do constitute and form the county of Leeds.

County of Carlton.

IX. [Repealed by 2d Geo. IV, c 5.]

District of Johnstown.

X. And be it further enacted by the authority aforesaid, That the counties of Grenville, Leeds, and Carleton, do constitute and form the district of Johnstown. [Repealed as to Johnstown, including Carleton, by 4th Geo. IV, c 5.]

Township of Pittsburg.

XI. And be it further enacted by the authority aforesaid, That Howe island, and so much of the present county of Ontario as is wholly or in greater part opposite to the township of Pittsburg, be part of the said township of Pittsburg.

Township of Wolfe island.

XII. And be it further enacted by the authority aforesaid, That Wolfe island and Gage island, and so much of the said county of Ontario as is wholly or in greater part opposite to the township of Kingston, do constitute and form the township of Wolfe island.

Township of Amherst island.

XIII. And be it further enacted by the authority aforesaid, That the residue of the said county of Ontario, do constitute and form the township of Amherst island.

County of Frontenac.

XIV. And be it further enacted by the authority aforesaid, That the townships of Pittsburg, Kingston, Loughborough, Portland, Hinchinbroke, Bedford, and Wolfe island, do constitute and form the county of Frontenac.

Incorporated counties of Lenox and Addington.

XV. And be it further enacted by the authority aforesaid, That the townships of Ernesttown, Fredericksburgh, Adolphustown, Richmond, Camden, (distinguished by being called Camden East,) Amherst island, and Sheffield, do constitute and form the incorporated counties of Lenox and Addington.

County of Hastings.

XVI. And be it further enacted by the authority aforesaid, That the townships of Sydney, Thurlow, the tract of land occupied by the Mohawks, Hungerford, Huntington, and Rawdon, do constitute and form the county of Hastings.

County of Prince Edward.

XVII. And be it further enacted by the authority aforesaid, That the townships of Ameliasburg, Hallowell, Sophiasburg, and Marysburg, with such of the islands in the bay of Quinty and lake Ontario as are wholly or in greater part opposite thereto, and such as were not formerly included in the county of Ontario, do constitute and form the county of Prince Edward.

Midland district.

XVIII. And be it further enacted by the authority aforesaid, That the counties of Frontenac, the incorporated counties of Lenox and Addington, Hastings, and Prince Edward, with all that tract of country which lies between the district of Johnstown and a line drawn north sixteen degrees west from the northwest angle of the township of Rawdon, till it intersects the northern limits of the province, together with all islands in the Ottawa river, wholly or in greater part opposite thereto, do constitute and form the Midland district.

County of Northumberland.

XIX. And be it further enacted by the authority aforesaid, That the townships of Murray, Cramahe, Haldimand, Hamilton, Elnwick, Percy, and Seymour, with the peninsula of Newcastle, do constitute and form the county of Northumberland.

County of Durham.

XX. And be it further enacted by the authority aforesaid, That the townships of Hope, Clarke, and Darlington, with all the tract of land hereafter to be laid out into townships, which lies to the southward of the small lakes above the Rice lake, and the communication between them and between the eastern boundary of the township of Hope, and the western boundary of the township of Darlington, produced north sixteen degrees west, until they intersect either of the said lakes, or the communication between them, shall constitute and form the county of Durham.

East riding of the county of York.

XXI. And be it further enacted by the authority aforesaid, That the townships of Whitby, Pickering, Scarborough, York, including its peninsula, Etobicoke, Markham, Vaughan, King, Whitchurch, Uxbridge, Gwillimbury, and the tract of land hereafter to be laid out into townships, lying between the counties of Durham and the lake Simcoe, do constitute and form the east riding of the county of York.

West riding of the county of York.

XXII. And be it further enacted by the authority aforesaid, That the townships of Beverly and Flamborough, the latter divided into Flamborough East and West, so much of the tract of land upon the Grand river in the occupation of the Six Nation Indians as lies to the northward of Dundas street, and all the land between the said tract and the east riding of the county of York, with the reserved lands in the rear of the townships of Blenheim and Blanford, do constitute and form the west riding of the county of York.

County of Simcoe.

XXIII. [Repealed. See 2d Geo. IV, c 3.]

Home district.

XXIV. And be it further enacted by the authority aforesaid, That the counties of Northumberland, Durham, York, and Simcoe, do constitute and form the Home district.

District of Newcastle, to be eventually declared by proclamation. (See 42d Geo. III, c 2.)

XXV. Provided always, and it is hereby further enacted, That when and so soon as the said counties of Northumberland and Durham shall make it satisfactorily appear to the governor, lieutenant governor, or person administering the government of this province, that there are one thousand souls within the said counties, and that six of the townships therein do hold town meetings according to law, then the said counties, with all the land in their rear, confined between their extreme boundaries, produced north sixteen degrees west,

until they intersect the northern limits of the province, shall, and are hereby declared to be, a separate district, to be called the district of Newcastle; and the governor, lieutenant governor, or person administering the government of the province, is hereby authorized upon such proof as aforesaid, to declare the same by proclamation, any time within one year after the same shall be so established, as to him shall seem most fit.

Part of the township of Glandford added to the township of Binbrook.

XXVI. And be it further enacted by the authority aforesaid, That so much of the township of Glandford as is now comprehended between the southern boundary of the township of Binbrook, and the boundary of the Six Nation Indians' land, be added to the said township of Binbrook, and become part thereof.

First riding of the county of Lincoln.

XXVII. And be it further enacted by the authority aforesaid, That the townships of Clinton, Grimsby, Saltfleet, Barton, Ancaster, Glandford, Binbrook, Gainsborough, and Caistor, do form and constitute the first riding of the county of Lincoln.

Second riding of the county of Lincoln. The town and township of Newark, therein, to be called the town and township of Niagara.

XXVIII. And be it further enacted by the authority aforesaid, That the townships of Newark, Grantham, and Louth, do constitute and form the second riding of the county of Lincoln; provided always, That the town and township of Newark, now generally called West Niagara, be henceforth declared and called the town and township of Niagara, respectively.

Third riding of the county of Lincoln.

XXIX. And be it further enacted by the authority aforesaid, That the townships of Stamford, Thorold, and Pelham, do constitute and form the third riding of the county of Lincoln.

Fourth riding of the county of Lincoln.

XXX. And be it further enacted by the authority aforesaid, That the township of Bertie, Willoughby, Crowland, Humberstone, and Wainfleet, do constitute and form the fourth riding of the county of Lincoln.

County of Haldimand. (To include the township of Rainham and Walpole. See 7th Geo. IV, c 13.)

XXXI. And be it further enacted by the authority aforesaid, That the tract of land on each side of the Grand river, now in the occupation of the Six Nation Indians, and lying to the southward and southeast of Dundas street, do constitute and form the county of Haldimand.

District of Niagara.

XXXII. And be it further enacted by the authority aforesaid, That the said counties of Lincoln and Haldimand, with such of the islands of this province lying in the river Niagara, or lake Erie, as are wholly or in greater part adjacent thereto, together with the beach at the head of lake Ontario, between the outlet of Burlington bay and the township of Saltfleet, and together with the promontory between the said Burlington bay and Coats' Paradise, do constitute and form the district of Niagara.

County of Norfolk. [a] Rainham and Walpole now added to the county of Haldimand. See 7th Geo. IV, c 13.

XXXIII. And be it further enacted by the authority aforesaid, That the townships of Rainham, Walpole, [a] Woodhouse, Charlotteville, Walsingham, Houghton, Middleton, Windham, and Townsend, together with Turkey point, and promontory of Long point, do constitute and form the county of Norfolk.

Addition to the township of Burford.

XXXIV. And be it further enacted by the authority aforesaid, That the triangular tract of land, heretofore called Townsend Gore, be added to the township of Burford, and to become part thereof.

County of Oxford.

XXXV. And be it further enacted by the authority aforesaid, That the townships of Burford, Norwich, Dereham, Oxford upon the Thames, Blanford, and Blenheim, do constitute and form the county of Oxford.

County of Middlesex.

XXXVI. And be it further enacted by the authority aforesaid, That the townships of London, Westminster, Dorchester, Yarmouth, Southwold, Dunwich, Aldborough, and Delaware, do constitute and form the county of Middlesex.

District of London.

XXXVII. And be it further enacted by the authority aforesaid, That the counties of Norfolk, Oxford, and Middlesex, with so much of this province as lies to the westward of the Home district and the district of Niagara, to the southward of lake Huron, and between them and a line drawn due north from a fixed boundary, (where the easternmost limit of the township of Oxford intersects the river Thames,) till it arrives at lake Huron, do constitute and form the district of London.

County of Kent.

XXXVIII. And be it further enacted by the authority aforesaid, That the townships of Dover, Chatham, Camden, distinguished by being called Camden West, the Moravian tract of land, called Orford, distinguished by Orford North and South, Howard, Harwich, Raleigh, Romney, Tilbury, divided into the east and west, with the township on the river Sinclair, occupied by the Shawney Indians, together with the islands in the lakes Erie and Sinclair wholly or in greater part opposite thereto, do constitute and form the county of Kent.

County of Essex.

XXXIX. And be it further enacted by the authority aforesaid, That the townships of Rochester, Mersea, Gosfield, Maidstone, Sandwich, Colchester, Malden, and the tracts of land occupied by the Huron and other Indians upon the strait, together with such of the islands as are in lakes Erie, Sinclair, or the straits, do constitute and form the county of Essex.

Western district.

XL. And be it further enacted by the authority aforesaid, That the counties of Essex and Kent, together with so much of this province as is not included within any other district thereof, do constitute and form the Western district.

Period, &c. (See 32d Geo. III, c 8; 56th, c 2 and 20; 59th, c 10, s 1.)

XLI. And be it further enacted by the authority aforesaid, That this act, nor any part thereof, shall take effect until from and after the fourteenth day of February next.

Chapter VI.

An act to amend part of an act passed in the thirty-fourth year of the reign of his Majesty, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeals," and also to amend and repeal part of an act passed in the thirty-seventh year of the reign of his Majesty, entitled, "An act for regulating the practice of the court of king's bench," and to make further provision respecting the same.

[Repealed by 2d Geo. IV, Ch. 1.]

Chapter VII.

An act to alter the method of performing statute duty on the highways and roads within this province.

[Repealed by 50th Geo. III, Ch. 1.]

Third Session of the second Provincial Parliament.

MET AT NEWARK, ON THE TWELFTH DAY OF JUNE, AND PROROGUED ON THE TWENTY-NINTH DAY OF THE SAME MONTH, IN THE THIRTY-NINTH YEAR OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

Anno Domini 1799.

Chapter I.

An act to revive and continue an act, passed in the first session of this present parliament, entitled, "An act for the better securing the province against the King's enemies."

[CONTINUED BY 37TH GEO. III, CH. I, FOR TWO YEARS.—EXPIRED.]

Chapter II.

An act to continue an act, entitled, "An act for securing the titles to lands in this province."

[CONTINUED BY 37TH GEO. III, CH. 3, FOR TWO YEARS.—EXPIRED.]

Chapter III.

An act to provide for the education and support of orphan children.

[Passed June 29, 1799.]

Preamble.

WHEREAS it is expedient to provide for the education and support of orphan children, or children who may be deserted by their parents; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when the father and mother of any infant child shall die, or shall abandon their infant child or children, it shall and may be lawful for the town wardens of any township where such child or children shall be, by and with the approbation and consent of two of his Majesty's justices of the peace, to bind the said child or children as apprentices, until he, she, or they, shall have attained the age of twenty-one years, in the case of males, and eighteen, in the case of females; and an indenture to this effect, under their hands and seals, and countersigned by two justices of the peace, shall be good and valid in law.

Town wardens, with approbation of two justices, may bind orphan or abandoned infant children.

II. And be it further enacted by the authority aforesaid, That when the father of any infant child or children shall abandon and leave such infant child or children with the mother, it shall and may be lawful for the mother in such case, by and with the approbation of two of his Majesty's justices of the peace, to bind such child or children as apprentices, until he, she, or they, shall have attained the age of twenty-one years, in the case of males, and eighteen, in the case of females; and an indenture to that effect, under her hand and seal, and countersigned by two justices, shall be good and valid in law.

The like power given to the mother, when the father abandons his infant children.

Exception.

III. Provided always, and be it further enacted by the authority aforesaid, That when the relations of any orphan, or abandoned infant child, or children, are able and willing to support and bring them up, then, and in such case, it shall not be in the power of the town wardens to apprentice such child or children.

Further exception.

IV. Provided also, and be it further enacted by the authority aforesaid, That no infant child, or children, having attained the age of fourteen years, shall be liable to be apprenticed as aforesaid, unless he, she, or they, consent thereto.

Chapter IV.

An act to enable persons holding the office of register, to be elected members of the house of assembly.

[Passed June 29, 1799.]

(See 35th Geo. III, c 5.)

Whereas by the sixteenth clause of an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may affect any lands, tenements, or hereditaments, within this province," it is declared and enacted, that "no member of the house of assembly thereafter to be chosen, during the time that he is such member, shall be capable of being appointed register, or of executing by himself, or any other person, the said office, or have, take, or receive, any fee or other profit whatsoever, for, or in respect thereof; nor shall any register, or his deputy for the time being, be capable of being thereafter chosen a member to serve in the assembly of this province;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said sixteenth clause of the said above recited act, shall be, and the same is hereby repealed.

Sixteenth clause of 35th Geo. III, repealed.

Any member of the assembly accepting the office of register, his seat to be vacated.

II. Provided always, and be it further enacted by the authority aforesaid, That if any member of the assembly shall at any time hereafter accept the office of register of any county or riding, his seat therein shall be, and is hereby declared to be vacated thereupon.

But no bar to his re-election.

III. Provided also nevertheless, That such appointment shall be no bar of obstruction to the re-election into the assembly of the person so accepting and holding the same.

Chapter V.

(Continued by 41st Geo. III, c 4; 45th, c 4; 49th, c 1; 51st, c 5; 53rd, c 8; 54th, c 18; and 56th, c 29. See 58th Geo. III, c 13.)

An act to ratify, approve, and confirm, the provisional agreement made and entered into by commissioners on the part of this province, and commissioners on the part of the province of Lower Canada.

[Expired.]

Fourth Session of the second Provincial Parliament.

MET AT YORK, ON THE SECOND DAY OF JUNE, AND PROROGUED ON THE FOURTH DAY OF JULY FOLLOWING, IN THE FORTIETH YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1800.

Chapter I.

An act for the further introduction of the criminal law of England in this province, and for the more effectual punishment of certain offenders.

[Passed July 4, 1800.]

Recital.

WHEREAS the criminal law of England was by an act of the parliament of Great Britain, passed in the fourteenth year of his Majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec, in North America," introduced and established as the criminal law of this province; and whereas divers amendments and improvements have since been made in the same by the mother country, which it is expedient to introduce and adopt in this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the criminal law of England, as it stood on the seventeenth day of September, in the year of our Lord one thousand seven hundred and ninety-two, shall be, and the same is hereby declared to be the criminal law of this province.

(See 6th Geo. IV, c 2, as to the provisions of 21st Jac. 1, c 27.)

(See 2d Geo. IV, c 12; 7th Geo. IV, c 3.)

The criminal law of England introduced as it stood on the 17th day of September, 1792.

Saving of ordinances made since the 14th Geo. III.

II. Provided nevertheless, That nothing herein contained shall be taken or construed to vary, repeal, or in any manner to affect, any ordinance of the late province of Quebec, which may have been made since the said fourteenth year of his Majesty's reign.

When any person is convicted of any felony for which he is liable to be burnt in the hand, the court may, instead of such burning, impose on him a moderate fine, or except in case of manslaughter, order him to be whipped.

III. And whereas the punishment of burning in the hand, when any person is convicted of felony within the benefit of clergy, is often disregarded and ineffectual, and sometimes may fix a lasting mark of disgrace and infamy on offenders, who might otherwise become good subjects and profitable members of the community; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, when any person shall be lawfully convicted of any felony within the benefit of clergy, for which he or she is liable by law to be burned or marked in the hand, it shall and may be lawful for the court before which any person shall be so convicted, or any court holden for the same place with the like authority, if such court shall think fit, instead of such burning or marking, to impose upon such offender such a moderate pecuniary fine as to the court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning or marking, in any of the cases aforesaid, except in the case of manslaughter, to order and judge, that such offender shall be once, or oftener, but not more than three times, either publicly or privately whipt; such private whipping to be inflicted in the presence of not less than two persons besides the offender and the officer who inflicts the same, and in case of female offenders, in the presence of females only; and such fine or whipping so imposed or inflicted instead of such burning or marking, shall have the like effects and consequences to the party on whom the same, or either, shall be so imposed or inflicted, with respect to the discharge from the same or other felonies, or any restitution to his or her estates, capacities, and credits, as if he or she had been burned or marked as aforesaid.

This act not to abridge the powers vested in the said courts, of imprisoning offenders.

IV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained, shall abridge or deprive any court of the powers now vested in it by law, of detaining and keeping in prison, for any time not exceeding one year, or of committing to the house of correction or public work-house, to be kept to hard labor, for any time not exceeding one year, or of committing to the house of correction for any time not less than six months, or exceeding two years, any such offender as aforesaid;

but that such offender may, if such court shall think fit, after such burning or marking, or after such whipping or fine as shall by virtue of this present act be inflicted or imposed instead thereof, be so detained or committed, and with such accumulated punishment, in case of escape from such house of correction or work-house, as if this act had never been made.

Banishment substituted for transportation.

V. And whereas so much of the said criminal law of England, as relates to the transportation of certain offenders to places beyond the seas, is either inapplicable to this province, or cannot be carried into execution without great and manifest inconvenience; be it therefore enacted by the authority aforesaid, That when any person shall be convicted of any crime, for which he or she shall be liable by law to be transported, the court before which such person shall be so convicted, or any court holden for the same place, with the like authority, instead of the sentence of transportation, shall order and adjudge that such person be banished from this province, for and during the same number of years, or term for which he or she would be liable by law to be transported, and do remove him or herself therefrom within a space of time to be then fixed and declared by the court, and which shall in no instance be less than two days, nor more than eight, including the day on which such sentence of banishment shall be passed.

Provisions in case of return from banishment, or being found at large in the province before the period is expired.

VI. And be it further enacted by the authority aforesaid, That if any person on whom such sentence of banishment shall have been passed as aforesaid, or to whom his Majesty, his heirs or successors, shall hereafter be graciously pleased to extend the royal mercy, upon condition of his or her leaving the province for any term of years, or for life, shall be found at large in any part thereof without some lawful cause, after the time within which he or she shall have been so banished, or shall have so consented to leave the province, and before the expiration of the term for which he or she shall have been so banished, or shall have so consented to leave the same, every such offender being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of clergy; and such offender may be tried either before justices of assize, oyer and terminer or gaol delivery, for the district, county, or place, where such offender shall be apprehended and taken, or where he or she may have received such sentence of banishment; and the clerk of the crown, clerk of the peace, or other officer, having the custody of the records where such sentence of banishment shall have been pronounced, or the register of the province, in the case of such conditional pardon, shall, at the request of any person on his Majesty's behalf, and without fee or reward, make out, and give a certificate in writing, signed by him, the said clerk of the crown, clerk of the peace, or other officer, or by the said register, respectively, containing the effect and substance, omitting the formal part of every indictment and conviction of such offender, and of the sentence of banishment, or of such conditional pardon respectively, to the justices of assize, oyer and terminer and gaol delivery, where such offender shall be indicted, which certificates shall be sufficient proof of such conviction and sentence of banishment, or of such conditional pardon respectively.

Not to restrain the power of his Majesty to pardon.

(See 34th Geo. III, c 2.)

VII. Provided nevertheless, That nothing herein contained shall be construed in any manner to restrain or prevent his Majesty, his heirs or successors, to grant an absolute and unconditional pardon to such offender, and to allow of his or her return to this province.

Chapter II.

An act for the regulation of special juries.

[Repealed by 48th Geo. III, Ch. 13, Sec. 1.]

Chapter III.

An act for the more equal representation of the commons of this province in parliament, and for the better defining the qualification of electors.

[Repealed by 4th Geo. IV, Ch. 3.]

Chapter IV.

An act for the summary conviction of persons selling spirituous liquor by retail without license.

[Passed July 4, 1800.]

For the summary conviction of persons selling spirituous liquor by retail without license, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to

make further provision for the government of the said province,'" and by the authority of the same, That if any person or persons shall directly or indirectly sell any wine, brandy, rum, or other spirituous liquor, by retail, without license for that purpose previously obtained, such person or persons having, if resident in the district in which the offence shall have been committed, been summoned to appear before any three or more of his Majesty's justices of the peace, who are hereby authorized and empowered to hear and determine the matter, and being lawfully convicted thereof, by the oath of one credible witness, shall forfeit and pay the sum of twenty pounds of lawful money of this province, to be levied with costs of suit, by distress and sale of the goods and chattels of such offender or offenders, one half of which penalty shall be paid to the person or persons informing, and the other half into the hands of his Majesty's receiver general, to and for the public uses of this province; and in default of the said offender or offenders having goods and chattels, from which the said penalty may be raised, it shall and may be lawful for the said justices to commit him, her, or them, to the gaol of the district in which the offence shall have been committed, for and during the space of three calendar months.

Manner of conviction when offender resides in the district.

II. And be it further enacted by the authority aforesaid, That if any such offender or offenders be not usually resident within the district in which the offence shall have been committed, it shall and may be lawful to and for any one of his Majesty's justices of the peace, in and for the district in which the offence shall have been committed, upon information upon oath made before him, to issue his warrant for apprehending such offender or offenders, and to oblige him, her, or them, to enter into recognizances with one or more sufficient sureties for his, her, or their appearance at such time and place as shall be appointed for the hearing of the said complaint, or in default thereof, to commit him, her, or them, for safe custody to the common gaol of the district, until the said complaint shall have been finally heard and determined.

Manner of conviction when offender does not reside within the district.

III. And be it further enacted by the authority aforesaid, That from and after the fifth day of April now next ensuing, it shall not be lawful to or for any shopkeeper licensed to sell wine, brandy, rum, and other spirituous liquors, by retail, to sell or vend the same in any less quantity or by any smaller measure than one quart; and if any shopkeeper or shopkeepers shall, from and after the said fifth day of April, sell or vend any wine, brandy, rum, or other spirituous liquors, in less quantity or by smaller measure than one quart, he, she, or they, shall for such offence forfeit and pay the sum of twenty pounds, to be levied in manner and form hereinbefore mentioned, and the monies arising therefrom shall be divided and applied in like manner and to the same uses as hereinbefore is directed.

No shopkeeper to sell less than one quart of wine, brandy, &c.

IV. Provided also, and be it further enacted by the authority aforesaid, That no information or complaint shall be received under this act, if more than six calendar months have elapsed since the time of the offence committed.

Limitation of prosecution. (See 34th Geo. III, c 12; 41st, c 8, s 2.)

Chapter V.

An act to revive and continue an act, entitled, "An act to provide for the appointment of returning officers for the several counties within this province."

[Passed July 4, 1800.]

(33d Geo. III, c 12, continued by 48th Geo. III, c 5.)

Whereas an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers for the several counties within this province," was limited to be, and continue in force, for and during the space of seven years; and whereas the time limited in the said act is now expired, and it being necessary that the same should be revived and continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the thirty-third year of his Majesty's reign, and every part thereof, and every clause, matter, and thing, therein contained, are by the present act revived and continued for and during the space of eight years, and no longer.

Chapter VI.

An act for making a temporary provision for the regulation of trade between this province and the United States of America, by land or by inland navigation.

[Expired July 7, 1802.]

First Session of the third Provincial Parliament.

MET AT YORK, ON THE TWENTY-EIGHTH DAY OF MAY, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING, IN THE FORTY-FIRST YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1801.

Chapter I.

An act to continue an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act for the better securing the province against the King's enemies."

[CONTINUES 37TH GEO. III, CH. 1, TWO YEARS, AND THEN TO THE END OF THE NEXT ENSUING SESSION OF PARLIAMENT.]

Chapter II.

An act for the further regulation of the militia of this province, and for the more effectual punishment of offenders against the militia law.

[REPEALED BY 48TH GEO. III, CH. 1.]

Chapter III.

An act to empower the commissioners of the peace for the Midland district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of Kingston in the said district.

[Passed July 9, 1801.]

Preamble.

WHEREAS it is expedient for the convenience of the inhabitants of the Midland district, that a market should be established at Kingston in said district, and that the times and place of holding such market should be ascertained; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners of the peace in the Midland district, in their court of general quarter sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the town of Kingston, as a market, where butcher's meat, butter, eggs, poultry, fish, and vegetables, shall be exposed to sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market erected at Kingston.

Orders and regulations.

Fines for offences.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered, to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Publication of rules, orders, and regulations.

III. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said district, and at the doors of the church and court house of the said town of Kingston, and that such orders, rules, and regulations, shall not be in force until three weeks after such publication.

Mode of levying and application of fines.

IV. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations so made by the said commissioners, such person shall for every such transgression forfeit the sum which in every such order, rule, and regulation, shall be specified, to be recovered by information before any one commissioner

of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, [a] the other moiety shall be paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty through the commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct.

[a] This moiety is now by the 7th Geo. IV, c 12, to be paid to the treasurer of the district towards the police funds of the town.

Chapter IV.

A bill to ratify and confirm certain provisional articles of agreement entered into by the respective commissioners of this province and Lower Canada, at Quebec, on the second day of February, one thousand eight hundred and one, relative to duties, and for carrying the same into effect, and also to continue an act passed in the thirty-ninth year of his Majesty's reign.

(See 58th Geo. III, c 13.)

[EXPIRED.]

Chapter V.

An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places.

[REPEALED BY 4TH GEO. IV, CH. 11.]

Chapter VI.

An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace and other courts have been erected and holden, and other matters relating to the administration of justice done in the several districts of this province, and also to fix the times of holding the courts of general quarter sessions of the peace in and for the same.

[Passed July 9, 1801.]

Preamble.

WHEREAS doubts have arisen with respect to the authority under which the courts of general quarter sessions of the peace, the district courts, the surrogate courts, and the courts of requests, have been erected and are now holden in the several districts of this province, and also the authority under which commissions of the peace, commissions of assize and nisi prius, commissions of oyer and terminer, commissions to sheriffs and other persons concerned in the administration of justice, have been issued in and for the said districts respectively; for removal of such doubts, be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, And it is hereby declared and enacted, that the authority under which the said courts and commissions have been erected, holden, and issued, and also all matters and things done by or by virtue of the same are, so far as relates to the authority under which the same have been so erected, holden, issued, and done, good and valid to all intents and purposes whatsoever, and that the provisions of all the acts of the legislature of this province respecting the said courts and commissions, or any of them, are hereby declared to extend and be in force (except as hereinafter mentioned) in each and every the said districts respectively.

Confirmation of courts, commissions, &c.

II. And be it further enacted by the authority aforesaid, That the courts of general quarter sessions of the peace in and for the Western district, the district of Niagara, and the Home [a] district respectively, shall be holden in the towns of Sandwich, Niagara, and York, on the second Tuesday in the months of January, April, July, and October; and that the said courts of general quarter sessions of the peace in and for the district of London shall be holden in the town of Charlotteville [b] on the second Tuesday in the month of March, June, September, and December; [c] and that the said courts of general quarter sessions of the peace in and for the Midland district shall be holden in the town

Times of holding quarter sessions.

[a] See 2d Geo. IV, c 16.

[b] See 55th Geo. III, c 16, s 1.

[c] See 56th Geo. III, c 1.

of Adolphustown on the fourth Tuesday in the month of January and on the second Tuesday in the month of July, and in the town of Kingston on the fourth Tuesday in the month of April and on the second Tuesday in the month of October; and that the courts of general quarter sessions of the peace in and for the district of Johnstown shall be holden in the town of Johnstown on the third Tuesday in the months of February and May, and on the second Tuesday in the months of August and November; and that the courts of general quarter sessions of the peace in and for the Eastern district shall be holden in the town of Cornwall on the fourth Tuesday of the months of January and April, and on the second Tuesday of the months of July and October.

(See 32d Geo. III, c 6; 36th Geo. III, c 4; confirmed by 58th Geo. III, c 9.)

Provision respecting the districts of London and Johnstown. (See 33d Geo. III, c 36; 56th, c 4; 55th, c 9.)

III. And be it further enacted by the authority aforesaid, That the duties which are required by law to be done and executed by any person or persons at or before the April sessions, shall be done and executed at or before the June sessions, in the district of London, and at or before the May sessions in the district of Johnstown.

[As to Niagara, see 11th Geo. IV, c 8.]

Chapter VII.

(Amended by 60th, Geo. III, c 5.)

An act to authorize the governor, lieutenant governor, or person administering the government, to appoint inspectors of flour, pot and pearl ashes, within this province.

[Passed July 9, 1801.]

Preamble.

Whereas it would be for the mutual advantage of buyers and sellers of flour, pot and pearl ashes, and tend to establish the credit of those articles in foreign markets, if means were adopted for the ascertaining the quality of those articles when offered for sale within this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government for the time being, to appoint one or more persons in every district of this province, at such place or places as he shall deem proper, as inspector or inspectors of flour, pot and pearl ashes, and the said inspector or inspectors, before he or they shall enter upon the execution of such office, shall take the following oath:

Appointment in every district of inspectors of flour, pot and pearl ashes.

Oath to be taken by inspectors.

II. "I, do sincerely swear, that I will faithfully and impartially, and according to the best of my skill and understanding, execute the office and duty of an inspector or examiner of flour, or pot and pearl ashes, [as the case may be] according to the true intent and meaning of an act of this province, entitled, 'An act to authorize the governor, lieutenant governor, or person administering the government, to appoint inspectors of flour, pot and pearl ashes, within this province.' So help me God."

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, having flour, pot or pearl ashes for sale, to call upon the inspector to examine the same, who is hereby authorized and required to examine such flour, by boring the head of the cask, and piercing through the flour, with the usual instrument, in order to prove whether it be honestly and truly packed, and to judge of its quality; and the said inspector shall declare the quality of the same, by marking it as superfine, fine, or middling, and if unsound or soured, he shall also mark the same on the head of each cask; and in the case of pot and pearl ashes, the inspector is hereby authorized and required to unpack the cask or casks in which it is contained, and to repack the same, and he shall declare the quality thereof, by marking each cask as first, second, or third sort, or merely salts, as the case may be.

Method of examining flour, pot and pearl ashes, and marking the casks in which they are contained.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such inspector to ask and receive of and from the person calling upon him to search and examine flour, pot and pearl ashes as aforesaid, for every barrel of flour, three pence, and for every cask of pot and pearl ashes, one shilling.

Fees allowed to the inspectors.

Chapter VIII.

An act to prevent the sale of spirituous liquors and strong waters in the tract occupied by the Moravian Indians on the river Thames, in the Western district.

[Passed July 9, 1801.]

Preamble.

Whereas it is necessary for the comfort of the Moravian Indians, inhabiting that certain tract of land on each side of the river Thames, called the township of Orford, and for the

better regulation of the said Indians, that no rum or spirituous liquors shall be sold within that township; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to sell or barter any rum, brandy, whiskey, or other spirituous liquors, or strong waters, within the said tract, so occupied by the said Indians.

No person to sell or barter rum, &c. within the tract occupied by the Moravian Indians.

II. And be it further enacted by the authority aforesaid, That if any person shall be convicted of selling or bartering any rum, brandy, whiskey, or other spirituous liquors, or strong waters, within the aforesaid tract, he shall be convicted after the same manner and be subject to the same pains, penalties, and fines, as persons selling spirituous liquors without license are now convicted and fined according to law.

Penalty.

(See 40th Geo. III, c 4.)

Chapter IX.

An act the better to adapt the establishment of the court of king's bench, to the present situation of this province.

[REPEALED BY 2D GEO. IV, CH. 1.]

Chapter X.

An act to regulate the statute labor to be done upon the roads in the tract occupied by the Huron Indians in the county of Essex, in the Western district.

[Passed July 9, 1801.]

Preamble.

WHEREAS it is necessary that the road which passes through the tract occupied by the Huron Indians, in the county of Essex, should be kept in good repair; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the King's high road, which leads through the said tract, between the township of Malden and the township of Sandwich, be kept in good and sufficient repair by the inhabitants of the said townships, that is to say, the southern half of the said road by each and every person living within and inhabiting the township of Malden; and the northern half of the said road, by each and every person living within and inhabiting the township of Sandwich.

Road between Sandwich and Malden.

II. And be it further enacted by the authority aforesaid, That the bridge which has been erected over the river aux Canards shall be, and is hereby directed to be, kept in good and sufficient repair by the inhabitants of the aforesaid townships generally.

Bridge over the river aux Canards.

III. And be it further enacted by the authority aforesaid, That if any person as aforesaid shall refuse to work upon the said road, or towards the repair of the said bridge, after he shall have been warned so to do according to law, it shall and may be lawful for any one magistrate to issue his warrant to bring such offender before him, and to inflict such punishment as may now be inflicted upon any defaulter, for neglect or refusal to work upon any other his Majesty's highways in this province.

Penalty for refusing to work on the road or bridge.

IV. And be it further enacted by the authority aforesaid, That the statute labor herein directed is not to extend beyond the quota of statute labor, as now regulated by law, but is to be a part thereof.

Labor to be done.

(See 48th Geo. III, c 12, and 50th, c 1.)

Chapter XI.

An act to prevent the acts of the legislature from taking effect from a time prior to the passing thereof.

[Passed July 9, 1801.]

Preamble.

WHEREAS every act of the legislature of this province, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the

session in which such act is passed; and whereas the same is liable to produce great and manifest injustice; for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the secretary of this province shall endorse on every act of the legislature of this province, which shall pass during the present and every future session thereof, immediately after the title of such act, the day, month, and year, when the same shall have passed and received the royal assent, and such endorsement shall be taken to be a part of such act, and to be the date of its commencement, where no other commencement shall be therein provided.

Chapter XII.

An act for granting to his Majesty a certain sum of money, out of the provincial fund, to defray the payment of the salaries of the officers of the legislative council and house of assembly, (including the commissioners to Lower Canada,) and to defray the contingent expenses thereof; and further to appropriate the supplies and provide for the payment of the same hereafter.

[Passed July 9, 1802.]

Most gracious Sovereign:

Preamble.

We, your Majesty's most dutiful and loyal subjects, the commons of Upper Canada, in parliament assembled, to defray the payment of the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof, as well as to defray the payment of the commissioners to Lower Canada, have resolved to give and grant unto your Majesty, out of the rates and duties already raised, levied, and collected, and hereafter to be raised, levied, or collected, the sum hereafter mentioned, and do most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the purposes of paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expenses thereof, and to and for the uses of this province, there be granted to his Majesty, the sum of two thousand two hundred and fifty-five pounds five shillings, to be issued out of the provincial fund in the receiver general's hands, to the uses hereafter expressed, and defray the following expenses, that is to say:

Appropriation of provincial funds.

For services rendered previous to the present session of parliament, one thousand one hundred and five pounds, five shillings.

For the services of the present session, as follows:

The clerk of the legislative council, one hundred and twenty-five pounds.
The usher of the black rod, fifty pounds.
The master in chancery attending the legislative council, fifty pounds.
The chaplain of the legislative council, fifty pounds.
The door keeper of the legislative council, twenty pounds.
The speaker of the house of assembly, *two* hundred pounds.
The clerk of the house of assembly, one hundred and twenty-five pounds.
The serjeant at arms, fifty pounds.
The chaplain of the house of assembly, fifty pounds.
The door keeper of the house of assembly, twenty pounds.
The copying clerks, a sum not exceeding fifty pounds.

(See 56th Geo. III, c 27.)

For printing the acts and journals of the present session, a sum not exceeding three hundred pounds.

For furniture for the house of assembly, and other contingent expenses, pursuant to an address, sixty pounds.

Two thousand two hundred and fifty-five pounds, five shillings.

Future application.

II. And be it further enacted, That there be granted annually to his Majesty, out of the rates and duties aforesaid, to be issued out of the provincial treasury, from such monies as may from time to time come into the receiver general's hands, the sum of one thousand and ninety pounds, to and for the uses hereafter expressed, and to defray the following expenses, that is to say; seven hundred and forty pounds for the payment of the salaries of the officers of the legislative council and house of assembly, as recited in the detail for the service of the present session, and three hundred and fifty pounds for the payment of copying clerks, and the printing of the laws and journals. [*a*]

[*a*] See 44th Geo. III, c 5, s 1.

Mode of payment.

III. And be it further enacted, That the monies hereby granted to his Majesty shall be paid by the receiver general, in discharge of such warrant or warrants as shall, for the purposes herein set forth, be from time to time issued by his excellency the governor, lieutenant governor, or person administering the government of this province for the time being, and not otherwise; and the said receiver general shall account to his Majesty for the same, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

(See 33d Geo. III, c 13; 48th, c 6; 56th, c 22 & 27.)

Second Session of the third Provincial Parliament.

MET AT YORK, ON THE TWENTY-FIFTH DAY OF MAY, AND PROROGUED ON THE SEVENTH DAY OF JULY FOLLOWING, IN THE FORTY-SECOND YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1802.

Chapter I.

An act the better to ascertain and secure the titles to lands in this province.

[Expired July 7, 1804.]

Chapter II.

An act to provide for the administration of justice in the district of Newcastle.

[Passed July 7, 1802.]

Preamble.

(See 38th Geo. III, c 5, s 25.)

Whereas the counties of Northumberland and Durham, with all the lands in their rear confined between their extreme boundaries, produced north sixteen degrees west, until they intersect the northern limits of this province, under and by virtue of a certain act of parliament, entitled, "An act for the better division of this province," passed in the second session of the second parliament thereof, (to which the royal assent was promulgated by proclamation, bearing date the first day of January, in the fortieth year of his Majesty's reign,) are declared to be a separate district of this province, to be called the district of Newcastle; and whereas it is expedient that the said district of Newcastle should possess and enjoy all and every jurisdiction, privilege, and advantage, now possessed and enjoyed by the other districts of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That courts of oyer and terminer, assize, nisi prius, gaol delivery and of the peace, courts of general and quarter sessions of the peace, district court, surrogate court, court of requests, and every court and jurisdiction whatsoever held, or to be held, possessed, and enjoyed, in and by the other districts of this province, shall from henceforth, with the like powers and authorities, be held, possessed, and enjoyed, in and by the said district of Newcastle; and that all and every jurisdiction, regulation, rule, privilege, exemption, matter, or thing, which hath or have been enacted, provided, and declared, or shall be hereafter enacted, provided, and declared, by any act or acts of the parliament of this province, made or to be made, touching and concerning the said other districts, shall be, and are hereby extended to that district, unless otherwise provided for and declared by this act; and that courts of oyer and terminer, assize, nisi prius and gaol delivery, shall first be held (unless under special commission) in and for the said district of Newcastle, during the circuit of the judges of his Majesty's court of king's bench through this province, in the year of our Lord one thousand eight hundred and three: Provided nevertheless, that if any cause of action hath arisen, or shall arise, and any action thereupon hath been or shall be commenced, or any indictable offence hath been or shall be committed within the said district of Newcastle, which said action or indictable offence by due course of law might have been brought to issue and trial, if the said district of Newcastle had not been erected and constituted, at the next assizes to be holden in and for the Home district, it shall and may be lawful as heretofore, then and there to try the said actions and indictments, any thing herein contained to the contrary notwithstanding.

Courts, &c. held in the other districts to be held in this district.

Courts of oyer and terminer, &c. postponed till 1803.

Proviso.

II. And be it further enacted by the authority aforesaid, That a gaol and court house for the district of Newcastle, shall be erected and built in some fit and convenient place within the town of Newcastle, [a] in such manner, and under the same rules, regulations,

Gaol and court house to be erected.

[a] See 45th Geo. III, c 5.

and directions, as in that respect are made and provided in and by a certain act passed in the thirty-second year of his Majesty's reign, entitled, "An act for building a gaol and court house in every district throughout this province, and for altering the names of the said districts," and that all and every the clauses, provisions, rules, regulations, matters, and things, in the said last recited act contained, shall under the same penalties as therein are contained in all cases, and in respect to all persons, extend and be extended to the district of Newcastle aforesaid.

Provision until gaol and court house are erected.

III. Provided nevertheless, and be it further enacted by the authority aforesaid, That until such time as the said gaol and court house, in and for the district of Newcastle aforesaid, shall have been erected and built, whether out of the fund produced by the district assessments and rates, or otherwise, that it shall and may be lawful for the majority of his Majesty's justices of the peace, residing within the district of Newcastle, to appoint some place therein for the holding of the courts of general and of quarter sessions of the peace, and of all the other courts, held at a place certain in the said other districts of this province.

Jurisdiction, &c. of the Home district to cease.

IV. And whereas the said counties of Northumberland and Durham, with the said other lands, now constituting the district of Newcastle, did heretofore belong to and constitute a part of the Home district of this province, were subject to the jurisdictions, powers, and authorities, of that district; be it therefore further enacted by the authority aforesaid, That no jurisdiction, power, or authority, of what nature or kind soever to the said Home district at this time belonging and appertaining, shall extend or be construed to extend to the said district of Newcastle: Provided nevertheless, That nothing herein contained shall affect, change, or in any wise invalidate, the jurisdictions, commissions, powers, and authorities, which heretofore were established, possessed, and exercised, in that part of the said province which before the erecting and constituting the said district of Newcastle formed and constituted the Home district, and that all acts, matters, and things, which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers, and authorities, within that district, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting of the said district of Newcastle as aforesaid, and all acts, matters, and things, which shall be lawfully done, under and by virtue of the same, in that part of the province which now forms and constitutes the Home district, so far as respects the validity of the authority under which the same have issued and are constituted, since the said district of Newcastle hath been so erected and constituted, shall be held to be valid and good in law to all intents and purposes whatsoever.

Present magistrates, &c. residing within this district to continue.

V. And be it further enacted by the authority aforesaid, That his Majesty's justices of the peace, and other persons bearing lawful authority, residing within the said district of Newcastle, shall hold, enjoy, and exercise, the like authority, power, and jurisdiction, within that district, at the times and in the manner which they heretofore held, enjoyed, and exercised, within the Home district, before the erecting, constituting and declaring, of the said district of Newcastle, or which is held, enjoyed, and exercised, by his Majesty's justices of the peace and other persons bearing lawful authority in the other districts of this province, provided that the authority, power, and jurisdiction, heretofore exercised by his Majesty's justices of the peace and other persons bearing lawful authority residing within the said district of Newcastle, shall not in any wise be exercised or continued within that part of this province now constituting the Home district, but the same within that district shall from henceforth cease and determine.

But not to have any authority out of it.

Application of assessments and rates.

VI. And be it further enacted by the authority aforesaid, That the assessments and rates levied, or to be levied for this current year of our Lord one thousand eight hundred and two, within the said district of Newcastle, shall be applied and expended for the like purposes within that district, as they now are or may be applied and expended under and by virtue of any act or acts of parliament made or to be made in the other districts of this province.

(See 32d Geo. III, c 8, and 33d, c 3.)

Chapter III.

An act to declare and ascertain the rates which the receiver general shall take and retain to his own use, out of the monies passing through his hands, which are subject to the disposition of the parliament of this province.

[REPEALED BY 1ST WILL. IV, CH. 15.]

Chapter IV.

An act to enable the governor, lieutenant governor, or person administering the government of this province, to appoint one or more additional port or ports, place or places of entry within this province, and to appoint one or more collector or collectors at the same respectively.

[Passed July 7, 1802.]

Preamble.

(See 41st Geo. III, c 5.)

Whereas it is expedient that further provision be made for the better collecting, and for prevention of the evading of the payment of certain duties imposed on goods and merchandize brought into this province from the United States of America, under and by virtue of a certain act of parliament passed in the forty-first year of his Majesty's reign, entitled, "An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America as are now paid on goods and merchandize imported from Great Britain and other places;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of the said province, by and with the advice and consent of the executive council thereof, from time to time as occasion shall require, and as to him shall seem meet, to declare and appoint by proclamation or otherwise, one or more additional port or ports of entry and clearance, place or places (other than ports) of entry and clearance for all goods and merchandize not being entirely prohibited, and for the payment of all duties liable on all goods and merchandize brought into this province from the United States of America, imposed and established by virtue of the above mentioned act of parliament, passed in the forty-first year of his Majesty's reign, and according to the directions of the same; and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, under his hand and seal at arms, to nominate and appoint one or more collector or collectors at the said additional ports of entry and clearance, and at the place or places (other than ports) of entry and clearance, in like manner as he is now by law authorized to nominate and appoint one or more collector or collectors at the respective ports of entry and clearance particularly specified in the last said mentioned act.

Governor, &c. in council, to declare additional ports of entry.

Governor, &c. to appoint collectors.

II. And be it further enacted by the authority aforesaid, That all and every the powers, directions, rules, emoluments, clauses, matters, and things, which in and by the said act passed in the forty-first year of his Majesty's reign, were enacted, provided, and established, respecting the collector or collectors at the respective ports of entry and clearance therein mentioned, shall be, and are hereby extended to such collector or collectors as shall be nominated and appointed in manner as aforesaid by the governor, lieutenant governor, or person administering the government of this province, at the said additional port or ports of entry and clearance, or place or places, other than ports of entry and clearance, under and by virtue of this act.

Collectors so appointed to have the same powers, &c. as other collectors.

(Revived and continued by 47th, c 4, and 56th, c 8.)

III. And be it further enacted by the authority aforesaid, That this act shall be and continue to be in force for three years, and no longer.

Chapter V.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty through the lieutenant governor, in pursuance of two several addresses of the commons house of assembly.

[Temporary.]

£834 : 0 : 8, granted to defray the contingent expenses of the preceding session.

Third Session of the third Provincial Parliament.

MET AT YORK, ON THE TWENTY-FOURTH DAY OF JANUARY, AND PROROGUED ON THE FIFTH DAY OF MARCH FOLLOWING, IN THE FORTY-THIRD YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1803.

Chapter I.

An act to allow time for the sale of lands and tenements by the sheriff.

[Passed March 5, 1803.]

WHEREAS it is expedient, in the present circumstances of this province, that some time should elapse, after the issuing of process of execution against lands and tenements, before the sheriff proceeds to expose the same to sale; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the end of this present session of parliament, goods and chattels, lands and tenements, shall not be included in the same writ of execution, nor shall any such process issue against the lands and tenements until the return of the process against the goods and chattels. Preamble.

II. And be it further enacted by the authority aforesaid, That the writ against the lands and tenements shall not be made returnable in less than twelve months from the teste thereof, nor shall the sheriff expose the same to sale, within less than twelve months from the day on which the writ shall have been delivered to him. (See 34th Geo. III, c 2, & 49th, c 4, s 5.)

Chapter II.

An act to explain and amend an act, passed in the forty-first year of his Majesty's reign, entitled, "An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandize coming from the United States of America into this province," and also to establish a fund for the erection and repairing of light houses. (41st Geo. III, c 5.)

[REPEALED BY 4TH GEO. IV, CH. II.]

Chapter III.

An act to authorize the governor, lieutenant governor, or person administering the government of this province, to license practitioners in the law.

[Passed March 5, 1803.]

WHEREAS great inconvenience has arisen, and is now experienced, by his Majesty's subjects in several parts of this province, from a want of a sufficient number of persons duly authorized to practise the profession of the law, and unless the number can be speedily increased, justice will in many places be with great difficulty administered; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the Recital.

Governor, &c. authorized to license six persons to practise the profession of the law.

same, That from and after the passing of this act, it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of this province, to authorize, by license under his hand and seal, such and so many of his Majesty's liege subjects, not exceeding six in the whole, as he from their probity, education, and condition in life, shall deem fit and proper to practise the profession of the law in this province; and that upon producing every such license to the clerk of the crown and pleas in this province, the name of such person so licensed shall be inscribed on the roll of attornies of the court of king's bench, and each and every person whose name shall be so inscribed shall, after having been admitted a member of the law society in manner hereinafter mentioned, be authorized to practise the profession of the law as fully to all intents and purposes as any barrister and attorney now practises the same in this province.

Before any person applies to the governor, &c. such person shall procure a certificate from the court of king's bench.

II. Provided always, nevertheless, That before any person shall apply to the governor, lieutenant governor, or person administering the government of this province, for such license as aforesaid, such person shall apply to the judges of his Majesty's court of king's bench, and shall procure from that court a certificate, under the hand of the chief justice, or in his absence, of the senior puisne judge of the said court, that such court is satisfied of the ability and fitness of the party so applying to be admitted to practise as a barrister and attorney in this province.

After enrolment of any person under this act, he is to subscribe the rules of the law society, and the society to admit him a member.

III. Provided also, and be it further enacted, That from and after the enrolment of any such person or persons under the authority of this act, he shall offer himself to the law society of this province, and shall offer to subscribe and conform to the existing rules and regulations of the said society, and such society is hereby required to admit him a member of the same.

Fees to the governor's secretary and clerk of the crown.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the secretary of the governor, lieutenant governor, or person administering the government of this province, to demand and receive the sum of two pounds, on the delivery of each and every such license as aforesaid, and for the said clerk of the crown and pleas to demand and receive the sum of thirteen shillings and four pence, for inscribing the name of each and every person so licensed upon the said roll.

Chapter IV.

An act to declare the rights of certain grantees of waste lands of the crown.

[Passed March 5, 1803.]

Recital.

Whereas several grants of waste lands of the crown did, previous to the first day of July, in the year of our Lord one thousand eight hundred, pass the great seal of this province, to two or more persons and their heirs; and whereas it was his Majesty's gracious intention, and also the understanding of the grantees, that such persons should hold their lands under such grants as tenants in common, but such grants were erroneously so drawn and issued as to convey to the grantees estates in joint tenancy; and whereas the rights of many persons may be thereby affected, and the gracious intention of his Majesty frustrated; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all grants of the waste lands of the crown, which, previous to the said first day of July, in the year of our Lord one thousand eight hundred, passed the great seal of this province to two or more persons and their heirs, shall, from and after the day of the date of such grants respectively, be taken and construed in all courts of law and equity, to enure and operate as giving to the several grantees estates in common, and not in joint tenancy, unless it shall be distinctly expressed or declared in the said grant, that such lands were to be held by, or to the use of such grantees as joint tenants, any law to the contrary notwithstanding.

Grants to two or more persons and their heirs to be construed to operate as giving estates in common, unless expressed in such grant to be to the use of such grantees as joint tenants

The rights of purchasers, mortgagees, &c. not to be impeached.

II. Provided always, nevertheless, and it is hereby declared, That nothing herein contained shall extend, or be construed to extend or impeach, or in any manner to affect the rights of any bona fide purchaser, mortgagee, or other incumbrancer, for valuable consideration; provided such purchasers, mortgagees, or other incumbrancers, can show their right, claim, or title to have vested previous to the passing of this act.

Chapter V.

An act to enable married women, having real estate, more conveniently to alien and convey the same.

[REPEALED BY 1ST WILL. IV, CH. 2.]

(Amended by 59th Geo. III, c 3. Further amended by 2d Geo. IV, c 14.—See the act 16th March, 1831.)

Chapter VI.

An act for further altering and amending an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to encourage the destroying of wolves and bears in different parts of this province."

[REPEALED BY 47TH GEO. III, CH. 2.]

Chapter VII.

An act to repeal for a limited time, part of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act for the regulation of juries."

[EXPIRED MARCH 16, 1808.]

Chapter VIII.

An act to authorize the attorneys now practising, or hereafter to be duly admitted to practise, to take such number of clerks as therein mentioned.

[SEE 47TH GEO. III, CH. 5.]

Chapter IX.

An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned.

[Passed March 5, 1803.]

Preamble.

WHEREAS the regulations and usages which have heretofore been established and hitherto observed in the issuing of licenses to persons to sell by retail, wine and spirituous liquors, or to use and employ stills for the distillation of spirituous liquors, have been found dilatory and circuitous, and thereby injurious to his Majesty's revenue arising therefrom; for remedy thereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the fifth day of April now next ensuing, such parts and so much of five several acts, which heretofore have passed in the parliament of this province, that is to say, an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to establish a further fund for the payment of the salaries of the officers of the legislative council and the house of assembly, and for defraying the contingent expenses thereof;" an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to lay and collect a duty upon stills;" an act passed in the same thirty-fourth year of his Majesty's reign, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license;" an act passed in the thirty-sixth year of his Majesty's reign, entitled, "An act to amend an act, entitled, 'An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license;'" and an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act to increase the revenue, and to compel the accounting more regularly for the same to the treasurer of the province," as regard, or in any wise respect the secretary of the province, his agents or deputies, or any of them, or which authorize the said secretary, his agents or deputies, or any of them, to receive, distribute, or account for any license or licenses, issued by the governor, lieutenant governor, or person administering the government, for the time being, for the purposes and to the intents in the said several five last recited acts, or in any of them mentioned and contained, or which require or direct any application or written requisition to be made to the said secretary, his

Repeal of part of five former acts:

(33d Geo. III, c 10; 34th, c 11; 34th, c 12; 36th, c 3, & 37th, c 11, so far as relates to the duties of the secretary of the province.)

deputies or agents, or any of them, touching, or in any wise concerning any purpose, matter, or thing, in such acts, or any of them, contained, shall cease and determine, and shall be, and the same are hereby severally and respectively repealed accordingly.

Inspectors to be appointed in each district.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, from time to time, and at all times hereafter during the continuance of this act, to and for the governor, lieutenant governor, or person administering the government in this province, for the time being, by an instrument in writing under his hand and seal, to authorize, commission, and appoint, during pleasure, in each and every district in this province, some fit and discreet person to be inspector, who shall, in the district for which he shall be so appointed, superintend, collect, and account for, (as hereinafter provided,) his Majesty's revenue, arising from and by such license or licenses, as from and after the said fifth day of April now next ensuing, shall and may at any time or times thereafter issue to any person or persons within the district in which such person shall be so appointed inspector to or for any of the purposes, ends, or intents, in the said last five recited acts, or in any one of them mentioned or contained; which inspectors, when so authorized, commissioned, and appointed, as aforesaid, shall severally, within their respective districts, have, hold, and possess, all and singular the powers and authorities, and shall and are hereby severally required to exercise, perform, and fulfil, all and singular the duties required of or imposed upon the said secretary of the province, his deputies or agents, or any of them, by any of the said last five recited acts, except so far as such duties are varied, or are otherwise provided for by this act.

Mode of obtaining licenses.

III. And be it further enacted by the authority aforesaid, That in all cases not otherwise provided for in and by this act, each and every person desirous of obtaining a license or licenses, under the provisions of the said last five recited acts, or any of them, shall, under the respective restrictions and penalties therein severally specified and contained, and in manner and form therein and thereby respectively directed, make such application, and in and by a written requisition, furnish such specification to the inspector of the district wherein any such applicant may be desirous of being licensed, as in and by any of the said acts it is specified, directed, and provided, to be made or done to the said secretary, his agents or deputies, or any of them.

Inspectors to ascertain persons selling wine or spirits without license, or using stills without license, or larger stills than those licensed, and to proceed against offenders.

(See 44th Geo. III, c 7.)

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every inspector to be appointed under and by virtue of this act, in the district in which he shall reside, and each and every of them is hereby required to ascertain by every means in his power, whether there is or are any person or persons in such district, who sell, vend, or barter, directly or indirectly, any wine or spirituous liquors by retail without a license, or who shall have in his, her, or their possession any still or stills, used in distilling any spirituous liquors, without license for so doing, or whether any person or persons having received a license for any still or stills, do make use of any still or stills other than such as shall have been so licensed, or shall use any still or stills of greater capacity than such as shall have been specified by the person or persons using the same to the said inspector, and if it shall appear to the said inspector that there is or are any such person or persons selling any wine or spirituous liquors without license, by retail, or shall have in his, her, or their possession, and shall use any still or stills without license, or shall use any larger still or stills than such as shall have been licensed as aforesaid, the said inspector is hereby authorized and required to proceed against such offender or offenders in the same manner and form as any complainant is directed in the before recited acts, or any of them, and such offender or offenders shall be convicted in the same manner and form, and be subject to the same pains and penalties, as directed and imposed by the said before recited acts, or any of them, and the said penalty and penalties so inflicted or imposed shall be disposed of and paid in the same manner as directed and required by the said acts, or any of them.

Inspector of the district to render account to the inspector general of the province.

V. [Repealed by 56th Geo. III, c 3, s 1.]

Allowance to the inspector of the district.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every inspector, out of all and every the sum or sums of money which under and by virtue of this act he shall collect, receive, and account for, from any person or persons to be licensed to sell or distil any spirituous liquors under and by virtue of the before recited acts, or any of them, to take and retain, over and above such sum or sums of money as is or are hereinafter allowed him, to his own use and benefit, a sum not exceeding ten pounds for every hundred pounds which he shall so collect, receive, and pay, or cause to be paid, into the hands of the receiver general of the province, as hereinbefore directed, and so in proportion for every greater or lesser sum.

Inspector of each district to take,—

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for, and each and every inspector who shall be appointed under and by virtue of this act, is hereby required, before he shall enter upon the execution of his said office, to

take and subscribe the following oath, which oath shall be taken before any two of his Majesty's justices of the peace in and for the district in which such inspector shall be so appointed, who are hereby authorized and required to administer the same, and to transmit a certificate of such inspector having taken such oath before them, to the governor, lieutenant governor, or person administering the government of this province for the time being:

Oath.

"I, A. B., do swear on the holy evangelists of Almighty God, that I will well and truly execute, do, and perform, the duty of inspector of his Majesty's revenue arising from shop, tavern, and still licenses, and will duly and impartially superintend the collection thereof, according to the best of my skill and knowledge, and in all cases of fraud or suspicion of fraud that shall come to my knowledge, I will spare no person from favor or affection, nor will I aggrieve any person from hatred or ill will; and that I will in all cases faithfully do, execute, and perform, to the best of my skill and knowledge, all and every the duties imposed upon me by an act passed in the provincial parliament, in the forty-third year of his Majesty's reign, entitled, 'An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned.'"

Inspectors of the district to give security.

Provided always, and be it further enacted by the authority aforesaid, That no inspector to be appointed under and by virtue of this act, shall enter upon the execution of his office, until he shall have given security by two sureties, in two hundred and fifty pounds each, and himself in five hundred pounds, to his Majesty, his heirs and successors, for the due performance of his office.

Fees to the district inspector.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every inspector to be appointed under and by virtue of this act, and he is hereby allowed to demand and to take the following fees: For filing every requisition for a still license, one shilling and three pence; for issuing the license, two shillings and six pence; for filing the certificate of the magistrates and clerk of the peace to the person requiring tavern license, one shilling and three pence; for issuing the license, two shillings and six pence; for issuing a shop license, two shillings and six pence; any thing contained in the said before recited acts, or any of them, or in any other law, usage, or regulation, to the contrary in any wise notwithstanding.

Fees to the lieutenant governor's secretary.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the secretary of the governor, lieutenant governor, or person administering the government of this province, to demand and take the sum of forty shillings, on delivery of each and every commission granted under and by virtue of this act.

Continuance of this act. (Continued by 46th Geo. III, c 6. Perpetual by 48th Geo. III, c 8. See 56th Geo. III, c 3.)

X. And be it further enacted by the authority aforesaid, That this act shall be and continue to be in force for and during two years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter X.

An act to extend the provisions of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large."

(Amended by 2d Geo. IV, c 11.)

[Passed March 5, 1803.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That whenever any horses, cattle, sheep, or swine, taken damage feasant, or running at large contrary to law, shall be empounded in the pound of any township, parish, or place, it shall be the duty of the pound keeper to feed the same, for doing which he shall be entitled to an allowance over and above his fees as pound keeper, which allowance shall be from time to time regulated by the justices in quarter sessions.

Whenever any horses, cattle, sheep, or swine, taken, they may be empounded, &c.

The pound keeper within forty-eight hours to give notice of sale, &c.

II. And be it enacted by the authority aforesaid, That in all such cases, the pound keeper, within forty-eight hours after the distress shall have been empounded, shall cause a notice thereof in writing to be affixed in three of the most conspicuous and frequented parts of the township, parish, or place, which notice shall give a description of such distress, and specify when and where the said distress was intended to be sold; and if the owner of such distress, or some person on his behalf, shall not, within fifteen days after such notice shall have been so affixed, redeem the same by paying the charges of the pound keeper, and also by paying or tendering the damages or penalty, if any, at the place where the pound is kept, it shall and may be lawful to and for such pound keeper to cause

such distress, or so much of the said distress, to be sold, and after deducting in the first place his own charges, to pay the damages or penalty, if any, to the person entitled thereto, and after payment of such charges, damages, or penalty, to return the surplus, if any, to the owner.

If the owner of any distress shall not appear, justices to summon freeholders to assess damages, &c.

III. And be it further enacted by the authority aforesaid, That if the owner of any distress, or some person on his behalf, shall not appear, or shall dispute the amount of the damages claimed, it shall and may be lawful for the pound keeper to apply to some neighboring justice of the peace, who is hereby authorized and required forthwith to summon three freeholders, to whom he shall administer an oath well and truly to assess the damages; and where the said freeholders shall not agree, the determination of the majority of them shall be conclusive as to such damages: Provided nevertheless, That nothing herein contained shall be construed or taken to restrain the owner of the distress from instituting any suit or suits in consequence of any distress or distresses to be made under the authority of this act, in which nothing shall be tried or called in question, except the legality of taking or empounding such distress or distresses.

Swine not to go at large in York, Niagara, Queenston, Amherstburgh, Kingston, or New Johnstown. [a] All repealed except as to Queenston and New Johnstown, by 2d Geo. IV, c 11.

IV. And be it enacted by the authority aforesaid, That from and after the first day of May next, it shall not be lawful for any person or persons residing in the several towns of York, Niagara, Queenston, Amherstburgh, Sandwich, Kingston, or New Johnstown, [a] to have any swine going at large in the said towns; and if any swine, belonging to any such person or persons, shall be found at large in any of the towns aforesaid, such person or persons shall for every such swine forfeit and pay the sum of ten shillings, to and for the use of his Majesty, his heirs and successors, to be accounted for unto his said Majesty through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct, to be recovered in a summary way, before any one of his Majesty's justices of the peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of ten shillings, and the charges of the sale.

(See 34th Geo. III, c 8. As to sheep, see 44th Geo. III, c 4.)

Chapter XI.

An act the more conveniently to collect the compensation to the members of the house of assembly for their attendance in their duty in parliament, and to repeal part of an act passed in the parliament of this province in the thirty-third year of his Majesty's reign, entitled, "An act to authorize and direct the laying and collecting of assessments and rates within this province, and to provide for the payment of wages to the house of assembly."

[Passed March 5, 1803.]

Preamble.

Whereas the present mode of assessment for making compensation to the members of the house of assembly, for their attendance in their duty in parliament, is found to be inconvenient; for the more easy collection and payment of the same, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act to make more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That after every prorogation and dissolution of the assembly of this province, it shall and may be lawful for every member thereof, having attended, to receive from the speaker of the house of assembly, a warrant under his hand and seal, signifying the time that such member hath attended his duty in the said assembly; and every member possessed of such warrant shall and may ask and demand of the justices of the peace for the district in which the county or riding represented by such member may be situate, in their general quarter sessions assembled, a sum not exceeding ten shillings per day, for every day that the said member shall have been engaged in the attendance of his duty in the house of assembly, and have been necessarily absent from his place of abode in going to or returning from his attendance; which sum it shall or may be lawful for the said justices to levy, by assessment to be made on each and every inhabitant householder in the several parishes, townships, reputed townships, or places, within the county or riding represented by such member, in the same manner and form as by law any assessment may now or hereafter be levied, for any public purpose in any district in this province; and for the said justices to issue their order upon the treasurer of the district to pay the amount of the sum to which any such member may be entitled, out of the monies which may come into his hands, under and by virtue

Every member having attended, to receive from the speaker a warrant;

and may demand of the justices, a sum not exceeding 10s per day;

which shall be levied by assessment.

of any act of the provincial parliament; and it shall and may be lawful to and for each and every member, who may now or hereafter represent part of two or more districts, to ask and demand from the speaker of the house of assembly, who is hereby authorized and required to grant the same, a warrant directed to the justices in general quarter sessions assembled, of each of the said districts which the said member shall so represent, which warrant shall specify the sum that each district is liable to pay, and the justices thereof respectively are hereby required to cause the sum specified in such warrant to be collected and paid to the said member, in manner and form as hereinbefore directed.

Where any member represents two or more districts, he may demand a warrant directed to the justices of each district.

II. And be it further enacted by the authority aforesaid, That the thirtieth clause of an act passed in the parliament of this province, in the thirty-third year of his Majesty's reign, entitled, "An act to authorize and direct the laying and collecting of assessments and rates within this province, and to provide for the payment of wages to the house of assembly," shall be, and the same is hereby repealed.

Thirtieth clause of former act repealed.

(See 33d Geo. III, c 3.)

Chapter XII.

An act particularizing the property, real and personal, which, during the continuance thereof, shall be subject to assessments and rates, and fixing the several valuations at which each and every particular of such property shall be rated and assessed.

[EXPIRED.]

Fourth Session of the third Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE NINTH DAY OF MARCH FOLLOWING, IN THE FORTY-FOURTH YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1804.

Chapter I.

An act for the better securing this province against all seditious attempts or designs to disturb the tranquility thereof.

[Repealed by 10th Geo. IV, Ch. 5.]

Chapter II.

An act for the exemplary punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist, any soldier to desert his Majesty's service, or who shall harbor, conceal, receive, or assist, any deserter from such service.

[Passed March 9, 1804.]

Preamble

Whereas pernicious practices have for some time past prevailed in this province, by evil disposed persons, disaffected to his Majesty's government, and particularly to the military service thereof, in seducing and deluding his subjects, who had engaged themselves as soldiers in such service, and prevailing on them to desert, and also in harboring, assisting, and concealing, such deserters; for remedy whereof for the future, and for the exemplary punishment of such persons in such cases offending, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, if any person or persons whomsoever (other than such as are or shall be enlisted as soldiers) shall, by words or with money, or by any other ways or means whatsoever, directly or indirectly prevail upon, procure, persuade, or encourage, or endeavor or attempt to prevail upon, procure, persuade, or encourage, any such soldier or soldiers to desert or leave his Majesty's service, and shall be thereof lawfully convicted, the court or judge before whom such offender shall be so convicted, shall immediately, on such conviction, award and adjudge such person and persons so convicted as aforesaid, to be committed to the common gaol of the district where such offender shall be so tried, there to remain without bail or mainprize for the space of six calendar months; and if from the circumstances and heinousness of the crime, it shall be thought proper and expedient to increase the punishment, such court or judge shall also further award and adjudge, that such offender, so convicted as aforesaid, shall forfeit and pay a sum not exceeding forty pounds, and if such offender shall not, on or before the third day previous to the expiration of such imprisonment as aforesaid, pay such fine, then in such case the said offender shall be publicly whipped.

Any person procuring, persuading, &c. soldiers to desert, to be committed to gaol for six months, and if found expedient, judge may order him to pay £40, and if not paid, to be publicly whipped.

II. And be it further enacted by the authority aforesaid, That if any person, from and after the passing of this act, shall harbor, conceal, receive, or assist, any deserter from his Majesty's service, knowing him to be such, such person so offending shall forfeit the sum of twenty pounds, and if such sum of twenty pounds shall not, immediately on such conviction being pronounced, be paid into court, the court or judge, before whom such conviction shall be had, shall forthwith award, order, and adjudge, such offender to be

Persons harboring deserters to forfeit £20, and if not paid, to be committed to gaol for three months.

committed to the common gaol of the district in which such offender shall be so convicted, there to remain without bail or mainprize for the space of three calendar months, or until such time, not exceeding three calendar months, as the said sum of twenty pounds shall be paid.

III. Provided nevertheless, That no conviction shall be pronounced under the authority of this act, in any court or jurisdiction whatsoever in this province, save and except by indictment preferred or presented before a court, or judge or judges sitting in the execution of a commission of oyer and terminer and general gaol delivery; nor shall any prosecution be carried on by virtue of this act, if the same shall not be commenced within six calendar months next after the offence shall be charged to have been committed, unless the offender shall within the said six months have departed and left the province, in which case it shall and may be lawful to commence such prosecution at any time within six calendar months next after such offender's return into the province, and to carry on the same to conviction; but it is hereby declared, that the issuing any warrant for the apprehending of any person charged with any offence against this act, by any one of his Majesty's justices of the peace for this province, shall be held and deemed to be a commencement of a prosecution, within the true meaning of the provisions herein in that respect contained.

Prosecution to be commenced within six calendar months, unless offender shall leave the province, then within six months after his return.

Issuing warrant, a commencement of prosecution within this act.

IV. And be it enacted by the authority aforesaid, That in order the more effectually to prevent the escape of any such offender or offenders as aforesaid, it shall and may be lawful at any time, from and after the passing of this act, to and for any one or more of his Majesty's justices of the peace, on due proof upon oath being made before him or them, that any person has committed any one of the offences hereinbefore described, to issue his or their warrant or warrants for the apprehension of such offender or offenders, or person or persons charged with such offence, and to cause such offender or offenders, or such person or persons so charged as aforesaid, to be brought before him or them, and upon the examination of such offender or offenders, and hearing the evidence, such justice or justices of the peace shall discharge or commit to prison, or shall bail such offender or offenders, in like manner as by law any other person or persons charged criminally is or are dealt with; save and except, that if such justice or justices shall be satisfied with the evidence against such offender or offenders, such justice or justices shall commit such offender or offender to the common gaol of the district, or in case there shall be no gaol in that district, to the common gaol of any adjoining district, and such offender and offenders shall remain so committed until his, or her, or their trial shall be brought on, unless such offender or offenders shall, with two good and sufficient sureties, to the satisfaction of the said justice or justices, become bound by recognizance to our sovereign lord the King, in manner hereinafter specified, (that is to say,) if the said offender shall be charged with having committed any offence against the provisions in the first section of this act contained, then such offender or person so charged shall become bound in the sum of two hundred pounds, and each of such sureties in the sum of one hundred pounds, and if such offender shall be charged with having committed any offence against the provisions in the second section of this act contained, then such offender or person so charged shall become bound in the sum of forty pounds, and each of such sureties in the sum of twenty pounds, conditioned in each of such recognizances, for the appearance of such person so charged with any offence against this act, at the then next assizes, or session of oyer and terminer and general gaol delivery, to be holden for the district where such offence shall be charged to be committed, or at such other or future assizes or session of oyer and terminer and general gaol delivery, to which the trial of such offender shall for just cause be adjourned.

Justices to issue warrants.

and to commit for bail, &c.

V. Provided likewise, and be it further enacted, That if it shall happen that any conviction under this act shall take place in any district where there shall be no common gaol at the time of such conviction, it shall and may be lawful to and for the court or judge before whom such conviction shall be had, to award, order, and adjudge, that any such offender or offenders so to be convicted shall be committed to the common gaol of any adjoining district, in which there shall at that time be a gaol, and also to order and adjudge, that any further punishment to be inflicted under the authority of this act, shall be inflicted either in the district where such conviction shall take place, or in the district to the gaol of which such offender shall be committed, as to such judge or court shall seem meet; and in case of any commitment by any justice or justices of the peace before trial, or of any commitment by any such court, or judges as aforesaid after conviction, under the authority by this act given, the treasurer and gaoler of the district to the gaol of which such offender, or person charged with or convicted of any offence against this act, shall be committed, are, and each of them is hereby respectively required, to allow to each person during his or her commitment or confinement there, such and the like maintenance and subsistence as is by law allowed to persons in custody under any criminal charge; and the treasurer of the district from which such offender or person so charged or convicted shall be so sent, shall, and he is hereby required, to reimburse and pay to

Provision for cases in which there shall be no common gaol in the district.

Allowance to prisoners.

the treasurer of the district in which such person shall have been confined, out of the first monies which shall come to his hands, such sum and sums of money as shall have been so lawfully expended, according to the provisions in that respect hereinbefore contained, for the maintenance and subsistence of any such person or persons as aforesaid.

VI. And be it further enacted, That in case any such person or persons as aforesaid shall, by virtue of this act, be committed before trial to any gaol other than the gaol of the district in which the offence shall be charged to have been committed, the sheriff of the district in which such offence shall be charged to have been committed, shall, and he is hereby required and commanded, immediately before the assize or session at which any trial for any offence against this act shall be had, to convey such person so charged from the gaol in which he or she shall be so confined, to the district where such offence was charged to be committed, and there to keep him or her in close custody and confinement, and have such person ready to take his or her trial at the assizes or session of oyer and terminer then next ensuing; and all and every sheriff and sheriffs, constable and peace officers of this province, is and are hereby required and commanded to execute and obey all and every warrant and warrants, order and orders, sentence and sentences, which shall be pronounced or issued by any such court or judge, justice or justices, as are hereinbefore mentioned, for the purpose of carrying the provisions of this act into execution.

Sheriffs and peace officers to execute warrants, &c.

VII. And be it further enacted by the authority aforesaid, That all the fines, forfeitures, and penalties, that shall be incurred under and by virtue of this act, shall be accounted for to his Majesty, his heirs and successors, to and for the public uses of this province, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as it shall please his Majesty to direct.

Fines to be accounted for.

Chapter III.

34th Geo. III, c 2

An act to repeal certain parts of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction and to regulate the court of appeal," and to authorize his Majesty's court of king's bench in this province, to regulate certain fees, costs, and charges, therein mentioned.

[Repealed by 50th Geo. III, Ch 9.]

Chapter IV.

An act to repeal so much of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large," as relates to sheep, and to restrain the owners of rams from permitting them to run at large during a certain time of the year.

[Passed March 9, 1804.]

Preamble.

Whereas it would tend to improve the breed and increase the number of sheep, if the owners of rams were restrained by law from permitting them to run at large during a certain time of the year; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large," as empowers or authorizes the inhabitant householders, or the greater part of them in every district within this province in their annual town meetings, to ascertain and determine in what manner and at what periods sheep shall be allowed to run at large within their respective divisions, or to resolve that the same or any part thereof shall be restrained from so doing, shall be, and the same is hereby repealed.

Former act authorizing town meetings to restrain sheep running at large repealed.

II. And be it further enacted, That from and after the passing of this act, it shall not be lawful for any person or persons within this province, to have any ram or rams going at large within the said province, from the first day of September until the twentieth day of December in each year, and if any ram or rams, belonging to any such person or persons as aforesaid, shall be found going at large as aforesaid, such person or persons shall for every such ram going at large as aforesaid, between the said first day of September

Rams not to run at large between 1st September and 20th December.

and the said twentieth day of December, forfeit and pay the sum of twenty shillings, which shall be recovered in a summary way before any one of his Majesty's justices of the peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of twenty shillings and the charges of the sale.

Penalty for offences against this act.

III. And be it further enacted by the authority aforesaid, That one half of the said sum of twenty shillings shall be paid to the informer, and the other half shall be paid to the receiver general, to and for the public uses of this province.

Half the penalty to be paid to the receiver general.

IV. And whereas difficulty may arise in ascertaining to whom any ram or rams which shall be found running at large, between the said first day of September and the twentieth day of December, in this present or any subsequent year, may belong, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person or persons finding such ram or rams at large during the aforesaid time, contrary to the provisions of this act, to empound such ram or rams in the common pound, or confine such ram or rams in some building within the township, where such ram or rams shall be so found, and to affix notice in writing, under the signature of such person or persons so empounding or confining such ram or rams, on the outside of such pound or building, and also in some other conspicuous place in the said township, (which notice shall be dated on the day on which the same shall be so affixed,) of such ram or rams having been found at large contrary to law, and being empounded or confined, either in the common pound or some other building to be described in such notice, (as the case may be,) and such person or persons shall immediately proceed to bring to conviction such owner or owners; and if the owner or owners of such ram or rams shall not within seven days after such notice shall be so given, pay the said sum of twenty shillings, together with the pound-keeper's fees, and the costs and charges attending the support and feeding such ram or rams during his or their confinement, (such costs and charges to be ascertained and adjudged by the magistrate before whom any conviction shall take place by virtue of this act,) it shall and may be lawful to and for the person or persons who shall so have empounded or confined such ram or rams, and who shall have convicted the owner or owners of such ram or rams, of having offended against this act, to expose such ram or rams to sale, and out of the money arising from such sale, to pay such sum of twenty shillings, together with such costs and charges as aforesaid, in case the proceeds of such sales shall be found sufficient to pay the same, and if more than sufficient, to return the overplus to the owner or owners of such ram or rams; and if such proceeds shall be found insufficient for the purposes aforesaid, then, and in such case, such proceeds shall, in the first place, be applied in payment of the pound-keeper's fees and the costs and charges attending the supporting and feeding such ram or rams, and the remainder to be applied in manner following, viz: one half of such remainder to the informer, and the other half to his Majesty's receiver general, for the public uses of this province.

How rams to be dealt with, if difficulty arises to whom they belong.

Disposition of money arising from sale of rams under this act.

V. And be it further enacted, That no prosecution shall be carried on under the authority of this act, unless the same shall be commenced within eight days after any ram or rams shall be found running at large, contrary to the provisions herein contained, nor shall any distress be levied under the authority of this act, in any case where any ram or rams so empounded or confined as aforesaid, shall have been sold under the provisions herein contained, but the proceeds of such sale or sales only, shall at all times be deemed and considered as liable to satisfy the penalty and all costs by this act intended to be imposed.

No prosecution unless within eight days.

VI. And be it further enacted by the authority aforesaid, That all such parts of the forfeitures and penalties as are by this act directed to be paid to his Majesty's receiver general, to and for the public uses of this province, shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Forfeitures and penalties to be accounted for.

(See 34th Geo. III, c 8, and 43d, c 10.)

Chapter V.

An act to promulgate the provincial statutes, and also to repeal so much of an act passed in the forty-first year of the reign of his present Majesty, as relates to printing the journals.

(41st Geo. III, c 12.)

[Passed March 9, 1804.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year

of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of an act passed in the forty-first year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money out of the provincial fund, to defray the payment of the salaries of the officers of the legislative council and house of assembly, (including the commissioners to Lower Canada,) and to defray the contingent expenses thereof, and further to appropriate the supplies and provide for the payment of the same hereafter," as relates to printing and publishing the journals, shall be, and the same is hereby repealed.

Former act relative to printing the journals repealed.

£300 to be appropriated during the present year for printing all the acts of the province.

II.—

Disposition of the acts to be printed.

III. And be it further enacted by the authority aforesaid, That the said clerk shall as soon as possible, after receiving the said acts, send four copies of them to each member of the legislative and executive councils; four copies to each of the judges of the court of king's bench, and the like number to his Majesty's attorney general, and also twenty copies to each member of the present house of assembly, to be by them distributed in such manner as will best tend to promulgate a general knowledge of the laws.

£80 appropriated for the annual printing of the laws.

IV. [Repealed by 4th Geo. IV, c 14.]

Chapter VI.

Grants £1000 to be disposed of by commissioners, in repairing public highways.

An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several districts thereof.

[Repealed by 46th Geo. III, Ch. 4.]

Chapter VII.

(43d Geo. III, c 9.)

An act to explain and amend an act passed in the forty-third year of his Majesty's reign, entitled, "An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned."

[Passed March 9, 1804.]

Preamble.

Whereas it is expedient to remove certain doubts which have been entertained respecting the property of executors, administrators, and devisees, in the unexpired term of licenses for using and working stills, granted to persons dying within the period of such license, and respecting the right of removing and transferring any stills, or assigning any licenses for the using or working of any still or stills, for the unexpired term thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in case of the death of any person having taken out a license to work a still or stills, and the executor, administrator, or devisee, of such still or stills, or any purchaser or purchasers from such executor, administrator, or devisee, shall be minded or desirous of working the same for the remainder of the term for which such license or licenses shall have been granted, such executor, administrator, or devisee, or such purchaser or purchasers as aforesaid, shall, and he and they is and are hereby required, within twenty days after such death, to give notice thereof in writing to the inspector of the district in which such still or stills is or are intended to be worked, and also to make a requisition upon the said inspector for a license to be granted to such executor, administrator, devisee, purchaser, or purchasers, to work such still or stills for the remainder of the term for which the license was originally granted to the testator or intestate, under whom the said executor, administrator, or devisee, claims title to such still or stills; and in case of such requisition being made by any purchaser or purchasers from such executor, adminis-

The executor, &c. of a person who had taken out a license to work a still, or a purchaser from such executor, &c. to give notice and make requisition, &c.

trator, or devisee, such purchaser or purchasers is and are hereby required to produce to the said inspector the receipt or acquittance for the purchase money for such still or stills, under the hand of the said executor or administrator, before he, she, or they shall be entitled to demand the indorsation of the said license to be made in manner hereinafter directed.

And to produce receipts for the purchase money.

II. And be it further enacted by the authority aforesaid, That when any person or persons, having taken out a license to work a still or stills, shall see cause to remove or transfer the same, it shall not be necessary that any still or stills, so removed or transferred, be again licensed previous to the expiration of the license under which it or they were wrought before such removal or transfer, otherwise than as hereinafter mentioned: Provided nevertheless, That the persons intending to remove or transfer such still or stills as aforesaid, shall, and he, she, or they, are hereby required to give notice in writing to the inspector of the district in which such still or stills is or are intended to be worked as aforesaid, of his, her, or their intention of so removing or transferring such still or stills, at least ten days before such removal or transfer.

When any person sees cause to remove or transfer a still, not necessary it should be again licensed;

but notice is required to be given.

III. And be it further enacted by the authority aforesaid, That after such notice shall have been given, and such receipt produced, in the cases by this act required, to the said inspector of the district as aforesaid, it shall and may be lawful to and for the said inspector, and he is hereby required to indorse the original license granted for the working such still or stills, in manner following, (that is to say):

After notice, &c. inspector to indorse license.

"A. B. is hereby licensed to work the within mentioned still or stills for the remainder of the term by this license first granted.

C. D., Inspector for the district of "

Form of indorsement.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inspector in each and every district, at all times in the day time, when the said still or stills shall not be charged, or after having given six hours notice to the proprietor or proprietors, or person or persons working or using such still or stills, to enter into any still-house, or place where any still or stills is or are wrought, and to measure each and every still so wrought as often as he shall see cause so to do; and if the proprietor or person working such still or stills shall refuse to admit any such inspector as aforesaid to enter into the still-house, or other place where any still or stills is or are wrought as aforesaid, and measure the still or stills as aforesaid, and shall be convicted thereof upon the oath of the inspector, or otherwise, before any justice of the peace in the district, the said proprietor, or person or persons working such still or stills, shall forfeit the sum of twenty-five pounds, to be paid to his Majesty, his heirs or successors, to and for the public uses of this province, and to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as it shall please his Majesty to direct, which said forfeiture shall be levied by distress and sale of the offender's goods and chattels, and in case the party or parties so convicted as aforesaid shall not have any goods or chattels, upon which the said sum of twenty-five pounds can be levied, and any part of the said sum of twenty-five pounds shall remain unpaid for the space of ten days after such conviction as aforesaid, then it shall be lawful for the magistrate before whom the said conviction shall be so had, to order the party or parties, so convicted, to be committed to the common gaol of the district, or to the custody of the sheriff thereof, there to remain without bail or mainprize for the space of three calendar months, by a warrant under the hand and seal of the magistrate before whom such conviction shall be had: Provided nevertheless, and if any person or persons who shall be so convicted before any such magistrate as aforesaid shall consider him, her, or themselves, aggrieved by such conviction, then and in such case it shall and may be lawful to and for the party or parties so considering him, her, or themselves aggrieved, and he, she, and they is and are hereby authorized, upon giving good and sufficient security to the satisfaction of the magistrate so convicting, for the payment of the conviction money and the costs of appeal, to bring his, her, or their appeal from the said conviction, in a summary mode, before the then next ensuing general quarter sessions of the peace for the district in which such conviction shall take place, during which interval all further proceeding upon the said conviction shall cease, and the magistrates in such quarter sessions assembled, are hereby authorized and required to hear, adjudge, and determine, such appeal upon the merits thereof, and the determination of such quarter sessions shall be held and considered final and conclusive, not subject or liable to be removed by certiorari, or otherwise, before any other jurisdiction, and if such conviction shall be affirmed by the said quarter sessions, the defendant or defendants shall, in addition to the conviction money, pay such costs for and on account of such appeal, as to the said quarter sessions shall seem meet, and if such appeal shall not be prosecuted and brought to a decision at the quarter sessions next following the conviction, the quarter

Inspector at all times in the day time, when, &c. to enter still-house.

Penalty for refusing to admit inspector.

Appeal to the quarter sessions.

Costs to be awarded.

sessions shall in such case also award such costs to the informer, or party who had obtained the conviction before the said magistrate, as to the said court shall seem meet.

Provision for costs of prosecution, &c.

V. And be it further enacted by the authority aforesaid, That in all cases in which any person or persons shall be prosecuted to conviction for any offence against this act, or any former act or acts of this province relative to the collecting duties on stills, and a conviction shall actually be pronounced, and no provision shall have been by any former act made for compensating the said inspector on account of such prosecution, it shall and may be lawful to and for the said inspector to state, and make out in writing, a true and exact account of all costs and expenses by him incurred, and he shall also be admitted to make a reasonable charge for the time by such inspector employed or bestowed in prosecuting such offenders to conviction, which said costs, expenses, and charges, shall be audited by his Majesty's executive council of this province, and such sum as the said executive council shall allow on account thereof, shall be paid by warrant, to be issued by the governor, lieutenant governor, or person administering the government of this province, on the receiver general thereof, for the time being, out of any funds in the receiver general's hands, arising from duties on stills.

(See 34th Geo. III, c 11.)

Chapter VIII.

Granting £175 for the purchase of the statute laws of England. (See 52d Geo. III, 1st session, c 7.)

An act for granting to his Majesty a certain sum of money for the purposes therein mentioned.

Chapter IX.

An act appropriating a certain sum of money annually to defray the expenses of erecting certain public buildings to and for the uses of this province.

[Repealed by 52d Geo III, Ch. 4, 2d Sess.]

Chapter X.

£303 : 11 : 10 1-2, granted to defray the contingent expenses of the preceding session.

An act for applying a certain sum of money therein mentioned, to make good certain monies, issued and advanced by his Majesty through the lieutenant governor, in pursuance of an address.

Chapter XI.

An act for granting to his Majesty a certain sum of money, for the further encouragement of the growth and cultivation of hemp within this province, and the exportation thereof.

[Repealed by 53d Geo. III, Ch. 7.]

First Session of the fourth Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE SECOND DAY OF MARCH FOLLOWING, IN THE FORTY-FIFTH YEAR OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1805.

Chapter I.

An act for altering the time of issuing licenses for the keeping a house or any other place of public entertainment, or for the retailing of wine, brandy, rum, or any other spirituous liquors, or for the having or using of stills for the purpose of distilling spirituous liquors, and for repealing so much of an act passed in the forty-third year of his Majesty's reign, as relates to the periods of paying into the hands of the receiver general the monies collected by the inspector of each and every district throughout this province for such licenses.

[Passed March 2, 1805.]

Preamble.

WHEREAS the time appointed by the laws now in force, for the granting and taking out licenses for the keeping of a house, or any other place of public entertainment, or for the retailing of wine, brandy, rum, or any other spirituous liquors, or for the having and using of stills, for the purpose of distilling spirituous liquors for sale within this province, hath been found to be inconvenient; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the licenses to be granted by the governor, lieutenant governor, or person administering the government of this province, for the keeping of a house or any other place of public entertainment, for the retailing of wine, brandy, rum, or any other spirituous liquors, or for the having and using of stills, for the purpose of distilling spirituous liquors for sale, to commence from the fifth day of April, now next ensuing, shall be extended, and continue in force to the fifth day of January, one thousand eight hundred and six, and no longer, and that from the said fifth day of January, one thousand eight hundred and six, and from the fifth day of January in every subsequent year, it shall and may be lawful for the said governor, lieutenant governor, or person administering the government, to grant licenses as aforesaid, for the purposes aforesaid, for one whole year next ensuing.

Licenses for the present year, to extend only to the fifth day of January, 1806, & from that day in every subsequent year, to extend for one whole year.

II.—

Amount of the money to be paid for licenses for the present year.

III. [Repealed by 59th Geo. III, c 2.]

Time of the meeting of the magistrates for receiving applications for the taking out licenses. Laws now in force to extend to such licenses as shall be taken out hereafter.

IV. [Repealed by 56th Geo. III, c 3, s 1, and 59th, c 2, s 1.]

Terms of payment by the inspectors to the receiver general. (See 34th Geo. III, c 12; 43d, c 9, & 56th, c 3.)

Chapter II.

(Revived and continued by 48th Geo. III, c 10; 52d, c 9, & 56th, c 21.)

An act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands.

[Passed March 2, 1805.]

Preamble.

Whereas it is expedient to afford relief to those persons, who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, at any time within three years after the passing of this act, to issue such and so many commissions under the great seal of this province, to the members of the executive council thereof, his Majesty's chief justice of the said province, and the justices of the court of king's bench therein, for the time being, as he shall think fit, which said commissioners, or any three of them, of whom the said chief justice, or one of the said justices, shall be one, in cases brought before them, as such commissioners, respecting lands within the said province, where the nominee or nominees of the crown to these lands, is or are dead, without having obtained his Majesty's letters patent for the same, in his, her, or their life times, shall, by and under the authority of such commission or commissions, have full power and authority in manner hereinafter mentioned, to ascertain, determine, and declare who is or are the heir or heirs, devisee or devisees, of the said nominee or nominees of the crown to such lands.

Commissioners to be appointed.

Commissioners to ascertain who are the heirs or devisees of the nominees of the crown to lands.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all and every person or persons, claiming any lot or lots of land within this province, as being the heir or heirs, devisee or devisees, of the nominee or nominees of the crown to such lands, for which said lot or lots, parcel or parcels of land, his Majesty's letters patent have not been obtained, to come either personally or by agent, duly authorized, before, and produce to, such commissioners, or any three of them, whereof the said chief justice, or some one of the said justices shall be one, all such documents and evidences as he, she, or they may possess, for the purpose of satisfying such commissioners of the validity of such claim or claims, for which purpose such commissioners, or any one of them, are, and he is hereby authorized and empowered, to administer such oath or oaths, either to the party or parties claiming to be heir or heirs, devisee or devisees, of the nominee or nominees of the crown, to the said lot or lots, parcel or parcels of land as aforesaid, or to the witness or witnesses appearing in support of such claim or claims, as shall be judged proper and expedient, and also by summons, under the signature of any one of them the said commissioners, to require the attendance of all and every such person or persons, whose evidence may be judged necessary, to ascertain the validity of any such claim or claims, or to explain the subject matter thereof, and in such summons, also, to order the production of all such books, papers, or documents, as shall be in the custody or power of any such person or persons whose attendance shall be so required by such summons, in such manner as such commissioner or commissioners signing such summons shall deem expedient; which summons all and every person or persons to whom the same shall be directed, is and are hereby required to obey, upon being duly served therewith, under the penalty of twenty pounds of lawful money of this province, to be recovered in like manner as the costs and expenses of witnesses are by this act hereinafter directed to be recovered: Provided always, nevertheless, And it is hereby declared, that the said commissioners, acting under such authority as aforesaid, are hereby authorized and empowered to receive such written or oral testimony as may be produced to them, whether the same be or be not consistent with the rules of evidence laid down by the laws of England, and to give and allow such force and effect to such testimony as justice in each respective case shall in their judgment require.

Documents and evidences to be produced before the commissioners.

Commissioners to administer oaths to the parties, and to summon witnesses.

Penalty for not obeying the summons.

Nature of the testimony to be received.

III. And be it further enacted by the authority aforesaid, That after the said commissioners shall, by virtue of the said commission or commissions, have examined such claim or claims as aforesaid, they shall be at liberty, and they are hereby authorized, either to reject such claim or claims, or to allow the same, as in their judgment the justice and equity of the case may require, without any regard to legal forms and solemnities whatsoever, and to report on the same accordingly, which said report shall be final and conclusive, and shall be addressed to the governor, lieutenant governor, or person

Commissioners to determine and report upon the claims.

administering the government of this province, in council, and from thenceforth it shall and may be lawful for the said governor, lieutenant governor, or person administering the government, in council, to issue his Majesty's letters patent, under the great seal of this province, for the lot or lots, parcel or parcels of land specified in said report, to, or in trust for, such person or persons, his, her, or their heirs and assigns, as are therein ascertained and declared by the said commissioners to be the heir or heirs, devisee or devisees, of the nominee or nominees of the crown to the said lot or lots, parcel or parcels of land respectively: Provided nevertheless, That the said letters patent so to be issued, as aforesaid, shall have such and none other force, operation, or effect, in law or in equity, touching and concerning any charge, incumbrance, lien, matter, or thing, upon or relating to the said lot or lots, parcel or parcels, of land, save and except the establishing the claim or claims of the person or persons, to, or in trust for, whom the said lot or lots, parcel or parcels, of land, by the said letters patent shall be granted and conveyed, to be the heir or heirs, devisee or devisees, to the nominee or nominees of the crown to the same, than if his Majesty's letters patent had been obtained for the said lot or lots, parcel or parcels, of land, by the said nominee or nominees in his, her, or their life times, any thing herein contained to the contrary notwithstanding: Provided also, That nothing herein contained shall extend, or be construed to extend, to the claim or claims of any person or persons, who shall be ascertained and declared by the said commissioners to be the heir or heirs, devisee or devisees, of the nominee or nominees of the crown, to any lot or lots, parcel or parcels, of land within this province, other than to such lot or lots, parcel or parcels, of land, as shall by the said commissioners be specified in their said report, as aforesaid, and that all claims, of what nature or kind soever, to any lands within this province, other than to such lands as shall be so specified and set forth by the said commissioners, shall continue and remain as if this act had never been made.

Letters patent to issue.

Effect of the letters patent to be issued.

IV. And be it further enacted by the authority aforesaid, That where any such nominee or nominees, as aforesaid, in his, her, or their life times, and under his, her, or their hand and seal, or hands and seals, shall have executed any written instrument giving, or purporting to give, any charge, incumbrance, or lien, on any such lot or lots, parcel or parcels, of land, so claimed and allowed, as aforesaid, it shall and may be lawful for the person or persons in whose behalf such instrument may have been executed, his, her, or their heirs, executors, administrators, or assigns, to cause the same to be registered in the office or offices of the register or registers for the county or counties in which any such lot or lots, parcel or parcels, of land, shall respectively lie or be situated; and such written instrument shall have the same (and no other) force, validity, and effect, than if such nominee or nominees had at the time of executing the same been in possession of a patent from the crown for such lot or lots, parcel or parcels, of land, as aforesaid.

Instruments by which lands are charged to be registered.

V. And be it further enacted by the authority aforesaid, That any person or persons, to whom any lands have been allowed by the commissioners for the securing and ascertaining titles to lands in this province, under and by virtue of certain acts of the legislature thereof, passed in the thirty-seventh, thirty-ninth, and forty-second years of his Majesty's reign, which said person or persons is or are dead, without having obtained his Majesty's letters patent for the same, may and shall, for the purposes of this act, be considered as the nominee or nominees of such land, and the commissioners to be appointed under and by virtue of this act, may and are hereby authorized to examine the claim or claims brought before them, by or in behalf of the heir or heirs, devisee or devisees, of such person or persons as last aforesaid; and to hear and determine such claim or claims in like manner, and under the same regulations, provisoes, and restrictions, as are by this act directed to be observed, with respect to the claim or claims brought before them, by the heir or heirs, devisee or devisees, of any nominee or nominees of the crown, and shall report thereon in like manner, and such report shall be final and conclusive, and have the same and no other force and effect; and it shall and may be lawful for the governor, lieutenant governor, or person administering the government, in like manner to issue his Majesty's letters patent for the lot or lots, parcel or parcels, of land, specified in such last mentioned report, to, or in trust for, such person or persons, his, her, or their heirs or assigns, as are therein ascertained and declared by the said commissioners to be the heir or heirs, devisee or devisees, of the person or persons, to whom any lands may have been allowed by the commissioners acting under and by virtue of any former act or acts of the legislature of this province, hereinbefore mentioned.

Commissioners to determine the claims of the heirs or devisees of persons allowed lands under former commissioners, and report upon the same.

Letters patent to issue to the said heirs or devisees.

VI. And be it further enacted by the authority aforesaid, That in case the said commissioners, or either of them, shall, during their sitting, or within thirty days after they shall have signed the said report or reports, and before his Majesty's letters patent shall have issued in pursuance thereof, by representation from any person or persons claiming to be interested therein, be satisfied, or have reason to believe, that the said reports, or either of them, so far as respects the allowance of the claim or claims of any person or persons, to any lot or lots, parcel or parcels, of land, specified therein, as being the heir or heirs,

Report obtained by surprise, when to be reheard, and new claims to be let in.

devisee or devisees, as aforesaid, have been obtained by surprise, or have been erroneously made, and that justice requires, so far as respects the said claim or claims, that the said reports or either of them should be stayed, then, and in such case, it shall and may be lawful to and for the said commissioners, or any other commissioners who may sit in the execution of the said commission, or any subsequent commission, to rehear such claim or claims, or to let in any new claim or claims of such other person or persons as may be, or pretend to be, such heir or heirs, devisee or devisees, as aforesaid, to the said lot or lots of land, and upon such rehearing, such commissioners shall be at liberty to report upon the claim or claims, thereupon reheard, as if no report had before been made thereon, and such commissioners shall be at liberty, if they shall judge it expedient to justice, to order such person or persons at whose instance such rehearing was obtained, to pay such sum or sums of money to the person or persons in whose favor a report shall have been first made, as they shall see just, to be recovered in like manner as the costs and expenses of witnesses are by this act hereinafter directed to be recovered.

Costs to be allowed by the commissioners.

Place and time of sitting of the commissioners.

VII. And be it further enacted by the authority aforesaid, That the said commissioners shall hold their sittings in the town of York twice in the year, that is to say, during the first ten days in the month of June in each year, and the ten days next succeeding each and every session of the legislature of this province (except the present) that shall and may be held in each and every year during the continuance of this act: [a] Provided always, nevertheless, That when the commissioners shall have good reason to believe that there will not be sufficient business to require their daily attendance throughout the term limited for their sittings, as aforesaid, they may be at liberty to adjourn for any time within the same that may be consistent with the despatch of such business as may be brought before them.

[a] See 52d Geo. III, c 9, s 1.

Notices to be put up in the offices of the clerks of the peace, and produced to the commissioners.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners shall not proceed to examine any such claim or claims, as aforesaid, unless notice specifying such claim or claims, and the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the township or townships in which the lands so claimed do lie, be put up in some conspicuous part of the office of the clerk of the peace for the district in which any such lot or lots may be respectively situated, and until a certificate shall be produced to the said commissioners, under the hand of the clerk of the peace of such district, that such notice had been so put up for at least thirty days before the said claim or claims shall come to be heard before the said commissioners; and for putting up such claim, and giving such certificate, it shall and may be lawful for the clerks of the peace to ask and receive the sum of two shillings and six pence, and no more.

Proceedings of the commissioners upon adverse claims.

IX. And be it further enacted by the authority aforesaid, That in all cases in which, before the commissioners shall have proceeded to decide upon the right to any particular lot or tract of land, two or more notices, by different persons, shall have been fixed up in the office of the clerk of the peace, claiming adversely such particular lot or tract of land, it shall and may be lawful to and for such commissioners to defer or delay the hearing of such adverse claims, or either of them, and to give to all, any, or either of such claimants, such further or enlarged time for the production of evidence, and for the decision of such claim or claims, as such commissioners shall deem expedient to justice.

Commissions when to be issued for the examination of witnesses

X. And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, of whom the said chief justice, or one of the said justices, shall be one, shall have power and authority, when and so often as the nature and circumstances of the case shall require it, to issue one or more commission or commissions for the examination of witnesses, touching any such claim or claims as aforesaid, as may be brought before them.

Penalty of swearing falsely before the commissioners.

XI. And be it further enacted by the authority aforesaid, That in case any person or persons, who shall appear before the said commissioners, to give evidence respecting any such claim or claims as aforesaid, shall wilfully or corruptly forswear him, her, or themselves, in giving such evidence, he, she, or they shall incur the like pains and penalties as would have been incurred upon a conviction of wilful and corrupt perjury, in any evidence given in his Majesty's court of king's bench in this province, in any cause there depending.

Costs to be allowed by the commissioners to witnesses, and how to be recovered.

XII. And be it further enacted by the authority aforesaid, That in all cases in which witnesses shall have duly appeared, to give evidence before such commissioners, either voluntarily or in obedience to such summons as aforesaid, it shall and may be lawful to and for said commissioners, to order and direct the party or parties who shall have produced such witness or witnesses, to pay such witness or witnesses for his, her, or their loss of time and expenses, such sum or sums of money as the said commissioners in their judgment shall deem equitable and just, which order the party or parties, upon whom the same shall be made, is and are, and he, she, and they is and are hereby required and enjoined to obey, and such sum or sums of money shall and may be recovered, and

recoverable, under and by the authority of this act, by action or suit in any of his Majesty's courts of justice in this province, due regard being had to their respective jurisdictions.

Clerk to be appointed by the commissioners.

XIII. And be it further enacted by the authority aforesaid, That the said commissioners shall have power and authority to employ some fit and proper person as clerk to the said commission, and that such clerk shall be authorized to ask and receive for setting down, for hearing any claim, and for making up a report of the same, the sum of five shillings; for a copy of the order respecting each claim, two shillings and six pence; for every summons, signed by one or more commissioner or commissioners, for the attendance of any witness or witnesses, two shillings and six pence; for every commission for the examination of witnesses, twenty shillings.

Fees allowed to the clerk.

Act to be read at the general quarter sessions of the peace.

XIV. And be it further enacted by the authority aforesaid, That this act shall be read by the clerk of the peace, at the opening of every general quarter sessions of the peace, which shall be held in each and every district of this province, during the term for which it shall continue to be in force.

Continuance of this act.

XV. And be it further enacted by the authority aforesaid, That this act shall continue and remain in force until the first day of April in the year of our Lord one thousand eight hundred and eight, and no longer.

Chapter III.

An act to regulate the trial of controverted elections, or returns of members to serve in the house of assembly.

[Repealed by 4th Geo. IV, Ch. 4.]

Chapter IV.

An act to ratify and confirm certain provisional articles of agreement, entered into by the respective commissioners of this province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relating to duties, and for carrying the same into effect; and also to continue an act passed in the thirty-ninth year of his Majesty's reign, and continued by an act passed in the forty-first year of his Majesty's reign.

[Expired.—See 58th Geo. III, Ch. 13.]

Chapter V.

An act to alter certain parts of an act, passed in the forty-second year of his Majesty's reign, entitled, "An act to provide for the administration of justice in the district of Newcastle."

[Passed March 2, 1805.]

Preamble.

Whereas the place appointed by law for building a gaol and court house in the district of Newcastle is inconvenient for the inhabitants of the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of an act passed in the forty-second year of his Majesty's reign, entitled, "An act to provide for the administration of justice in the district of Newcastle," as directs that a gaol and court house shall be built in the town of Newcastle, shall be repealed, and that it shall and may be lawful for his Majesty's justices of the peace in and for the said district of Newcastle, or the greater part of them, in the first general quarter sessions after the passing of this act, assembled, to appoint some fit and proper place, in either of the townships of Haldimand or Hamilton, within the said district of Newcastle, where a gaol and court house may be built, in the same manner that a gaol and court house is at present directed to be built, within the said town of Newcastle, any law to the contrary notwithstanding.

Part of an act passed in the 42d year of his Majesty's reign, repealed. (42d Geo. III, c 2.)

Magistrates of the district of Newcastle to appoint a proper place in the townships of Haldimand or Hamilton, for building of a gaol and court house.

II. Provided, That nothing in this act shall extend, or be construed to extend, to authorize the said justices of the peace, to fix the place for building the said gaol and court house, on any reserve of the crown or clergy, or on land belonging to any person or persons, without permission first obtained from the government, or from the owner or owners of said land.

Gaol and court house not to be built on any reserve; or on private property, without permission.

Gaol and court house to be built within two years.

III. Provided always, and be it further enacted by the authority aforesaid, That unless such gaol and court house shall be built and finished within two years from the passing of this act, so that prisoners may be confined in the one, and the different courts of justice be properly accommodated in the other, then, and in such case, this act shall be, and the same is hereby declared to be null and void.

Chapter VI.

An act to make provision for further appointments of parish and town officers throughout this province.

[Passed March 2, 1805.]

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the fifth clause of an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," as limits the number of overseers of highways, to be chosen under and by virtue of the authority of that act, to six, be, and the same is hereby repealed.

Part of the 33d of Geo. III, repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inhabitant householders, assembled under and by virtue of the authority of the said act, in their annual town meetings, to choose and nominate, under, and agreeably to the provisions of the said act, not less than two, nor more than twelve [*a*] persons, to serve the said office of overseers of the highways for such parish, town, or township.

Number of overseers of the highways to be chosen at the town meetings.

[*a*] Say fifteen by 59th Geo. III, c 8, and thirty by 11th Geo. IV, c 7. (See 33d Geo. III, c 2.)

Chapter VII.

An act for the relief of insolvent debtors.

[Passed March 2, 1805.]

Whereas no special provision has been made by law, since the division of the province of Quebec, for the support of insolvent debtors detained in execution; and whereas it is inexpedient that the support of such should depend upon the district, or the precarious charity of individuals; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if any prisoner, in execution for debt, shall apply to the court whence such execution issued, and make oath that he or she is not worth five pounds, the plaintiff, at whose suit he or she is detained, shall be ordered by the said court, by rule to be served on the plaintiff or the attorney, to pay to the defendant in execution, the sum of five shillings, weekly maintenance, so long as he or she shall be detained in prison, at the suit of the plaintiff, and that such payment shall be made in advance to the prisoner or gaoler, for his or her use, on Monday in every week; on failure of which, the court from whence the execution issued, shall order the defendant to be released: Provided always, That the plaintiff shall not be obliged to make such payment, if he can prove, to the satisfaction of the court, that the defendant has secreted or conveyed away his or her effects, to defraud his or her creditors.

Preamble.

Prisoner in execution for debt, not worth five pounds, shall receive from the plaintiff five shillings weekly, so long as he shall be detained in prison for such debt.

(2d Geo. IV, c 6; 2d Geo. IV, c 8.)

Chapter VIII.

An act to regulate the curing, packing, and inspection of beef and pork.

[Passed March 2, 1805.]

Whereas by a law of the province of Lower Canada, it has become necessary for such persons in this province, as may deem it proper to cure and pack beef and pork for foreign markets, to have the same cured and packed under the authority of a law of this province;

Preamble.

be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government from time to time, as to him may seem reasonable, to appoint one or more capable persons in each of the districts of this province, to be inspector or inspectors of beef and pork, who shall thereupon be the inspector or inspectors for putting this act in execution, with all the powers, and subject to all the penalties, hereinafter described, and each of the inspectors, before he enters upon the execution of his office, shall take and subscribe an oath before one of his Majesty's justices of the peace, in and for the district in which he shall reside, which oath the said justice is hereby authorized to administer, in the words following, viz:

Appointment of inspectors of beef and pork.

"I do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, execute, do, and perform, the office and duty of an inspector, packer, and re-packer of beef and pork, according to the true intent and meaning of an act, entitled, 'An act to regulate the curing, packing, and inspection of beef and pork,' and that I will not, directly or indirectly, brand, or suffer any cask of beef or pork to be branded, but what shall be sound and good."

Oath of the inspectors.

Which oath he shall file, or cause to be filed, in the office of the clerk of the peace for the district in which he shall be appointed inspector, and the inspector or inspectors of each and every district in this province, in the month of June in every year, shall make a return to the governor, lieutenant governor, or person administering the government of this province, of the whole number of barrels of beef and pork inspected by him, or them, according to the direction of this act, during the year preceding, designating the different sorts of beef and pork, and the district in which the same was inspected.

II. Provided always, and be it further enacted by the authority aforesaid, That no person to be hereafter appointed an inspector of beef or of pork, under the authority of this act, shall deal in, buy, barter, or exchange, any beef or pork, by him inspected, or to be inspected, under pain of the commission under which he acts being null and void, except such beef or pork as may be necessary for the consumption of his own family.

Inspector not to be a dealer in beef or pork.

III. And be it further enacted by the authority aforesaid, That no beef shall be hereafter packed or repacked in barrels, for foreign markets, unless it be of fat cattle, not under three years old, and that all such beef shall be cut in square pieces, as near as may be, not exceeding twelve pounds weight, nor less than four pounds weight; and that all beef which the said inspectors shall find, on examination, to have been killed at a proper age, to be fat and merchantable, shall be sorted and divided in three different sorts, for packing and repacking in barrels, to be denominated mess, prime, and cargo; mess beef shall consist of the choicest pieces of oxen, cows, or steers, well fatted; the shin, shoulder, and neck, shall be taken from the fore-quarters, and the legs and leg rounds from the hind-quarters; and each barrel, containing beef of this description, shall be branded on one of the heads with the words MESS BEEF; that prime beef shall consist of choice pieces of oxen, steers, cows, and heifers, amongst which there shall not be more than half a neck and one shank, with the hock cut off; and one of the heads of all barrels, containing beef of this description, shall be branded with the words PRIME PORK;* that cargo beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck, and three shanks without the hocks, in each barrel, and shall be otherwise merchantable, and such barrel shall be branded on one of the heads with the words CARGO BEEF; and every barrel of beef shall be well salted with not less than forty pounds of clean Saint Ubes, Isle of May, Lisbon, Turk's Island salt, or other salt of equal quality, exclusive of a pickle, made as strong as salt will make it, and to each barrel of beef shall be added not less than two ounces of saltpetre.

Quality of the beef to be packed.

Manner of sorting it.

(*The word "PORK" is evidently a clerical error.)

Barrels to be branded.

Mode of pickling of beef.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, every barrel in which beef shall be packed, or repacked, shall be made of good seasoned white oak staves and heading, free from every defect, and shall contain two hundred pounds weight of beef, and shall not be of a larger gauge than thirty gallons, and shall be hooped with fourteen good ash, hickory, or oak hoops, the heads to be made of good thick stuff, the hoops to be well set and drove.

Quality and size of the barrels for packing of beef.

V. And be it further enacted by the authority aforesaid, That one head of every barrel, in which beef or pork is packed or repacked for foreign market, shall be branded with the weight it contains, the inspector's name, who shall have inspected the same, with the name of the district where it was inspected, and also the addition of Upper Canada, in legible letters.

Manner in which barrels of beef and pork shall be branded.

No inspector to act out of his district.

VI. And be it further enacted by the authority aforesaid, That no inspector, appointed by virtue of this act, shall inspect or brand any cask of beef or pork out of the limit or district for which he shall be appointed, under the penalty of twenty shillings.

Penalty for refusing or neglecting to inspect.

VII. And be it further enacted by the authority aforesaid, That if any inspector of beef or pork, not then employed in the inspection and examination of beef or pork, according to the duties prescribed by this act, or who shall not be incapacitated by sickness, shall, on application, on lawful days and reasonable hours, to him made, for the examination of any beef or pork, as aforesaid, refuse, neglect, or delay to proceed to such examination and inspection, for the space of two days after such application so made to him, the inspector so refusing, neglecting, or delaying to make such examination and inspection, shall for each offence forfeit the sum of forty shillings, current money of this province, to the use of the person or persons injured by such delay.

Fees of the inspector.

VIII. And be it further enacted by the authority aforesaid, That every inspector shall receive one shilling and six pence, current money of this province, for each barrel of beef or pork he shall salt, pack, inspect, and pickle, exclusive of cooperage; and for every mile the said inspector shall travel, he shall be entitled to receive the sum of six pence, all which salting, packing, inspecting, pickling, and travelling, shall be paid by the person or persons by whom he shall be employed.

Penalty for negligence or fraud in inspecting.

IX. And be it further enacted by the authority aforesaid, That if any of the inspectors appointed by virtue of this act shall be guilty of any neglect or fraud, in inspecting any beef or pork, contrary to the true intent and meaning of this act, or shall brand any cask containing beef or pork, which has not been actually inspected agreeable to this act, he or they shall for every such offence forfeit a sum not exceeding forty shillings, current money of this province, in case of neglect, and shall forfeit the sum of twenty pounds of like money, and be dismissed from his office, in case of fraud.

Penalty for intermixing beef or pork after branded.

X. And be it further enacted by the authority aforesaid, That if any person or persons shall intermix, take out, or shift any beef or pork, out of any cask inspected or branded, as by this act is required, or put in any other beef or pork for sale, contrary to the intention of this act, the person or persons so offending, shall for every such offence forfeit the sum of ten pounds, current money of this province.

Penalty for counterfeiting brand marks.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any of the aforesaid brand marks, or impress or brand the same on any cask or casks of beef or pork, he, she, or they, being thereof lawfully convicted, shall forfeit the sum of twenty pounds, current money of this province.

Quality and size of the barrels for packing of pork.

XII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, every barrel in which pork shall be packed or repacked for foreign markets, shall be made of good seasoned white oak staves and heading, free from every defect, and each barrel shall contain two hundred pounds weight of pork, and shall not be of a larger gauge than thirty gallons, and the said barrels, in every respect, shall be hooped, and made in the same manner as in this act provided, for barrels for packing and repacking beef.

Quality of the pork to be packed, and manner of sorting it.

XIII. And be it further enacted by the authority aforesaid, That there shall be two qualities of pork, known and distinguished by the names of mess and prime pork; mess pork shall consist of the rib pieces of good fat hogs only; barrels containing such pork, shall be branded on one of the heads, with the words, MESS PORK; prime pork shall consist of the next best pieces, with not more than six shoulders, or legs, with the shanks cut off, in one barrel, and one of the heads of every such barrel shall be branded with the words, PRIME PORK; and the pork so to be packed, shall be cut in pieces, as nearly square as may be, provided that all mess pork and prime pork shall be cut, as nearly as possible, in pieces of four pounds weight; and that each barrel of pork shall be salted with not less than fifty pounds of the same quality of salt and the same kind of pickle, and to each barrel of pork shall be added not less than two ounces of saltpetre, as in this act is provided, for packing and inspecting of beef; and that each barrel of pork, when so inspected and packed, shall be branded in the same manner as in this act is provided for branding of beef, designating the different qualities or denominations herein described.

Manner of pickling it.

Certificate to be given by the inspector.

XIV. And be it further enacted by the authority aforesaid, That for all beef and pork that shall be inspected in this province, the inspector who shall have inspected the same shall give unto the owner, or his agent, a certificate, under his hand and seal, certifying that such beef or pork is in every respect packed and branded agreeable to the laws of the province of Upper Canada, which certificate may be in the following form:

"I do hereby certify, that I, have inspected barrels of cargo, mess, or prime beef, mess or prime pork, [as the case may be,] the property of and that the said mess, prime, or cargo beef, mess or prime pork, is in every respect packed and branded, agreeable to the laws of the province of Upper Canada."

No person compelled to have his beef or pork inspected.

XV. And be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to compel any person or persons, who may export

beef or pork from this province, to have the same inspected, unless he or they shall think proper so to do.

Fines and forfeitures under this act, how recoverable, and in what manner disposed of.

XVI. And be it further enacted by the authority aforesaid, That all the fines and forfeitures, by this act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon, and be examined into, heard, adjudged, and determined, by the magistrates in quarter sessions assembled, and in order thereto, it shall and may be lawful to and for any of his Majesty's justices of the peace, within the district wherein the offence has been committed, to summon any person or persons to appear at the next general quarter sessions of the peace, to be holden in and for such district, and the magistrates in quarter sessions assembled are hereby fully authorized, empowered, and required, upon the appearance or default of such person or persons, so to be summoned, to examine into the cause of such complaint, and thereupon to proceed to give judgment, the one moiety of all such fines and forfeitures (except such as are hereinbefore otherwise applied) when recovered, shall be immediately paid into the hands of the receiver general, for the use of his Majesty, towards the support of the government of this province, and shall be accounted for to his Majesty, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct, and the other moiety to the inspector, or person who shall sue for the same.

Limitation of time for commencing of actions for any thing done in pursuance of this act.

XVII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within the space of six calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants may give this act, and the special matter, in evidence, at the trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if it shall appear so to have been done, then the court shall find for the defendant or defendants, and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Chapter IX.

£274: 18: 3½ granted to reimburse Isaac Swayze for monies expended in the purchase of hemp, and to defray the contingent expenses of last session.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty, through the lieutenant governor, in pursuance of two addresses.

Chapter X.

An act to amend an act, passed in the forty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money, for the further encouragement of the growth and cultivation of hemp within this province, and the exportation thereof."

[REPEALED BY 53D GEO. III, CH. 7.]

Second Session of the fourth Provincial Parliament.

MET AT YORK, ON THE FOURTH DAY OF FEBRUARY, AND PROROGUED ON THE THIRD DAY OF MARCH FOLLOWING, IN THE FORTY-SIXTH YEAR OF THE REIGN OF GEORGE III.

ALEXANDER GRANT, ESQUIRE, PRESIDENT.

Anno Domini 1806.

Chapter I.

An act to make provision for certain sheriffs in this province.

[Passed March 3, 1806.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas it is necessary to make some provision for such sheriffs in this province, who have no salaries established by law; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there shall be granted annually to his Majesty, his heirs and successors, the sum of three hundred pounds currency, out of the provincial treasury, from such monies now remaining, or which may hereafter come into the receiver general's hands, unappropriated, which said sum of three hundred pounds shall be appropriated and applied for the payment of salaries to the persons hereafter mentioned, in manner following, (that is to say,) to the sheriffs of the Eastern and Western districts, and the sheriffs of the districts of London, Niagara, Newcastle, and Johnstown, for the time being, the sum of fifty pounds respectively.

£300 to be applied for the payment of salaries to the sheriffs of the Eastern and Western districts, of the districts of London, Niagara, Newcastle, and Johnstown.

II. And be it further enacted by the authority aforesaid, That the sheriff of each and every district in this province shall give a bond jointly and severally with two sufficient sureties, to his Majesty, his heirs or successors, in the sum of one thousand pounds, with a condition, that the same shall be void if the said sheriff shall pay over all money which he may collect, either to his Majesty, his heirs and successors, or to any person who may be entitled to the same: Provided, however, That nothing herein contained shall extend, or be construed to extend, to debar any person or persons from having his, her, or their remedy against such sheriff or sheriffs, for any breach of duty, in such manner as is or may be provided by any law or usage now in force.

Bond in the penal sum of £1000 to be given by all sheriffs in this province, conditioned for the payment of monies collected by them, &c. not to bar any other remedy against sheriffs by laws now in force for breach of their duty.

III. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purposes aforesaid be from time to time issued by the governor, lieutenant governor, or person administering the government; and the said receiver general shall account to his Majesty for the same, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

Governor, &c. to issue warrants.

Receiver general to account, &c.

IV. And be it further enacted by the authority aforesaid, That this act shall be, and continue in force eight years, from and after the passing of the same, and from thence to the end of the then next ensuing session of the provincial parliament, and no longer.

Continuance of this act. (Continued by 54th Geo. III, c 9, and 57th, c 8; continued and extended by 2d Geo. IV, c 9.)

Chapter II.

An act to repeal an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act to regulate the practice of physic and surgery."

[REPEALS 35TH GEO. III, CH. 1.]

Chapter III.

An act to procure certain apparatus for the promotion of science.

[Passed March 3, 1806.]

Most gracious Sovereign:

May it please your Majesty, whereas it is of importance to the welfare of this province, that the rising generation may be furnished with the means of such instruction as may render them useful members of the community; we, your Majesty's most dutiful and loyal subjects, the commons of this province, in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised and collected, or hereafter to be raised and collected, to and for the uses of this province, there be granted to his Majesty, his heirs and successors, the sum of four hundred pounds out of the provincial treasury, from such monies now remaining, or which hereafter may come into the receiver general's hands unappropriated; which said sum of four hundred pounds shall be appropriated and applied in purchasing a collection of instruments suitable and proper for illustrating the principles of natural philosophy, geography, astronomy, and the mathematics, for the use of this province, in such manner as the governor, lieutenant governor, or person administering the government of this province, shall think proper to direct. Preamble. £400 appropriated for the purchase of instruments for illustrating the principles of natural philosophy, &c.

II. And be it further enacted by the authority aforesaid, That the governor, lieutenant governor, or person administering the government of this province, is hereby authorized and empowered to deposit the said instruments (under such conditions as he shall deem proper and expedient) in the hands of some person employed in the education of youth in this province, in order that they may be as useful as the state of the province will permit. Such instruments to be deposited in the hands of a person employed in the education of youth.

III. And be it further enacted by the authority aforesaid, That the receiver general shall account to his Majesty for the said sum of four hundred pounds, through the commissioners of his Majesty's treasury, for the time being, in such manner as his Majesty shall direct. Receiver general to account for the said sum of £400, &c.

Chapter IV.

An act to repeal an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several districts thereof," and to make further provision for the opening and amending the said roads. (44th Geo. III, c 6.)

[Expired.]

Chapter V.

An act to alter and amend an act passed in the thirty-third year of his present Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers," and also to repeal certain parts of an act passed in the thirty-third year of his present Majesty's reign, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district in this province, and to provide for payment of wages to the members of the house of assembly." (33d Geo. III, c 2, & 33d, c 3.)

[Passed March 3, 1806.]

Whereas an act of the parliament of this province, passed in the thirty-third year of his present Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," requires to be amended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the Preamble.

government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, if any person or persons, who shall be chosen at any town meeting as a town clerk, assessor, overseer of the highway, pound keeper, or town warden, shall die within the year for which he shall be chosen, or shall leave the township or parish, it shall and may be lawful for the justices of the peace in quarter sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal.

If any town clerks, assessors, &c. shall die or leave the township or parish, within the year for which they shall be chosen, quarter sessions to fill the vacancy.

II. And be it further enacted by the authority aforesaid, That when from any neglect, a town meeting shall not be holden on the first Monday in March [*a*] in any township or united townships in this province, it shall and may be lawful for the justices of the peace in quarter sessions assembled, for the district in which such township or united townships are situate, or a majority of them, to nominate and appoint the said parish and town officers of such township or united townships, until the next town meeting.

If no town meeting held on the first Monday in March, quarter sessions to nominate and appoint parish and town officers [*a*] See 57th Geo. III, c 7, s 2.

III. And be it further enacted by the authority aforesaid, That the clerk of the peace shall, within eight days after such nomination and appointment, send a written notice to each and every parish and town officer so nominated and appointed as aforesaid, requiring him to appear before some one of his Majesty's justices of the peace (in the district in which such quarter sessions are holden) within eight days after the receipt of such notice, and take the oath of office, which oath, or in the case of the people called Quakers, Menonists, or Tunkers, affirmation, any justice of the peace as aforesaid, shall, and is hereby required to, administer in the following form:

After such nomination and appointment, notice to be given to parish and town officers to take the oath of office

"You, A. B., do promise and swear, [or affirm, as the case may be,] that you will faithfully, diligently, and justly serve and perform the office and duties of for the of for the year ensuing, according to the best of your abilities. So help you God."

Form of the oath.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of any constable, upon the request of the clerk of the peace, to serve such notice; and the constable, for such service, shall be entitled to such compensation as the said justices of the peace, or a majority of them, in quarter sessions assembled, shall think proper.

Compensation to constables for serving such notice.

V. And be it further enacted by the authority aforesaid, That if any person or persons, who shall be so nominated and appointed by the justices of the peace, or the majority of them, in quarter sessions assembled, in each and every district of the province, shall refuse or neglect to repair to a justice of the peace, in manner aforesaid, and take the said oath of office, (or affirmation, being a Quaker, Menonist, or Tunker,) the said person or persons, so neglecting or refusing, shall forfeit and pay the sum of forty shillings, lawful money of this province, with costs, upon conviction before the court of quarter sessions; and the said justices of the peace, or the majority of them, in quarter sessions assembled, shall and may, upon such refusal or neglect, appoint other persons, and impose the like fine, as often as the case may require.

Forfeiture of forty shillings, by persons nominated and appointed by the quarter sessions to parish and town offices, refusing to take the oath of office, or affirmation, &c.

VI. And be it further enacted by the authority aforesaid, That so much of an act passed in the thirty-third year of his present Majesty's reign, entitled, "An act to authorize and direct the laying and collecting of assessments and rates in every district in this province, and to provide for the payment of wages to the members of the house of assembly," as requires a collector to give a bond to the church or town wardens, of one hundred pounds, shall be, and the same is, hereby repealed.

33d of Geo. III, c 3, s 24, so far as requires the collector of every parish and township, &c. to give a bond to the church and town wardens of £100, repealed.

VII. } [Repealed by 48th Geo. III, c 14, s 1.]
VIII. }

Collector nominated by any town meeting to enter into a bond, &c. Five shillings to be allowed to the clerk of the peace, for drawing of the bond.

IX. And be it further enacted by the authority aforesaid, That if any collector for any township, or united townships, shall neglect or refuse to give such bond within one month as aforesaid, it shall and may be lawful for the justices of the peace at the next general quarter sessions, or the majority of them, to appoint a collector for the said township, or united townships; and in the event of refusal, to appoint another as often as the case may require; and the said collector so to be appointed by the justices as aforesaid, shall give the like bond that is herein directed to be given by the collector chosen and nominated at the town meeting.

If collector refuse to give such bond, quarter sessions to appoint another collector, who shall give the like bond.

X. [Repealed by 48th Geo. III, c 14, s 1.]

One shilling for every mile to be allowed to every collector in going to give such bond.

XI. And be it further enacted by the authority aforesaid, That in addition to the sum of three pounds for every hundred pounds now allowed to the collector, it shall and may

£5 to be allowed to the collector for every

be lawful for the treasurer of each and every district, to pay to each and every collector the further sum of two pounds on every hundred pounds, which shall be collected and paid by him to the said treasurer.

£100 by him collected and paid over.

XII. And be it further enacted by the authority aforesaid, That if at any time it shall happen, that through the neglect or refusal of any person or persons, appointed under the authority of this act, or otherwise, the assessment or rate of any township or united townships shall not have been collected within the year for which such assessment or rate was made, it shall and may be lawful for the collector of the year ensuing, and he is hereby authorized and required to levy the rate and assessment so in arrear.

Collector to levy rates and assessments in arrear for preceding years

XIII. And be it further enacted by the authority aforesaid, That all and every officer and officers appointed under and by virtue of this act, shall be, and they are hereby declared to be, vested with the same powers, and liable to the same penalties, as such officer or officers now are under, by virtue of any other act or acts of the legislature of this province, except where it is in this act especially provided for.

Powers of the officers appointed under this act: penalties to which they are liable.

XIV. And be it further enacted by the authority aforesaid, That the fines and forfeitures that shall or may be incurred under and by virtue of this act, shall be levied, applied, and accounted for, in the same manner as the fines and forfeitures under the aforesaid act, "To provide for the nomination and appointment of parish and town officers," are directed to be levied, applied, and accounted for.

Manner in which the fines and forfeitures under this act are to be levied, applied, and accounted for. (See 33d Geo. III, c 2, and 50th, c 1, s 14.)

Chapter VI.

An act to continue an act passed in the forty-third year of his Majesty's reign, entitled, "An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned."

(43d Geo. III, c 9.)

[Passed March 3, 1806.]

Whereas an act of the parliament of this province, passed in the forty-third year of his Majesty's reign, entitled, "An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned," which by experience hath been found beneficial and useful, will shortly expire; therefore, for continuing the same, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the parliament of this province, passed in the forty-third year of his Majesty's reign, shall be, and is, hereby continued.

Preamble.

II. [Repealed by 48th Geo. III, c 8, by which the 43d Geo. III, c 9, is made perpetual.]

43d Geo. III, c 9, continued during the term of two years.

Chapter VII.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty, through the lieutenant governor, in pursuance of several addresses.

£498: 8: 5¼ to remunerate commissioners and defray contingent expenses of previous session.

Third Session of the fourth Provincial Parliament.

MET AT YORK, ON THE SECOND DAY OF FEBRUARY, AND PROROGUED ON THE TENTH DAY OF MARCH FOLLOWING, IN THE FORTY-SEVENTH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1807.

Chapter I.

An act for the relief of clerks to attornies, who may have served their clerkships, without being bound by contracts in writing.

Persons who have served, but have not been bound by contracts in writing as clerks to attornies for the space of five years, shall notwithstanding, on or before the last day of Trinity term, 1808, be qualified to be sworn and admitted attornies of the court of king's bench.

Chapter II.

An act to repeal the several acts now in force giving bounties for destroying wolves.

[Repeals 33d Geo. III, Ch. 11, and 43d, Ch. 6.]

Chapter III.

An act to regulate the payment of certain debts due by the Eastern district, before the establishment of the district of Johnstown.

The Eastern district and district of Johnstown, respectively, to pay one half of the monies due upon orders of the quarter sessions of the Eastern district, made before the first day of January, 1800.

Chapter IV.

An act to revive and continue an act passed in the forty-second year of his present Majesty's reign, entitled, "An act to enable the governor, lieutenant governor, or person administering the government of this province, to appoint one or more additional port or ports, place or places of entry, within this province, and to appoint one or more collector or collectors at the same, respectively."

[Expired.]

The 42d Geo. III, c 4, revived and continued for two years.

Chapter V.

An act to authorize practitioners in the law in this province to take such a number of clerks as is therein mentioned.

[Passed March 10, 1807.]

Preamble.

Whereas it is necessary to facilitate the education of youth in this province to the profession of the law; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for all and every person now authorized to practise the profession of the

Persons authorized to practise the law may

law in this province, or who shall be hereafter duly authorized to practise as aforesaid, to take and have four clerks at one time, and no more, any former law or regulation to the contrary notwithstanding.

have four clerks at one time.

Chapter VI.

An act to establish public schools in each and every district of this province.

[Passed March 10, 1807.]

Most gracious Sovereign:

Whereas it is considered expedient that some means be devised for the education of youth, may it therefore please your Majesty that it be enacted, and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for the establishment of public schools in this province, the sum of eight hundred pounds shall be annually paid, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of parliament, to or for the uses of this province.

Preamble.

The sum of £800 to be annually paid for the establishment of public schools.

II. And be it further enacted by the authority aforesaid, That there shall be one public school in each and every district of this province; and that out of the said sum of eight hundred pounds, annually so appropriated as aforesaid, the annual sum of one hundred pounds shall be paid to each and every teacher, who shall be nominated and appointed to any of the said public schools in this province, for the education of youth, in manner hereinafter mentioned.

One public school in every district.

£100 to be paid annually to every teacher of such public school.

III. And be it further enacted by the authority aforesaid, That the public school for the Western district, shall be opened and kept in the town of Sandwich; and the public school for the district of London, shall be opened and kept in the township of Townsend, [a] [b] at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the district of Niagara, shall be opened and kept in the town of Niagara; and that the public school for the Home district, shall be opened and kept in the town of York; and that the public school for the district of Newcastle, shall be opened and kept in the township of Hamilton, at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the Midland district, shall be opened and kept in the town of Kingston; and that the public school for the district of Johnstown, [c] shall be opened and kept in the township of Augusta, at such place as the trustees, or the majority of them, shall think proper to appoint; and that the public school for the Eastern district, shall be opened and kept in the town of Cornwall.

Places where the said public schools are to be kept in each respective district.

[a] See 48th Geo. III, c 16, s 1.

[b] District of London, at Vittoria.

[c] Johnstown, at Brockville. 59th Geo. III, c 4.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint from time to time not less than five fit and discreet persons in each and every district of this province, trustees to the said public schools, which said trustees, or the majority of them, shall have full power and authority to nominate a fit and discreet person as teacher thereof, and to examine into the moral character, learning, and capacity, of such person so nominated; and being satisfied with the moral character, learning, and capacity, of such person, it shall and may be lawful for the said trustees, or the majority of them, to report such their nomination to the governor, lieutenant governor, or person administering the government of this province, either to affirm or disaffirm such nomination as aforesaid: Provided always, That the said trustees, or the majority of them, shall have full power and authority, in their discretion, to remove such teacher from his public school, for any misdemeanor or impropriety of conduct, and that it shall and may be lawful for the said trustees, or the majority of them, in each and every district of this province, in case of the demise, dismissal, or removal, of any teacher of the said public schools, to nominate and appoint, as often as the case may require, one other fit and discreet person, as a teacher to the said public school, which trustees, or the majority of them, previous to such nomination and appointment as aforesaid, shall examine into the moral character, learning, and capacity, of such teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the governor, lieutenant governor, or person administering the government of this province, either to approve or disapprove of the same.

The governor, lieutenant governor, or person administering the government, to appoint trustees in every district for said schools.

Trustees to nominate a fit person as teacher, and to report their nomination to the governor, &c. who may either affirm or reject such nomination.

Trustees may remove any teacher and nominate another, and report as aforesaid.

Governor, &c. may either approve or disapprove of such last mentioned nomination.

Trustees authorized to make rules and regulations respecting said schools.

V. And be it further enacted by the authority aforesaid, That the trustees appointed under and by virtue of this act, in each and every district of this province, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said public schools, with respect to the teacher, for the time being, and to the scholars, as in their discretion shall seem meet.

Mode of payment of the salaries of the said teachers.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to issue his warrant to the receiver general of this province, for the payment of such yearly salary or salaries, half yearly, as shall or may from time to time be due to any teacher or teachers appointed under this act, upon such teacher or teachers producing a certificate, signed by the trustees, or the majority of them, of the district of which he shall have so taught or educated youth, of his having faithfully demeaned himself in his office as a teacher as aforesaid, for and during such time as he shall so require payment for his service.

Continuance of this act.

VII. [Repealed by 48th Geo. III, c 16.]

Chapter VII.

An act to repeal the several acts now in force in this province, relative to rates and assessments, and also to particularize the property, real and personal, which, during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed.

[Repealed by 51st Geo. III, Ch. 8.]

Chapter VIII.

£151 : 2 : 6½ granted to defray contingent expenses of previous session.

An act for applying certain sums of money therein mentioned, to make good certain monies issued and advanced by his Majesty through his Honor, Mr. President Grant, in pursuance of two addresses.

Chapter IX.

An act for granting to his Majesty, duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned.

[Repealed by 51st Geo. III, Ch. 2, Sec. 1.]

Chapter X.

Continued by 49th Geo. III, c 1. (See 58th Geo. III, c 13.)

An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from the United States of America into the province of Lower Canada.

[Expired.]

Chapter XI.

An act to establish the fees of the clerks of the peace, and to regulate the fees in the several courts of quarter sessions throughout this province.

[Passed March 10, 1807.]

Preamble.

Whereas it is proper to establish the fees of the different clerks of the peace in this province, and that provision be made for the payment of costs arising in the court of general quarter sessions; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority

of the same, That from and after the psssing of this act, the following fees shall be allowed to the different clerks of the peace in this province; for drawing the precept, and attending commissioners to sign the same, and transmitting it to the sheriff, one pound; attending each quarter session, one pound and ten shillings; making up the records of each session, two pounds and ten shillings; notice of every appointment, one shilling; list of jurors, every one hundred names, two shillings and six pence; making up estreats of each session, and transmitting the same to the inspector general, five shillings; to be paid out of the district treasury; every recognizance for the peace or good behaviour, to be paid by the party bound, five shillings; for discharging the same, two shillings and six pence; subpœna, two shillings and six pence; bench warrant, five shillings; drawing indictment, ten shillings; allowance of certiorari, to be paid by the person applying for the same, five shillings.

Fees allowed to the clerks of the peace.

II. And be it further enacted by the authority aforesaid, That when any person or persons shall be convicted before any court of quarter sessions in this province, of any assault or misdemeanor, such person or persons so convicted, shall pay the costs of such conviction and prosecution, that shall be allowed and taxed by the said court; and when such defendant or defendants shall be acquitted, the prosecutor, unless it shall appear to the said court that there were reasonable grounds for prosecuting, to be certified by the chairman, by indorsement on the back of the indictment, in open court, shall pay such costs of prosecution, as shall be allowed and taxed as aforesaid: Provided nevertheless, That when any defendant or defendants shall be tried on a presentment of the grand jury, and shall be acquitted, the costs shall be paid out of the district treasury: Provided nevertheless, That nothing in this act shall be construed to extend to deprive the clerks of the peace of such fees as are allowed by any act of parliament for other services.

Costs to be paid at the quarter sessions by persons convicted.

In what cases prosecutors shall pay costs.

When costs shall be paid by the district. (See 33d Geo. III, c 6.)

Chapter XII.

An act for the preservation of salmon.

[Repealed by 2d Geo. IV, Ch. 10.]

Fourth Session of the fourth Provincial Parliament.

MET AT YORK, ON THE TWENTIETH DAY OF JANUARY, AND PROROGUED ON THE SIXTEENTH DAY OF MARCH FOLLOWING, IN THE FORTY-EIGHTH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1808.

Chapter I.

An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province.

[Passed March 16, 1808.]

(Amended: See 2d Geo IV, c 3, by which part of the 5th, the 13th, and part of the 14th sections of this act are repealed. Also the first sections, so far as relates to the rank of the officers, by 2d Geo. IV, c 3, s 21.)

Preamble.

WHEREAS a well regulated militia is of the utmost importance to the defence of this province; and whereas the laws now in force, for the training and regulating thereof, are in some respects defective; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the governor, lieutenant governor, or person administering the government of this province, shall and may, from time to time, constitute and appoint, under his hand and seal, a sufficient number of colonels, lieutenant colonels, majors, and other officers, to train, discipline, and command, the militia of this province, according to the rules, orders, and directions hereinafter mentioned, and the officers so appointed for the militia shall rank with the officers of such of his Majesty's forces, as may for the time being serve within this province, as youngest of their respective rank, which said officers respectively shall within six months after their several appointments, take the oath of allegiance to his present Majesty, his heirs and successors, before the magistrates assembled in quarter sessions, within the district to which such officers respectively belong.

Appointment of officers.

Ranks of the militia officers with officers of his Majesty's forces.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the colonel or officer commanding any regiment or battalion of militia, and he is hereby required, to specify to each captain of a company, of his regiment or battalion, the limits from within which the militia-men of such captain's company shall be enrolled.

Limits to be specified to each captain, from within which his company is to be enrolled.

III. And be it further enacted by the authority aforesaid, That every male inhabitant, from sixteen years of age to sixty, shall be deemed capable of bearing arms, and shall enroll his name as a militia-man on the first training day on which the said companies shall be drawn out, in the division or limit in which his place of abode may be, and shall at such meeting give in his name, his age, and place of residence, and if he has thereto but lately removed, he shall make the same known, together with the place from whence he removed, and each and every such inhabitant, who shall not attend and give in his name to the captain or officer commanding the company for such division or limit, so that his name may be enrolled as a militia-man, shall for such neglect forfeit and pay the sum of ten shillings, to be recovered and applied in manner hereinafter mentioned: Provided nevertheless, That no inhabitant shall be convicted of the offence herein described, unless it is proved at the time of trial that the said inhabitant had been notified, either personally, or by leaving a verbal notice at his usual place of abode, of the time of meeting, at least six days previous thereto: Provided always, That no person above the age of fifty years shall be called upon to bear arms, except on the day of annual meeting, or in time of war or emergency.

Age of persons who shall be enrolled in the militia.

Manner of enrolment. (See 56th Geo. III, c 31, s 1.)

Penalty for neglecting to be enrolled.

Notice.

Exception as to persons above the age of fifty.

IV. Provided always, and be it further enacted by the authority aforesaid, That the neglect of any person so to present himself for enrolment and exercise, shall not be construed to prevent the captain or officer commanding the company of militia of the limits wherein the place of residence of any such person may be, from entering the name of such person, and such captain or officer commanding such company as aforesaid, is hereby required to enter the name of every such person, as shall come to his knowledge, upon

Absence at the time of enrolment, not to prevent the name of any person from being enrolled.

the enrolment of his company, and when so entered, every such person shall be subject to perform all and every the like militia duties, and under the same penalties, as if he had personally presented himself for enrolment: Provided also, That if any difference shall arise between any captain or officer and any militia-man, touching the age of such militia-man, it shall be incumbent on the said militia-man to prove his age.

Age of a militia-man how to be proved.

V. And be it further enacted by the authority aforesaid, That the colonel or officer commanding each regiment or battalion, shall on the fourth day of June [a] in each and every year respectively, or in case it shall happen on a Sunday, then on the next day, and oftener, if he thinks it necessary, call out the militia of such regiment or battalion, to be reviewed and exercised, and in his absence from the county, or in case of his removal or death, the said militia shall be called out by the next senior officer of such regiment or battalion, and every person liable to serve in such militia, whether officer or private, neglecting or refusing to attend, (except in case of sickness, or having obtained leave of absence,) shall forfeit and pay, if an officer, forty shillings, and if a non-commissioned officer or private, ten shillings; but if it shall appear to the colonel, or officer commanding such regiment or battalion, to be more conducive to the interest and convenience of such regiment or battalion, that the militia of the same be reviewed at different times, and in separate bodies, it shall and may be lawful for the colonel or officer commanding such regiment or battalion, to call out a part of the militia at some convenient time and place, and the remaining part at some other convenient time and place, as to him shall seem meet, and at every such review, the captain, or officer commanding each company, shall give to the colonel, or in his absence, to the next senior officer, fair written rolls of their respective companies, and the colonels, or other commanding officers, shall transmit returns to the governor, lieutenant governor, or person administering the government, within fourteen days after the fourth day of June, in each and every year, under the penalty of five pounds for each captain or other officer commanding a company, and for each colonel or officer commanding a regiment or battalion, ten pounds, for each neglect or refusal.

Militia to be called out on the 4th of June, or oftener if required, to be reviewed and exercised.

[a] Time of meeting repealed. See 2d Geo. IV, c 3.

Penalty for neglecting or refusing to attend.

Militia may be reviewed at different times and in separate bodies.

Rolls and returns of the different companies to be given.

Penalty for neglect.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to appoint a proper person to be adjutant general of the said militia, who shall do all matters and things appertaining to the said office of adjutant general.

Adjutant general to be appointed.

(See 31st, c 2, 48th, c 3, and 56th, c 7.)

VII. And be it further enacted by the authority aforesaid, That the captains of the militia shall draw out their respective companies not less than twice, or more than four times in every year, (giving six days notice thereof,) at the most convenient time and place in the county or riding, and shall inspect their arms, and instruct them in their duties, and every person after such notice as aforesaid, who shall neglect to attend, or shall disobey, whether subaltern officer or private, (except in case of sickness, or leave of absence,) shall forfeit and pay, every officer the sum of forty shillings, and every non-commissioned officer or private, the sum of ten shillings, for every such neglect or disobedience.

Inspection of arms and instructions in duty.

Penalty for non-attendance after notice.

VIII. And be it further enacted by the authority aforesaid, That in time of war, rebellion, or any other pressing exigency, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to call forth any of the different companies of the militia, and to march them from their respective counties or ridings, towns, townships, or parishes, to any part of this province, there to serve in conjunction with the other militia, or with his Majesty's forces, and any person refusing to obey such order or command, or absconding from or neglecting to repair to the place he is ordered to, being a commissioned officer, shall forfeit and pay the sum of fifty pounds, and be held to be unfit to serve his Majesty as an officer in any military capacity, and being a non-commissioned officer or private, shall forfeit and pay the sum of twenty pounds, and in default of payment for such refusal or neglect, such officer, non-commissioned officer, or private, shall be committed to the common gaol of the district, for any time not less than six nor more than twelve calendar months, except such person shall satisfy the colonel or officer commanding such regiment or battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave: Provided always, That no part of the militia called forth in the manner aforesaid shall be obliged to continue in actual service for more than six months at one time, and no militia-man shall be so called out who shall be above the age of fifty years, unless that the whole of the militia of any district or battalion to which he may belong shall be called out and embodied: Provided also, That it shall not be lawful to order the militia or any part thereof, to march out of this province, except for the assistance of the province of Lower Canada, (when the same shall be actually invaded or in a state of insurrection,) or except in pursuit of an enemy who may have invaded this province, and except also, for the destruction of any vessel or vessels built or building, or any depot or magazine formed or forming, or for the attack of any enemy who may be embodying or marching for the

In what manner the militia to be called forth in time of war.

Penalty for disobedience.

Militia not to serve more than six months at one time.

When a person above fifty years of age to be called forth.

When the militia to march out of the province.

purpose of invading this province, or for the attack of any fortification now erected, or which may be hereafter erected, to cover the invasion thereof.

Governor, &c. may call out detachments of the militia.

When such detachments may be called out by the senior colonel, lieutenant colonel, &c.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to call out detachments of the militia, and to limit and fix the number of men to be called out on such detachments, and in cases of emergency, by actual invasion, or otherwise, when it may not be practicable to consult the governor, lieutenant governor, or person administering the government of this province, it shall and may be lawful for the senior colonel, or in his absence, the lieutenant colonel of the several regiments or battalions, to limit and appoint the number of men that he shall judge necessary to be called out, and for that purpose to issue his orders to the several commanding officers, and also to direct and authorize any officer, having first obtained a warrant for such purpose from one of his Majesty's justices of the peace, to impress such carriages and horses as the service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of seven shillings and six pence per day, [a] for every cart or carriage with two horses or oxen, during such time as the same shall be employed or detained on public service: Provided always, That whenever it shall happen that only part of the militia of this province shall be called out for actual service, it shall and may be lawful for any person, being of the militia of the county or riding that may be so called out, to provide and send an able bodied man to serve in the said militia in his stead, and such able bodied man shall be taken and received as a proper substitute for such person living in the county or riding, that would otherwise be obliged to serve in the said part of the militia called out as aforesaid.

Impressing of carriages and horses.

Hire of the same.

[a] See 53d Geo. III, c 10.

Substitute to serve in the militia.

(Repealed by 4th Geo. IV, c 5.)
Regiments and battalions how to be formed.

X. And be it further enacted by the authority aforesaid, That in the several counties and ridings, where the number of men is sufficient, the militia shall be formed into regiments, consisting of not more than ten, nor less than eight companies, which companies shall consist of not more than fifty, nor less than twenty private men, and the field officers of such regiments shall be as follows, that is to say, one colonel, one lieutenant colonel, and one major, and where the number of companies shall be under eight, and not less than five, such militia shall be formed into a battalion, and the field officers of such battalion shall be one lieutenant colonel and one major only, and in each regiment or battalion of militia, there shall be one captain, one lieutenant, and one ensign to each company.

One adjutant and one quarter master, to each regiment or battalion.

Number of serjeants how to be fixed.

XI. And be it further enacted by the authority aforesaid, That to every regiment or battalion of militia, there shall be, in addition to the officers already mentioned, one adjutant and one quarter master, and that every field officer, commanding a regiment or battalion, shall fix the number of serjeants who shall serve in each company in his regiment or battalion, and the captains of the said companies shall respectively nominate the serjeants thus fixed, and make a return of their names to the field officer commanding such regiment or battalion, who is hereby authorized to approve or disapprove of such nomination.

Independent companies how to be formed.

XII. And be it further enacted by the authority aforesaid, That in the several counties and ridings where the militia-men are not in number sufficient to form a regiment or battalion, according to the intent and meaning of this act, the militia of such counties or ridings shall be formed into independent companies, each company to consist of not more than fifty, nor less than twenty private men, with one captain, one lieutenant, and one ensign, to each company, and that the governor, lieutenant governor, or person administering the government may, when he shall think proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is hereinbefore directed to consist.

[Repealed by 2d Geo. IV, c 3.]
Penalty for disobedience of orders, quarrelling with or insulting an officer in the execution of his duty.

XIII. And be it further enacted by the authority aforesaid, That every non-commissioned officer or private who shall refuse to obey the lawful orders of his superior officer or officers, when employed on militia duty, or who shall quarrel with or insult by abusive words or otherwise, any officer or non-commissioned officer, being in the execution of his duty, shall, for every such offence, forfeit and pay a sum of money not exceeding five pounds, nor less than ten shillings, current money of this province, at the discretion of the justice or justices imposing such fine, and according to the nature of the offence.

Militia-man when called out, shall provide himself with musket, &c. and with powder and ball.

[The finding ammunition by the militia-man, repealed. See 2d Geo. IV, c 3.]

XIV. And be it further enacted by the authority aforesaid, That every person who now is enrolled in any regiment, battalion, or independent company of militia, shall, within six months after the passing of this act, and every person who shall hereafter be enrolled of any regiment, battalion, or independent company of militia, shall, within six months after such enrolment, provide himself with a good and sufficient musket, fusil, rifle, or gun, with at least six rounds of powder and ball, and shall come provided with the same, at each and every time when he shall be called out, either for the purpose of review, exercise, or actual service, and if any person, so enrolled, shall neglect or refuse to provide himself, or to come so provided, as in the case of review or exercise, he shall, for each

offence, be liable to a penalty of five shillings, and in the case of actual service, to a penalty of forty shillings, to be levied in manner hereinafter mentioned: Provided always, That when and so often as any militia-man shall make it appear to his captain or officer commanding the company, that he has not been able to procure such musket, fusil, rifle, or gun, it shall and may be lawful for such captain or officer commanding such company, to admit of such excuse, and to certify the same in writing accordingly, in which case such militia-man shall not be liable to pay the said fine of five shillings in case of review or exercise, and forty shillings in case of actual service.

Penalty for neglect.

Except excused by a certificate from his commanding officer.

XV. And be it further enacted by the authority aforesaid, That every person who shall sell or barter any part of the arms or equipments which may be delivered to him out of his Majesty's stores, or who shall destroy the same, and every person who shall buy, or by barter obtain such arms or equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence, on conviction thereof by the oath of any one credible witness, before two justices of the peace, residing within the county where the same has been committed, and in case the person or persons so selling any part of his or their arms or equipments as aforesaid, or the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid, shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said justices, by a warrant under their hands and seals, to commit such person or persons to the gaol of the county or district where the offence shall be committed, for any space of time not exceeding two months: Provided always, That it shall and may be lawful for the said justices to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said justices the penalty inflicted by this act.

Penalty to be paid by every person who shall sell or buy arms, &c. delivered out of the King's stores.

XVI. And be it further enacted by the authority aforesaid, That at all times when the militia may be called out and embodied for actual service, the officers, non-commissioned officers, and private men of the several regiments, battalions, and independent companies of militia, shall, from the time of their being drawn out and embodied as aforesaid, and until they shall return to their respective towns, townships, parishes, or places of abode, remain under the command of the governor, lieutenant governor, or person administering the government, or other officer having the command of them, and shall be liable to punishment for mutiny and desertion as hereinafter mentioned, that is to say, that every officer, non-commissioned officer, or militia-man, who shall presume to use traitorous or disrespectful words against his Majesty's royal person, or disrespectful words against any of the royal family, if a commissioned officer, shall upon conviction thereof before a general court martial, as hereinafter is directed to be established, be cashiered; if a non-commissioned officer or private, he shall suffer such punishment as by the sentence of the said court martial shall be awarded.

Punishment when the militia are embodied for actual service, for using traitorous or disrespectful words against the King or any of the royal family.

XVII. And be it further enacted by the authority aforesaid, That any officer, non-commissioned officer, or militia-man, who shall behave himself with contempt or disrespect towards the governor, lieutenant governor, or the person administering the government for the time being, or shall speak words tending to their hurt or dishonor, shall be punished according to the nature of his offence by the judgment of a general court martial.

Punishment for behaving with contempt, or speaking words to the hurt or dishonor of the governor, &c.

XVIII. And be it further enacted by the authority aforesaid, That any officer, non-commissioned officer, or militia-man, who shall begin, excite, cause, or join in, any mutiny or sedition in the regiment, detachment, troop, or company, to which he belongs, or in any other regiment, detachment, troop, or company, whether of embodied militia or of his Majesty's regular or provincial forces, in any camp or post, or upon any party, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a general court martial shall be awarded.

Punishment for mutiny and sedition.

XIX. And be it further enacted by the authority aforesaid, That any officer, non-commissioned officer, or militia-man, who, being present at any mutiny or sedition, shall not use his utmost endeavors to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer, shall suffer such punishment as by a general court martial shall be awarded.

Punishment for not endeavoring to suppress the same, or give information thereof.

XX. And be it further enacted by the authority aforesaid, That all officers, non-commissioned officers, and militia-men, who shall be convicted of having deserted to the enemy, shall suffer death, or such other punishment as shall be awarded by a general court martial.

Punishment for desertion to the enemy.

XXI. And be it further enacted by the authority aforesaid, That any non-commissioned officer or militia-man, who shall quit, or otherwise absent himself from his regiment, detachment, troop, or company, without a furlough from his commanding officer, or who shall withdraw himself from the regiment, detachment, troop, or company, into which he has been embodied, in order to attach himself to any other regiment, detachment, troop, or company, then in service, whether of the militia or of his Majesty's regular or provincial

Non-commissioned officer or militia-man not to absent himself without furlough, nor attach himself to any other regiment, &c.

forces, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a general court martial, and in case any officer of the militia shall knowingly receive and entertain such non-commissioned officer or militia-man, or shall not, after his being discovered to be a deserter, immediately confine him and give notice to the regiment, detachment, troop, or company, in which he last served, he, the said officer so offending, shall, on being convicted thereof before a general court martial, be cashiered.

Punishment for receiving, entertaining, and not discovering such non-commissioned officer or militia-man.

XXII. And be it further enacted by the authority aforesaid, That if any officer, non-commissioned officer, or militia-man, shall be convicted of having advised or persuaded any other officer or militia-man to desert his Majesty's service, he shall suffer such punishment as shall be awarded by a general court martial.

Punishment for having advised him to desert.

XXIII. And be it further enacted by the authority aforesaid, That when the militia of this province shall be called out on actual service, in all cases when a general court martial shall be required, the governor, lieutenant governor, or person administering the government, upon complaint and application to him made, through the colonel or officer commanding the body of militia to which the party accused may belong, shall issue his order to the said commanding officer to assemble a general court martial, which said court martial shall consist of a president, who shall be a field officer, and twelve other commissioned officers of the militia: Provided always, That in all trials by general courts martial, to be held by virtue of this act, the governor, lieutenant governor, or person administering the government, shall nominate and appoint the person who shall act as judge advocate, and that every member of the said court martial, before any proceedings be had before that court, shall take the following oath before the said judge advocate, who is hereby authorized to administer the same, viz:

Mode of ordering and of assembling general courts martial. (See 59th Geo. III, c 12.)

The members of which they shall consist.

Judge advocate to be appointed.

"You, A. B., do swear that you will administer justice to the best of your understanding, in the matter now before you, according to the evidence, and militia laws now in force in this province, without partiality, favor, or affection; and you further swear, that you will not divulge the sentence of the court, until it shall be approved by the governor, lieutenant governor, or person administering the government, neither will you upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

Oath to be taken by the members.

And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

"You, A. B., do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

Oath to be taken by the judge advocate.

And the said judge advocate shall, and he is hereby authorized to administer to every person giving evidence before the said court, the following oath:

"The evidence you shall give to this court martial, on the trial of A. B. shall be the truth, the whole truth, and nothing but the truth. So help you God."

Oath to be administered to witnesses.

Provided always, That the judgment of every such court martial shall pass with the concurrence of two-thirds of the members, and shall not be put in execution, until the governor, lieutenant governor, or person administering the government, has approved thereof: Provided always, That no officer serving in any of his Majesty's other forces shall sit in any court martial upon the trial of any officer or private man serving in the militia.

No judgment without the concurrence of two thirds of the members. Not to be executed without the approbation of the governor, &c.

No officer of other forces to sit in such court martial.

XXIV. And be it further enacted by the authority aforesaid, That during the time in which the said militia shall be embodied for actual service, they and every of them, as well officers as privates, shall be liable and subject to all and every the provisions, regulations, matters, and things, in this act contained, respecting the said militia, and also in cases to which the provisions of this act do not extend, to all the rules, regulations, pains, and penalties, of any act or acts of the British parliament that are or may be in force for the punishment of mutiny and desertion, not contrary to this act: Provided nevertheless, That no sentence of any court martial so to be constituted and established, under and by virtue of this act, shall extend to the loss of life or limb, unless for desertion, mutiny, and sedition, traitorous correspondence, or for traitorously delivering up to the enemy, any garrison, fortress, post, or guard, any thing herein contained, or any statute, law, or usage, to the contrary notwithstanding: Provided always, That in no case whatsoever, shall any non-commissioned officer or private man, for any offence by him committed, be subjected to the punishment of being whipped, by the sentence of any court martial whatsoever.

Regulations to which the militia shall be subject, while embodied on actual service.

Non-commissioned officer or private man not subject to the punishment of being whipped.

XXV. And be it further enacted by the authority aforesaid, That in all cases where a militia officer, not on actual service, shall be guilty of improper conduct, or do any thing

(Repealed by 59th Geo. III, c 12.)

unbecoming his character as such officer, not otherwise provided for in this act, the governor, lieutenant governor, or person administering the government, upon complaint and application made to him through the colonel or other field officer of militia, commanding the respective regiment or battalion to which the said officer against whom the complaint is made, may belong, or in case the said colonel or other field officer is the party accused, to the next in command, to issue his order to assemble a court of enquiry, which court shall consist of one field officer, in rank superior to the officer accused, who shall be president thereof, together with not less than four other commissioned officers, and such court of enquiry shall examine witnesses, and take every necessary step to investigate the matter alleged in the complaint against the said militia officer, and report the evidence in that behalf brought before them, to the governor, lieutenant governor, or person administering the government, for his decision thereon.

Court of enquiry when to be assembled.

In what manner to be constituted.

Report to governor, &c.

XXVI. And be it further enacted by the authority aforesaid, That except in time of actual service, the judges of the court of king's bench, and clergy, the members of the legislative and executive councils, and their respective officers, the members of the house of assembly for the time being, and the officers thereto belonging, his Majesty's attorney general, solicitor general, the secretary of the province, and all other civil officers who shall have been or hereafter may be appointed to any civil office in this province, under the great seal of the same, as well as all magistrates, sheriffs, coroners, half-pay officers, militia officers, having served by virtue of any militia commission in any part of his Majesty's dominions, (who may not have been removed for any offence as an officer of militia, or who may have obtained leave to resign his commission,) the surveyor general and his deputies duly appointed, seafaring men actually employed in the line of their calling, physicians, surgeons, the masters of public schools, ferry-men, and one miller to every grist mill, shall be, and are hereby excused from serving in the said militia: Provided always, That this act, and the exceptions herein contained shall not prevent, and it is hereby declared, that the same shall not be construed to prevent, any or every of the above mentioned person or persons from holding commissions as officers in the militia in this province: Provided always, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, by warrant under his hand and seal, to exempt any of the persons hereinbefore enumerated, from being called out on the service aforesaid.

Exemptions from serving in the militia except in time of actual service.

Not to prevent the persons so exempted from holding commissions as officers in the militia.

Governor, &c. may grant exemptions from serving.

XXVII. And be it further enacted by the authority aforesaid, That the persons called Quakers, Menonists, and Tunkers, who, from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the said militia, but every person professing that he is one of the people called Quakers, Menonists, or Tunkers, and producing a certificate of his being a Quaker, Menonist, or Tunker, signed by the clerk of the meeting of such society, or by any three or more of the people called Quakers, Menonists, or Tunkers, shall be excused and exempted from serving in the said militia: Provided nevertheless, That every such person or persons that shall or may be of the people called Quakers, Menonists, or Tunkers, from the age of sixteen to sixty, shall, on or before the first day of December in each and every year, give in his name and place of residence to the treasurer of the district, where he or they shall reside, and pay to such treasurer, to and for the public uses of such district, in time of peace, the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, the sum of five pounds; and in default of such payment, it shall and may be lawful, on information or complaint on oath made by the said treasurer, before any justice of the peace of such district, for the said justice to issue his warrant, under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, [a] or when any part of the militia of that district shall be called out on actual service, deducting therefrom the charges and all other incidental expenses of such distress and sale, as well as the expenses of summoning such offender before such justice, to answer the said information and complaint, and the said sums so levied by the said justice as aforesaid, shall be by him, within the space of two calendar months, paid into the hands of the colonel, or in his absence, the next senior officer of the regiment, battalion, or independent company of the division where the offence has been committed, to be applied for the like purposes as the fines, forfeitures, and penalties imposed by this act, and for want of such distress, the justice before whom such person shall have been convicted, shall commit him to the common gaol of the district until he shall pay and satisfy such sum, together with the reasonable charges incident to such conviction: Provided nevertheless, That no person or persons so convicted, shall in any case be detained in custody longer than the space of one calendar month: Provided also, and it is hereby further enacted, That each and every of the persons usually called Quakers, Menonists, and Tunkers, that have attained the age of fifty years, shall not be liable to the payment

Quakers, Menonists, and Tunkers, not to be compelled to serve.

Proof of being such.

(See 50th Geo. III, c 11.)

To give in their names, &c. to the treasurer of the district where they reside.

Payments to him how to be made and applied.

[a] See 51st Geo. III, c 7, s 1.

In case of non-payment, distress money so recovered how to be paid and applied.

Punishment for want of such distress.

Circumstances under which Quakers, &c. shall not be liable to payment.

of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but that in time of war, or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

When the governor, &c. may employ the militia upon lakes, rivers, communications, &c. in such detachments as he shall think fit.

XXVIII. And be it further enacted by the authority aforesaid, That in time of war, when and so often as occasion may require, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to employ the militia of this province, either upon land or upon the lakes, rivers, and communications thereof, in such parties or detachments as by him shall be deemed expedient.

How persons shall be taken to serve on such detachments.

XXIX. And whereas by a certain clause in this act, it is provided, that it shall and may be lawful for the persons therein mentioned, on certain occasions, to call out detachments of the militia; be it therefore enacted by the authority aforesaid, That the persons to serve on such detachment shall be regularly taken, from time to time, as they shall be required, from a roster or list to regulate the turn of duty, to be first formed by ballot of each and every person in each respective battalion, regiment, or independent company, and that after the same has been formed, when any person shall be enrolled as a militia-man in any battalion, regiment, or independent company, the name of such man shall be inserted, and follow the last person in the said roster, the initial of whose sirname corresponds with the initial of the sirname of the man so to be inserted, and when any detachment shall be called out for service, the adjutant or officer commanding each regiment, battalion, or independent company, shall give notice to the persons of their turn of duty.

Notice to be given to such persons.

Governor, &c. may appoint detachments to serve on board of vessels, &c. with great guns and small arms, and station them in any of the creeks, rivers, &c. of this province, and also train them to the use of great guns and artillery.

XXX. And be it further enacted by the authority aforesaid, That when any detachments are formed and called out for public service, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to divide the same into smaller detachments or parties, and appoint them to serve on board vessels, boats, or batteaux, upon any of the lakes, rivers, or communications by water of this province, with great guns or artillery, as well as with small arms, as occasion may require, and shall and may appoint them to be stationary in any of the creeks or harbors of the said lakes, or in any of the rivers of the province, and also to train and exercise the same to the use of great guns and artillery, as well by land as by water.

Troops of cavalry may be formed.

XXXI. And whereas it may be convenient to form one or more troop or troops of cavalry, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to form and embody such troop or troops, and to employ the same on such duties as the necessity of the service may require.

Time of service of said detachments.

XXXII. And be it further enacted by the authority aforesaid, That all detachments to be called out and employed as aforesaid, shall and may, if need require, be detained on such service, for and during the space of six months at one time, and no longer: Provided, That every such detachment be relieved by the arrival of a fresh detachment, sufficient for the indispensable occasions of the service at such period, for which purpose it shall and may be lawful for the proper officer, one week at least before the expiration of the said period of service, to call together the remaining parts of the regiment, battalion, or independent company, or so many as may be necessary, according to their several turns, to be regulated by the roster as aforesaid, to relieve such detachment.

In what manner they shall be relieved.

Method to be pursued in case such detachments cannot be replaced by an equal number of men.

XXXIII. Provided always, and be it further enacted by the authority aforesaid, That if such detachments cannot be replaced by an equal number of men of the remaining part of such regiment, battalion, or independent company, respectively, then, and in such case, every detachment, to be relieved as aforesaid, shall ballot or draw lots for such a number of men as may be wanting to make the succeeding detachment equal to the detachment to be relieved, and the parties whose names shall be drawn shall be liable to serve with the said detachment, but in case of a partial relief, they shall be the first to be relieved, either wholly or by ballot, according to the number to be relieved.

Punishment in case of non-payment of the forfeitures imposed by this act.

XXXIV. And be it further enacted by the authority aforesaid, That when any person shall have been convicted of any offence against this act, and shall refuse to pay the fine, forfeiture, or penalty imposed on such offender, it shall and may be lawful to and for the justice or justices before whom such person shall have been convicted, to commit such offender to the common gaol of the district, until he shall pay and satisfy such fine, forfeiture, or penalty, together with the reasonable charges attending such conviction: Provided nevertheless, That no person or persons, so committed, shall in any case be detained in custody longer than the space of one calendar month, except in such cases as are otherwise provided for by this act.

No non-commissioned officer discharged from his Majesty's service, shall serve in an inferior station in the militia.

XXXV. And be it further enacted by the authority aforesaid, That no persons who have been discharged from his Majesty's service as non-commissioned officers, shall be obliged to serve in any station in the militia of this province, inferior to that which they held in his Majesty's service, unless having been non-commissioned officers in the said militia, they may have been reduced according to law.

Penalty for withdrawing or absconding from exercise.

XXXVI. And be it further enacted by the authority aforesaid, That no person enrolled in the militia, shall absent or withdraw himself from any place of review or exercise, without having first obtained leave of his commanding officer so to do, under the penalty of forty shillings, if a commissioned officer, and ten shillings, if a non-commissioned officer or private.

Penalty for a serjeant neglecting to warn a militia-man to appear at the place of enrolment.

XXXVII. And be it further enacted by the authority aforesaid, That if any serjeant of the militia, when thereunto required by his superior and proper officer, shall neglect or refuse to warn the militia-men of the company to which he belongs, to appear at the place of enrolment or exercise, he shall, for every such neglect or refusal, forfeit and pay the sum of forty shillings.

Serjeant in the militia exempted from serving as constable.

XXXVIII. And be it further enacted by the authority aforesaid, That every serjeant of the militia, duly appointed, shall be exempt from serving as constable, for and during such time as he shall hold such appointment as serjeant.

Such who are wounded shall be taken care of.

XXXIX. And be it further enacted by the authority aforesaid, That if any person be wounded, or shall be disabled, when employed on actual service, upon an invasion, insurrection, or rebellion, he shall be taken care of and attended during the time of such disability, agreeably to his rank.

Charges of conviction to be paid by the offender.

XL. And be it further enacted by the authority aforesaid, That when any person shall be summoned before two of his Majesty's justices of the peace as aforesaid, for having neglected or refused to do such things as by this act are required of him to be performed, and shall upon the oath of any one credible witness before such justices, be duly convicted of such offence, such person shall pay the charges and expenses of and incident to such conviction, and that all fines, penalties, and forfeitures, by this act imposed, on default of payment, shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hands and seals of the justices before whom the said offender shall be convicted, rendering the overplus (if any) to the said person whose goods and chattels shall have been so distrained and sold, after deducting therefrom the charges of such distress and sale; and within two months after such conviction and recovery, the sums so recovered shall be transmitted by the justices before whom such information shall have been laid, to the colonel, or in his absence, to the next senior officer of the regiment, battalion, or independent company, and the said colonels and other officers respectively shall, and they are hereby required, out of the several sums of money which they shall receive for fines, forfeitures, or penalties, or otherwise, by virtue of this act, to provide for the regiments in their respective counties or ridings, drums, fifes, colors, banners, regimental books, and for the discharge of other incidental expenses, and in case any overplus of such monies shall remain in the hands of any such colonel or other officer, after providing such articles as aforesaid, such surplus shall be disposed of in premiums to the persons who shall make the best shot at a target or mark, upon days of training, and in such proportions as at a meeting the colonels or officers commanding regiments, battalions, or independent companies, shall order and direct, and each colonel, or in his absence, the next senior officer of the regiment, battalion, or independent company, shall render a certified account thereof in detail, to be transmitted to the governor, lieutenant governor, or person administering the government, as soon after the thirty-first day of December annually as practicable. [a]

Penalties on default of payment to be levied by distress.

Overplus to be returned

To whom sums so recovered shall be transmitted.

How to be applied.

Account to be laid before the governor, &c

[a] See 56th Geo. III, c 31, s 5 & 6.

No writ of certiorari unless the penalty above £20.

XLI. And be it further enacted by the authority aforesaid, That no order of conviction made by any justice or justices of the peace, by virtue of this act, shall be removed by certiorari out of the county, riding, division, or place, wherein such order or conviction shall have been made, into any court whatsoever, and that no writ of certiorari shall supersede execution on other proceedings upon any such order or conviction, so made in pursuance of this act, but that execution and other proceedings shall be had and made thereupon, any such writ or writs, or allowance thereof, notwithstanding: Provided always, That the fines, forfeitures, or penalties, to be levied by virtue of such order or conviction, shall not exceed the sum of twenty pounds.

Limitation of actions within six months, for things done by virtue of this act.

XLII. And be it further enacted by the authority aforesaid, That if any action shall be brought against any person or persons for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, and shall be laid in the county, riding, or place, where the cause of complaint did arise, and not elsewhere, and the defendant or defendants in every such action or suit, may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be non-suited or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

Plaintiffs being non-suited, &c. defendant or defendants to have treble costs.

Former militia acts repealed. No militia appointment shall be void under any former acts until new commissions are issued under this act. (See 49th Geo. III, c 2, and 50th Geo. III, c 11. Continued by 59th Geo. III, c 12, except the 25th clause.)

XLIII. And be it further enacted by the authority aforesaid, That all former acts relating to the raising of the militia within this province, shall from and after the passing of this act, be and are hereby repealed: Provided nevertheless, That nothing in this act contained shall in any wise extend or be construed to extend to annul or make void any militia appointment which may have taken place in pursuance of the former acts relating to the militia forces, or to prevent the completing any proceedings commenced in pursuance thereof, until new commissions are issued under and by virtue of this act.

Chapter II.

Grants £1600 to be applied by certain commissioners in the repair of roads, &c.

An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges, in the several districts thereof.

[Temporary.]

Chapter III.

An act for granting to his Majesty an annual sum of money for the purpose therein mentioned.

[Repealed by 6th Geo. IV, Ch. 6.]

Chapter IV.

Grants to his Majesty £588: 0: 8½.

An act for applying certain sums of money therein mentioned, to make good certain monies issued and advanced by his Majesty, through the lieutenant governor, in pursuance of an address.

Chapter V.

(33d Geo. III, c 12.)

An act to continue an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province."

[Passed March 16, 1808.]

Preamble.

Whereas an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province," and which act has since been revived and continued by a certain act, entitled, "An act to revive and continue an act, entitled, 'An act to provide for the appointment of returning officers of the several counties within this province,'" will shortly expire, and it being necessary that the said act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province," be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the thirty-third year of his Majesty's reign, and every part thereof, and every clause, matter, and thing, therein contained, are by the present act continued, for and during the space of four years, and no longer.

Act of 33d Geo. III, c 12, to provide for the appointment of returning officers, continued. (Continued for four years, by 52d Geo. III, c 11.)

Chapter VI.

An act for granting to his Majesty a certain sum of money out of the provincial funds, to increase the salary of the clerk of the legislative council, and the clerk of the house of assembly.

[Passed March 16, 1808.]

Preamble.

Whereas it is thought expedient to increase the salaries of the clerks of the legislative council and house of assembly in this province; be it therefore enacted by the King's most

excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted annually, to his Majesty, his heirs and successors, the sum of one hundred and fifty pounds, to and for the uses hereinafter expressed, that is to say, the sum of seventy-five pounds to the clerk of the legislative council, and the sum of seventy-five pounds to the clerk of the house of assembly, for the time being, in addition to the sums heretofore granted to and for the uses of the said clerks.

£75 to the clerk of the legislative council, and £75 to the clerk of the house of assembly, in addition to their respective salaries.

II. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty for the payment of salaries to the clerk of the legislative council, and the clerk of the house of assembly, shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purposes herein set forth, be from time to time issued by the governor, lieutenant governor, or person administering the government of this province, for the time being, and not otherwise, and the said receiver general shall account to his Majesty for the same, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

Manner of payment.

(See 41st Geo. III, c 12, & 56th, c 22.)

Chapter VII.

An act to extend the benefits of an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act for the more easy barring of dower," and to repeal certain parts of the same.

[Passed March 16, 1808.]

Whereas by an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act for the more easy barring of dower," no provision is made to entitle any person not residing in this province, and who may be entitled to dower of any lands or tenements situate therein, to release her right and title to the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to and for any person within the United Kingdom of Great Britain and Ireland, or any of his Majesty's colonies or plantations, or within the United States of America, entitled to dower of any lands or tenements within this province, by any deed, executed either alone or jointly with other persons, to release all her right and title to the same, and such release shall be as valid and effectual to bar the person so executing the same, of her dower of such lands and tenements, as if a fine had been levied thereof.

Preamble.

(37th Geo. III, c 7.)

Persons residing in Great Britain, Ireland, in the colonies, or in the United States of America, may release their dower of lands in this province by deed.

II. Provided nevertheless, That no such release, so executed, shall have any force or effect to bar the person so entitled to dower, unless such person shall come before the mayor or chief magistrate of some city, borough, or town corporate in the said United Kingdom, or before the chief judge or any other judge of the supreme court of the said colony, plantation, or state, or before the mayor or chief magistrate of any city, borough, or town corporate, within the same, and shall have been examined by the said mayor or chief magistrate, chief judge, or judge, touching her consent to be barred of dower in the premises in the said deed of release mentioned, and unless she shall give her consent thereto, and it shall appear to the said mayor, chief magistrate, chief judge, or judge, that such consent is free and voluntarily, and not the effect of any coercion on the part of the husband or any other person, and unless the said mayor, chief magistrate, chief judge, or judge, shall certify the same by endorsement on the said deed.

Persons entitled to dower shall be examined by the mayor, &c. touching her consent to release the same. Such consent to be certified by such mayor, &c. by endorsement on the deed of release.

III. And be it further enacted by the authority aforesaid, That for the purpose of verifying the said certificate, when the same shall be granted as aforesaid, by the mayor or chief magistrate of any city, borough, or town corporate, within the said United Kingdom, or within any of the said colonies, plantations, or states, the common seal of such city, borough, or town corporate, or the seal of office of such mayor or other chief magistrate, shall be affixed thereto; and that when such certificate shall be granted by the chief judge

Verification of such certificate.

or judge of the supreme court of any of his Majesty's colonies or plantations, or of any of the United States of America, the same shall be verified by the seal of the person administering the government of such colony, plantation, or state.

So much of the 37th Geo. III, as relates to the registering of the certificate, repealed. (See 50th Geo. III, c 10.)

IV. And be it further enacted by the authority aforesaid, That so much of the above mentioned act, entitled, "An act for the more easy barring of dower," as relates to the registering of the certificate, required by the said act, be and the same is hereby repealed.

Chapter VIII.

(46th Geo. III, c 6.)

An act to repeal certain parts of an act passed in the forty-sixth year of his Majesty's reign, entitled, "An act to continue an act passed in the forty-third year of his Majesty's reign, entitled, 'An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned.'"

[Passed March 16, 1808.]

Preamble.

Whereas by an act passed in the forty-sixth year of his Majesty's reign, entitled, "An act to continue an act passed in the forty-third year of his Majesty's reign, entitled, 'An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned,'" it was thereby enacted, that the said act of the parliament of this province, passed in the forty-third year of his Majesty's reign, should be and the same was thereby continued, and it was thereby further enacted, that the said act passed in the forty-sixth year of his Majesty's reign, should be and continue in force, for and during the term of two years, and from thence to the end of the then next session of parliament, and no longer; and whereas it is thought fit that the said recited act passed in the forty-third year of his Majesty's reign, should not be subject to any limitation in point of time, but that the same should be made perpetual; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the act passed in the forty-sixth year of his Majesty's reign, as limits the continuance of the aforesaid act to the term of two years, and from thence to the end of the then next session of parliament, shall be and the same is hereby repealed.

Act of 43d Geo. III, c 9, made perpetual.

Chapter IX.

(See 53d Geo. III, c 7.)

An act for the further encouragement of the growth and cultivation of hemp within this province, and for the exportation thereof.

Chapter X.

(See 45th Geo. III, c 2, and amended by 4th Geo. IV, c 7, 10th Geo. IV, c 4.)

An act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, "An act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefits of the said act."

[Passed March 16, 1808.]

Preamble

Whereas an act passed in the forty-fifth year of his Majesty's reign, entitled, "An act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands," will shortly expire, and it is expedient to continue the said act, and further to extend the benefits thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the forty-fifth year of his Majesty's reign, and every part thereof, and every clause, matter, and thing, therein contained, shall be and the same is hereby continued.

45th of Geo. III, c 2, continued.

Persons who are entitled to bring their claims for lands before the commissioners under this act.

II. And be it further enacted by the authority aforesaid, That the assignee or assignees of the nominee or nominees of the crown to lands in this province, who is or are dead, or who have left this province before the passing of this act, without having obtained his Majesty's letters patent for such lands in his, her, or their life times, or before he, she, or they did leave this province, may respectively bring their claim or claims for the said lands before the commissioners hereinafter to be appointed, who shall and may, and they are hereby authorized to hear and determine the claim or claims of such assignee or assignees, and to report thereupon to the governor, lieutenant governor, or person administering the government, in council, in like manner and under the like regulations and restrictions as are in and by the said act passed in the forty-fifth year of his Majesty's reign, and hereby continued, directed to be observed respecting the claim or claims of the heir or heirs, devisee or devisees, of the nominee or nominees of the crown to lands, brought before the commissioners under that act, and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government, in council, to issue his Majesty's letters patent for the lot or lots, parcel or parcels of land specified in the said report, to or in trust for such person or persons, his, her, or their heirs and assigns, as is or are therein declared, by the said commissioners to be appointed under and by virtue of this act, to be the assignee or assignees of the nominee or nominees of the crown as aforesaid, to such lot or lots, parcel or parcels of land; and that all and every the provisions, regulations, restrictions, matters, and things, which in and by the said act of the forty-fifth year of his Majesty's reign, are enacted and contained, of and concerning, or in any wise touching or relating to the claim or claims of the heir or heirs, devisee or devisees of the nominee or nominees of the crown, mentioned in that act, shall be and are hereby extended to the assignee or assignees of such nominee or nominees.

Commissioners under this act to hear and determine claims, and to report thereupon in like manner as directed by the 45th of Geo. III, c 2.

Patents to issue to persons entitled under that report.

Provision of 45th Geo. III, c 2, extended to persons claiming under this act.

A commissioner to be appointed in every district, to take testimony relative to claims under this act.

III. And be it further enacted by the authority aforesaid, That for the better procuring of evidence to be laid before the commissioners to be appointed under this act, respecting any claim or claims that may be brought before them by virtue thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province for the time being, to appoint some person in each and every district of this province, to be a commissioner for taking upon oath (which oath the said commissioners are hereby authorized to administer) the testimony of any persons or persons relative to such claim or claims to be brought before the said commissioners.

Penalty for swearing falsely before such commissioner.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall forswear him, her, or themselves before any such commissioner, he, she, or they, shall on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

Governor to appoint commissioners, &c.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, at any time during the continuance of this act, to issue such and so many commissions, under the great seal of this province, to the members of the executive council thereof, his Majesty's chief justice of the said province, the justices of the court of king's bench, and such and so many other persons as the said governor, lieutenant governor, or person administering the government, shall think fit, which said commissioners, or any three of them, of whom the said chief justice or one of the said justices shall be one, shall have full power and authority to carry into force and effect all and every the powers and provisions, matters and things, specified and contained in the said act of the forty-fifth year of the reign of his present Majesty, and in this act; and that the said commissioners shall hold their sittings [a] at the same place, and at the like times [a] and in like manner as are specified and declared by the said first mentioned act, respecting the sittings of the said commissioners therein mentioned, under and by virtue of the same.

Times and places of sitting.
[a] 52d Geo. III, c 9.

Clerks of the peace to affix a list of claims where quarter sessions are usually held, once every three months.

VI. And be it further enacted by the authority aforesaid, That the clerk of the peace in each and every district of this province, shall once in every three months make a list of the claims set up in his office, specifying the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the township or townships in which the lands so claimed do lie, and affix the said list on some conspicuous part of the court house, or place where the courts are usually held at each general quarter sessions.

Continuance of this act. (See 52d Geo. III, c 9, and 56th, c 21.)

VII. And be it further enacted by the authority aforesaid, That this act shall be and it is hereby declared to be in force for and during the term of four years, and no longer.

Chapter XI.

An act for the better representation of the commons of this province in parliament, and to repeal part of an act passed in the fortieth year of his Majesty's reign, entitled, "An act for the more equal representation of the commons of this province, and for the better defining the qualification of electors."

[Repealed by 4th Geo. IV, Ch. 3.]

Chapter XII.

An act for the better regulating the statute labor in the counties of Essex and Kent, in the Western district.

[Passed March 16, 1808.]

Preamble.

Whereas it is necessary to amend and keep in repair the public highway, leading through part of the counties of Essex and Kent, in the Western district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the magistrates of the Western district, in quarter sessions assembled, or the major part of them, and they are hereby empowered to appoint one or more overseer or overseers, and to direct him or them, when they shall deem it expedient, to order such inhabitants of the county of Kent as are liable to perform statute labor upon the highways and roads, to keep in good and sufficient repair that part of the road, and also the bridges upon the same, beginning at the upper or second fork of the river Thames, in the township of Tilbury, thence leading down the said river Thames, and continuing along lake Sinclair to Belle river; and the said magistrates in manner aforesaid, shall appoint one or more overseer or overseers, and direct him or them to order such inhabitants, liable to perform statute labor on the highways and roads, living between M'Kee's creek and Belle river in the county of Essex, to keep in good and sufficient repair the road and bridges between Pike's creek and the said Belle river, and across the same.

Road and bridges to be kept in repair by the inhabitants of the county of Kent.

Road and bridges to be kept in repair by persons living between M'Kee's creek and Belle river in the county of Essex.

II. And be it further enacted by the authority aforesaid, That the said magistrates, in manner aforesaid, shall direct the overseer or overseers of the townships of Howard and Harwich in the county of Kent, to order the inhabitants of the said townships jointly to make and keep in repair a good and sufficient bridge over the creek running through lot number twenty-two in Harwich, commonly called and known by M'Kirgan's creek, and shall also direct the overseer or overseers of the townships of Camden and Chatham, in the said county, to order the inhabitants of said townships jointly to make and keep in repair a good and sufficient road leading from the landing place on lot number three in Howard, back to Arnold's mill; and the said magistrates are in like manner empowered to direct the overseer or overseers of the upper half or division of the township of Raleigh, in the said county, to order the inhabitants living within the same, to keep in good and sufficient repair the bridge over the main fork near the town of Chatham, in the township of Harwich.

Bridge to be kept in repair by the inhabitants of the townships of Howard and Harwich.

Road to be kept in repair by the inhabitants of Camden and Chatham.

Bridge to be kept in repair by the inhabitants of the upper half of the township of Raleigh.

III. And be it further enacted by the authority aforesaid, That if any person who shall have been appointed overseer in the manner aforesaid, shall refuse or neglect to perform the several and respective duties required of him by this act, he shall, for each neglect, or refusal thereof, forfeit and pay the sum of twenty shillings; and if any inhabitant as aforesaid shall refuse or neglect to work on such roads, or towards the repair of such bridges as aforesaid, after he shall have had from such overseer four days' notice so to do, he shall for every such offence forfeit and pay the sum of five shillings.

Penalties for refusing or neglecting to do the duties required by this act.

IV. And be it further enacted by the authority aforesaid, That the penalties inflicted by virtue of this act shall be levied and recovered by warrant under the hand and seal of some justice of the peace of the said district, which warrant such justice is hereby empowered and required to grant, upon conviction of the offender, by confession or upon oath of one credible witness, and in default of payment, to levy the same by distress and sale of the offender's goods, rendering the overplus, if any, to the owner thereof, the necessary charges of making such distress and sale being first deducted, which said penalty shall be applied towards the making and keeping in repair the said roads and bridges above mentioned, and in default of such distress, it shall and may be lawful for any such justice to commit the person so refusing or neglecting, to the common gaol, for any time

Mode of conviction and of levying the penalties.

Application of the same.

not exceeding one month, unless the penalty, forfeiture, costs, and charges, shall respectively be sooner by him paid.

V. And be it further enacted by the authority aforesaid, That the work to be done upon the said roads and bridges as aforesaid, shall be considered as a part of the annual statute labor, and shall be required only at such times as the said statute labor may be by law required.

The work done on the said roads and bridges, part of the statute labor. (See 41st Geo. III, c 10, and 50th, c 1.)

Chapter XIII.

An act for the better regulation of special juries.

[Passed March 16, 1808.]

WHEREAS the existing laws of this province are found insufficient to give special juries in the court of king's bench; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the tenth, eleventh, twelfth, and thirteenth clauses of an act passed in the thirty-fourth year of his present Majesty's reign, entitled, "An act for the regulation of juries," and the whole of an act passed in the fortieth year of his present Majesty's reign, entitled, "An act for the regulation of special juries," shall be, and the same are hereby repealed.

Preamble.

Part of the 34th Geo. III, c 1, and the whole of 40th Geo. III, c 2, repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by his attorney general, or by any other person duly authorized in that behalf, or for any prosecutor or defendant in any indictment or information for any misdemeanor now pending, or hereafter to be brought or prosecuted in his Majesty's court of king's bench in this province, or for any plaintiff or plaintiffs, defendant or defendants, in any action, suit, or cause, whatsoever, now pending or hereafter to be brought and carried on in the said court, to have and obtain a special jury for the trial of such indictment, information, action, suit, or cause, without any motion in court.

Special jury may be obtained without any motion in court.

III. And be it further enacted by the authority aforesaid, That the clerk of the peace of each and every district, shall annually, on or before the fifteenth day of July, deliver or cause to be delivered to the sheriff of the district, a list of such men throughout the district as shall be assessed on the several assessment rolls, for the sum of two hundred pounds and upwards, for which services the said clerks of the peace respectively shall be entitled to receive the sum of five shillings, by an order from the justices in quarter sessions assembled, upon the district treasurer.

Clerk of the peace shall deliver to the sheriff a list of persons assessed for £200 and upwards.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his said Majesty, his heirs and successors, as aforesaid, or for any prosecutor or defendant in any such indictment or information, or for any plaintiff or plaintiffs, defendant or defendants, in any action, suit or cause, now pending or hereafter to be brought and carried on in the said court of king's bench, for the purpose of having and obtaining a special jury for the trial of such indictment, information, action, suit, or cause, by themselves or their attornies respectively, to serve or cause to be served on the opposite party or parties, his, her, or their attorney or attornies, a written notice, for him, her, or them, to appear by themselves or their respective attorney or attornies, at the office of the sheriff of the district in which the said indictment, information, action, suit, or cause is to be tried, on some certain day, which shall not be less than four days from the actual service of such notice, and such actual service shall be made either personally upon the opposite party or parties, his, her, or their attorney, or by a copy of such notice, to be left at the usual place of abode of the opposite party or parties, or at the usual place of abode of his, her, or their attorney.

Notice for appearance of the parties at the office of the sheriff for the district.

V. And be it further enacted by the authority aforesaid, That the name of each and every man assessed as aforesaid, shall be written on separate and distinct pieces of paper, being all as near as may be of equal size, and shall be put together in a box or glass, to be provided for that purpose, from which the sheriff, his deputy, or any indifferent person appointed by the court, may draw out forty of the said papers, and the said sheriff or his deputy, shall forthwith make a list of the names written upon the said forty papers, from which list each party, his, her, or their attorney or attornies, shall and may alternately strike out twelve names, and the sheriff shall summon, or cause to be summoned, the sixteen persons whose names shall remain on such list, to appear on the first day of the next ensuing assizes, from whom a special jury shall be taken for the trial of the respective indictment, information, action, suit, or cause.

Manner in which forty names of the persons assessed shall be drawn.

Each party may strike out twelve out of the forty names; remaining sixteen persons shall be summoned by the sheriff to appear at the next assizes.

If either of the parties do not appear to strike out the twelve names, sheriff or his deputy shall do so for such party.

VI. And be it further enacted by the authority aforesaid, That if any party or parties who shall be served with such written notice, or his, her, or their attorney, shall neglect to appear at the sheriff's office at the said day appointed, it shall and may be lawful for the sheriff or his deputy, in behalf of such party, to strike out of the said list twelve names in manner aforesaid.

Five shillings to be paid to each special juryman.

VII. And be it further enacted by the authority aforesaid, That every person who shall serve on a special jury as aforesaid, shall be entitled to receive the sum of five shillings.

Manner in which the fees for striking a special jury shall be paid.

VIII. And be it further enacted by the authority aforesaid, That the person or party who shall apply for such special jury, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all expenses occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same upon taxation of costs, than such person or party would be entitled unto, in case the issue had been tried by a common jury, unless the judge before whom the cause is tried shall, immediately after the trial, certify in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Chapter XIV.

An act for the better regulation of parish and town officers throughout this province.

[Passed March 16, 1808.]

Preamble.

Whereas the provisions contained in the seventh, eighth, and tenth clauses of an act of the parliament of this province, passed in the forty-sixth year of his present Majesty's reign, entitled, "An act to alter and amend an act passed in the thirty-third year of his Majesty's reign, entitled, 'An act to provide for the nomination and appointment of parish and town officers within this province,'" have been found inexpedient; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said seventh, eighth, and tenth clauses be, and the same are hereby repealed.

Part of the 46th of Geo. III, c 5, repealed.

Bond to be entered into by every collector of rates.

II. And be it further enacted by the authority aforesaid, That each and every collector of rates for the respective townships of this province, hereafter to be chosen, nominated, and appointed, shall, within one month after such nomination, or before he shall collect any money, enter into a bond jointly and severally, with two sufficient freeholders, to the treasurer of the district, for which he shall be so nominated or appointed, in the sum of two hundred pounds, lawful money of this province; which bond shall be in the following form:

Form of the bond and condition. (For condition, see 53d Geo. III, c 9, s 2)

"Know all men by these presents, that I, A. B., collector of the rates for the township of in the district of C. D. and E. F. of the same place, yeomen, [or as the case may be,] are held and firmly bound to I. O., treasurer of the district of in the sum of two hundred pounds, lawful money of Upper Canada, for which payment well and truly to be made to the said I. O., we bind ourselves, jointly and severally, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated at this day of &c. &c."

Town clerks to provide the said bonds.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerks in their respective townships, and they are hereby required to provide such bond, and transmit the same to the treasurer of said district, within one month after the said bond shall be executed, for which each and every of them shall be allowed the sum of five shillings, to be paid out of the district treasury.

If collectors should die, or leave the parish, the quarter sessions to fill the vacancy.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, if any person who shall be chosen or nominated as a collector, shall die, or leave the parish or township, within the year for which he shall be chosen or nominated, it shall and may be lawful for the justices of the peace in quarter sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal, and such collector so nominated, shall be, and he is hereby declared to be, vested with the same power, and liable to the same penalties, as any collector nominated and appointed under any act or acts of the legislature of this province.

(See 33d Geo. III, c 2 and 3, and 53d, c 9.)

Chapter XV.

An act for building a court house and gaol in the township of Elizabethtown, in the district of Johnstown. (See 4th Geo. IV, c 35.)

[Passed March 16, 1808.]

Preamble.

WHEREAS the present court house and gaol in the town of Johnstown in the district of Johnstown, is situate at the lower extremity of the said district, which renders it inconvenient, and whereas the inhabitants of the said district are desirous of building a new court house and gaol in a more central situation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the justices of the peace of the said district of Johnstown, in general quarter sessions assembled, or the greater part of them, to fix upon a scite or situation on the front end or ends of lot number ten, eleven, or twelve, in the first concession of Elizabethtown, adjoining the King's highway, where a court house and gaol may be built.

Quarter sessions to fix the place where the court house and gaol of the district of Johnstown shall be erected within the township of Elizabethtown.

II. And be it further enacted by the authority aforesaid, That a gaol and court house for the said district of Johnstown shall and may be erected and built on lot number ten, eleven, or twelve, in the first concession of Elizabethtown, within the said district of Johnstown, in such manner and under such rules, regulations, and directions, as in that respect are made and provided in and by a certain act passed in the thirty-second year of his Majesty's reign, entitled, "An act for building a gaol and court house in every district throughout this province, and for altering the names of the said districts," and that all and every the clauses, provisions, rules, regulations, matters, and things, in the said last recited act contained, shall under the same penalties as therein are contained in all cases and in respect to all persons, extend and be extended to the district of Johnstown aforesaid, except in as far as the same may be varied and altered by this act.

The said court house and gaol shall be erected according to the rules, &c. enacted by the 32d Geo. III, c 8, except so far as varied by this act.

III. And be it further enacted by the authority aforesaid, That as soon as the justices of the peace for the said district, in general quarter sessions assembled, or the majority of them, shall be satisfied that the said court house and gaol are sufficiently finished, the said court house and gaol shall be, and they are hereby declared to be, the gaol and court house of the said district of Johnstown.

When the said court house and gaol shall by the quarter sessions be declared to be such for the district of Johnstown. (See 34th Geo. III, c 10, s 1.)

IV. Provided always, That nothing in this act contained, shall extend or be construed to extend, to authorize the justices as aforesaid, to build said court house and gaol on land belonging to any person or persons, without first obtaining a good and sufficient title from such person or persons.

Good title to be obtained on the land on which it is to be built.

V. Provided always, and be it further enacted by the authority aforesaid, That unless such gaol and court house shall be built and finished within three years from the passing of this act, so that persons may be confined in the one, and the different courts of justice be properly accommodated in the other, then and in such case this act shall be, and the same is hereby declared to be, null and void.

Said court house and gaol to be finished within three years.

VI. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the justices aforesaid, to apply any part of the assessments and rates of the said district to or for the purpose of this act.

No part of the assessments of the district to be applied for the purpose of this act.

Chapter XVI.

An act to amend an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act to establish public schools in each and every district of this province." (47th Geo. III, c 6.)

[Passed March 16, 1808.]

Preamble.

WHEREAS an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act to establish public schools in each and every district of this province," requires to be amended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the said act as enacts that the public school for the district of

Such part of the 47th Geo. III, c 6, as respects the district of London, repealed.

London shall be opened and kept in the township of Townsend, shall be, and the same is hereby repealed.

Place where the school for that district shall be opened and kept.

II. And be it further enacted by the authority aforesaid, That the public school for the district of London, shall be opened and kept at such place as the trustees of the public school for the said district, or the majority of them for the time being, shall order and direct.

Such part of the said 47th of Geo. III, as limits its duration, repealed.

III. And be it further enacted by the authority aforesaid, That so much of the said act as limits the duration of it to four years, and from thence to the end of the then next ensuing session of parliament, shall be, and the same is hereby repealed.

First Session of the fifth Provincial Parliament.

MET AT YORK, ON THE SECOND DAY OF FEBRUARY, AND PROROGUED ON THE NINTH DAY OF MARCH FOLLOWING, IN THE FORTY-NINTH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1809.

Chapter I.

An act for the continuing for a limited time the provisional agreement entered into between this province and Lower Canada, at Montreal, on the fifth day of July, in the year one thousand eight hundred and four, relative to duties; also for continuing for a limited time the several acts of the parliament of this province, now in force relating thereto.

(See 58th Geo. III, c13.)

[Expired.]

Chapter II.

An act for quartering and billeting, on certain occasions, his Majesty's troops, and the militia of this province.

[Passed March 9, 1809.]

Preamble.

Whereas the laws now in force for quartering and billeting his Majesty's troops, and the militia of this province, are not sufficiently applicable to the situation thereof; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, when and as often as the said troops or militia shall be on a march within the said province, each and every householder therein shall furnish them, when required, in manner hereinafter mentioned, with house-room, fire, and utensils for cooking, and in cases of emergency, by actual invasion or otherwise, it shall and may be lawful for the officer commanding his Majesty's troops or militia, or in cases where orders cannot be received from him in due time, for the officer commanding any regiment, battalion, or detachment of troops or militia, to direct and authorize any officer of the same, having first obtained a warrant for such purpose from one of his Majesty's justices of the peace, to impress such horses, carriages, and oxen, as the service may require, for the use of which, the owner or owners thereof, shall be entitled to receive the sum of seven shillings and six pence [*a*] per day, for every cart or carriage, with two horses or oxen, during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day.

What shall be furnished to the militia, when on a march. (See 48th Geo. III, c 1, s 9.)

In case of actual invasion or emergency, horses, carriages, and oxen, to be impressed. Hire to be allowed for such horses, carriages, and oxen.

[*a*] See 53d Geo. III, c 10, s 1.

II. And be it further enacted by the authority aforesaid, That when the said troops or militia, or any regiment, battalion, or detachment of the same, are on a march as aforesaid, the officer commanding such troops or militia, or any regiment, battalion, or detachment thereof, shall present to one of his Majesty's justices of the peace, the order received by him from the commander of the said troops or militia, authorizing him, the said officer commanding as aforesaid, to make, and when upon extraordinary emergencies such order cannot be obtained, it shall and may be lawful for him, the said officer commanding as aforesaid, to make a requisition in writing to such justice, to billet, who shall immediately thereupon so billet the said troops or militia, as to facilitate their march, and in such manner as may be most commodious to the inhabitants, and that every inhabitant householder who shall refuse to receive the said troops or militia, so billeted on them as aforesaid, shall for every such offence forfeit and pay the sum of forty shillings.

Militia to be billeted on their march.

Penalty for refusing billet.

The mode of billeting the militia, when cantoned.

III. And be it further enacted by the authority aforesaid, That when the safety of this province shall require that the said troops or militia, or any regiment, battalion, or detachment of the same, should be cantoned in any part or parts of the said province, then, and in such case, it shall and may be lawful for one of his Majesty's justices of the peace, in the respective districts where such troops or militia may be cantoned, upon receiving an order from the commander of the said troops or militia, or by a requisition from the officer commanding any such cantonment, to quarter and billet, and the said justice is hereby required to quarter and billet the officers, non commissioned officers, and privates of the said troops or militia, upon the several inhabitant householders, as near as may be to the place of cantonment, so that the said troops or militia billeted on each inhabitant householder shall not exceed six in number, avoiding as much as possible to incommode the said inhabitants, and taking due care to accommodate the said troops or militia, and if any inhabitant householder shall refuse to receive such troops or militia, so billeted on him as aforesaid, he shall for each and every offence, forfeit and pay the sum of forty shillings;

Redress, in case any person shall think himself aggrieved.

and if any inhabitant shall consider himself aggrieved, by having a greater number of the said troops or militia billeted upon him, than he ought to bear in proportion to his neighbors, by the said justice, on complaint being made to two or more justices of the district where such troops or militia shall be cantoned, it shall and may be lawful for such justices, and they are hereby authorized to relieve such inhabitant, by ordering such and so many of the said troops or militia, to be removed and quartered upon such other person or persons as they shall see cause, and such other person or persons shall be obliged, under the penalty of forty shillings, to receive such troops or militia accordingly: Provided, That no justice or justices of the peace, having any military office or commission in the said troops or militia, shall directly or indirectly be concerned in the quartering or billeting of any officer, non-commissioned officer, soldier, or soldiers of the regiment, company, or detachment, under the immediate command of such justice or justices.

IV. And be it further enacted by the authority aforesaid, That when the said troops or militia, or any part of them, shall be so cantoned as aforesaid, any one of his Majesty's justices of the peace of and in the district where such cantonment is made, upon receiving an order from the commander in chief of the said troops or militia in that behalf, or a requisition in

Carriages to be furnished to the militia, when in cantonment.

writing from the officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said troops or militia, shall and may, and he is hereby required, to issue his warrant to such person or persons as may be possessed of carriages, within his jurisdiction, requiring him or them to furnish the same, for the service

Rate of payment to be allowed for such carriages; distance to which they are to proceed.

aforesaid, at and after the rate of payment allowed to carriages furnished to the said troops or militia when on a march, hereinbefore mentioned, [a] and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their carriage or carriages for that service, each and every such person or persons shall forfeit and pay the sum of forty shillings: Provided always, That such carriage or carriages, horses or oxen, or the carriage or carriages mentioned in the first clause of this act, shall not be compelled to proceed more than thirty miles, unless in cases where other carriages, horses, or oxen, cannot immediately be had to replace them.

[a] See 53d Geo. III, c 10, s 2.

V. And whereas in cases of emergency, it may sometimes become necessary to provide proper and speedy means for the conveyance by water of the said troops or militia, and also of their ammunition, provisions, and baggage, be it therefore further enacted by the authority aforesaid, That any one of his Majesty's justices of the peace, of and in the district where such troops or militia may be either on a march or in cantonment, upon receiving an order from the commander in chief of the said troops or militia in that behalf, or a requisition in writing from the officer commanding any regiment or detachment of the same, for such boats or other craft, as may be requisite for the conveyance of the said

Boats or other craft to be furnished in cases of emergency.

troops or militia, and their ammunition, provisions, and baggage, shall and may, and he is hereby required to issue his warrant to such person or persons as may be possessed of such boats or other craft, within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said justice, not exceeding the usual rate of hire for such boats or other craft, and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their boats

Penalty.

or craft for that service, each and every such person or persons shall forfeit and pay the sum of five pounds.

Mode of recovering penalties under this act.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act inflicted, or authorized to be imposed, shall be levied and recovered by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of any justice of the peace, and such justice is hereby empowered and required, to grant the same upon the confession of the party or parties, or upon the evidence of any one or more credible witness or witnesses, upon oath, and the overplus, if any, of the money arising by such distress and sale, shall be returned upon demand to the owner or owners of such goods and chattels, deducting therefrom the costs and charges of such distress and sale;

one half of the said penalties and forfeitures shall be paid to the informer, the other half into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the commissioners of his treasury, for the time being, and in such manner and form as it shall please his Majesty to direct.

Ordinance of Quebec, 27th Geo. III, repealed.

VII. And be it further enacted by the authority aforesaid, That an act or ordinance of the late province of Quebec, passed in the twenty-seventh year of his Majesty's reign, entitled, "An ordinance for quartering the troops upon certain occasions in the country parishes, and providing for the conveyance of effects belonging to the government," be, and the same is hereby repealed.

Chapter III.

An act to encourage the destroying of wolves in this province.

[Repealed by 11th Geo. IV, Ch. 17.]

Chapter IV.

An act for the more effectual preventing of frivolous and vexatious suits, and to authorize the levying of poundage upon executions in certain cases, and to regulate the sales by sheriffs and other officers.

[Passed March 9, 1809.]

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in all actions to be brought in the province of Upper Canada, from and after the passing of this act, wherein the defendant or defendants shall be arrested and held to bail, and wherein the plaintiff or plaintiffs shall not recover the amount of the sum for which the defendant or defendants in such action shall have been so arrested and held to special bail, such defendant or defendants shall be entitled to costs of suit, to be taxed according to the custom of the court in which such action shall have been brought, provided it shall be made to appear to the satisfaction of the court in which such action is brought, upon motion to be made in court for that purpose, and upon hearing the parties by affidavit, that the plaintiff or plaintiffs in such action had not any reasonable or probable cause for causing the defendant or defendants to be arrested and held to special bail, in such amount as aforesaid; and provided that such court shall thereupon, by rule or order of the same court, direct that such costs shall be allowed to the defendant or defendants, and the plaintiff or plaintiffs shall, upon such rule or order being made as aforesaid, be disabled from taking out any execution for the sum recovered in any such action, unless the same shall exceed, and then in such sum only as the same shall exceed the amount of the taxed costs of the defendant or defendants in such action, and in case the sum recovered in any such actions shall be less than the amount of the costs of the defendant or defendants to be taxed as aforesaid, that then the defendant or defendants shall be entitled, after deducting the sum of money recovered by the plaintiff or plaintiffs in such action from the amount of his, her, or their costs, to be taxed as aforesaid, to take out execution for such costs in like manner as a defendant or defendants may now by law have execution for costs in other cases.

Circumstances under which defendant when held to special bail, shall be entitled to costs of suit.

II. And be it further enacted by the authority aforesaid, That in all actions which shall be brought in the province of Upper Canada, after the passing of this act, upon any judgment recovered, or which shall be recovered, in any court of the said province, the plaintiff or plaintiffs in such action on the judgment, shall not recover, or be entitled to any costs of suit, unless the court in which such action on the judgment shall be brought, or some judge of the same court, shall otherwise order.

In actions on judgments, plaintiff not entitled to costs, unless by rule of court.

III. } [Repealed by 2d Geo. IV, c 1.]
IV. }

Plaintiffs may levy poundage and expense of execution beyond the judgment.
On mesne process after return thereof, defendants in custody may in vacation justify bail before one justice.

Eight days notice to be given of sale by sheriff.

V. And be it further enacted by the authority aforesaid, That no sheriff or other officer, in any district of this province, shall proceed to the sale of any effects, taken by virtue of any writ of execution, until public notice in writing thereof is given, at least eight days previous thereto, at the most public place in the town or township where such effects may have been taken in execution, and of the time and place where such effects are to be exposed to sale.

(See 34th Geo. III, c 2, & 43d, c 1.)

Chapter V.

An act for applying certain sums of money therein mentioned, to make good certain monies issued and advanced by his Majesty through the lieutenant governor, in pursuance of several addresses.

Chapter VI.

(See 50th Geo. III, c 11.)

An act for the relief of Menonists and Tunkers, in certain cases.

[Passed March 9, 1809.]

Preamble.

Whereas the religious societies of the Menonists and Tunkers, from scruples of conscience against taking an oath, are subject to many inconveniences to themselves and families, as well as to others who may require their evidence; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, every Menonist or Tunker, in any case in which an oath is required by law, or upon any lawful occasion, wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker by the laws now in force is required to do, having first made the following affirmation or declaration, that is to say:

Menonists and Tunkers permitted to make the like affirmation with Quakers.

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that I am one of the society of Tunkers or Menonists," [as the case may be.]

Which affirmation or declaration as aforesaid, of any Menonist or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes in all courts of justice and other places where by law an oath is or shall be allowed, authorized, directed, or required, as if such Menonist or Tunker had taken an oath in the usual form, and all and every person or persons who is, or are, or shall be authorized or required to administer any oath required by any law now in force or hereafter to be made, although no express provision is made for the purpose in any such law, shall be, and is or are hereby required to administer such affirmation or declaration.

II. And be it further enacted by the authority aforesaid, That if any person, making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed and declared any matter or thing, which if the same had been deposed in the usual form upon oath would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities, as by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

False affirmation subject to the like punishment with that of a false oath.

III. And be it further enacted by the authority aforesaid, That no Menonist or Tunker shall by virtue of this act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the government in this province, any thing herein contained to the contrary notwithstanding.

Disabilities of Menonists and Tunkers. (See 50th Geo. III, c 11.)

Chapter VII.

An act for granting a sum of money in aid of the building a bridge across the Grand river.

Chapter VIII.

An act to repeal and amend certain parts of an act passed in the thirty-sixth year of his Majesty's reign, entitled, "An act for the better regulation of certain coins current in this province," to equalize them to the standard weight and value of the like coins in the province of Lower Canada.

[Passed March 9, 1809.]

Preamble.

(36th Geo. III, c 1.)

WHEREAS an act passed in the parliament of this province in the thirty-sixth year of his Majesty's reign, entitled, "An act for the better regulation of certain coins current in this province," which it is found expedient to alter and amend, in order to equalize them to the current value of the like coins in the province of Lower Canada; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the first clause of the above recited act, by which it is enacted that the value of the milled doubloon or four pistole piece of Spain, weighing seventeen pennyweights, Troy, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, for three pounds and fourteen shillings, and the French louis d'or piece, coined before the year one thousand seven hundred and ninety-three, weighing five pennyweights and four grains, at one pound two shillings and six pence, and the French pistole piece, coined before the same year, weighing four pennyweights and four grains, at eighteen shillings, also the second and eighth clauses of the said recited act, be, and the same are, hereby repealed.

(See 7th Geo. IV, c 4, & 11th Geo. IV, c 6.)

Part of the 36th of Geo. III, c 1, repealed.

Weights and rates of the gold coin which shall pass current in this province.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the gold coins hereinafter mentioned shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, at the weights and rates following, that is to say: the milled doubloon or four pistole piece of Spain, weighing seventeen pennyweights, Troy, at three pounds fourteen shillings and six pence; the French louis d'or, coined before the year one thousand seven hundred and ninety-three, weighing five pennyweights and four grains, at one pound two shillings and eight pence; and the French pistole piece, coined before the same year, weighing four pennyweights and four grains, at eighteen shillings and three pence; and all the higher and lower denominations of the said gold coins shall also pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this province, in the same proportions respectively.

Allowance for every grain which any piece of gold coin shall weigh over or under the standard.

III. And be it further enacted by the authority aforesaid, That for every grain which any piece of British, Portugal, or American gold coins, shall weigh more than the standard required by the before recited acts, when weighed by the single piece, there shall be allowed and added in all payments, two pence and one farthing currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one farthing currency, and for every grain which any Spanish or French gold coins shall respectively weigh more than the standard aforesaid, when weighed by the single piece, there shall be allowed and added in all payments, two pence and one-fifth of a penny currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one-fifth of a penny currency.

Regulations when in payments gold coin is weighed in bulk, and not in single pieces.

IV. And whereas it would be a great facility in making payments, if gold coin in certain cases was weighed in bulk, and not by the single piece as hereinbefore mentioned; be it therefore enacted by the authority aforesaid, That every payment exceeding the sum of twenty pounds currency, which shall be made in gold coin, after the passing of this act, where one of the party making or receiving the same shall require, if such gold shall be weighed in bulk, and not by the single piece, that is to say, the gold coin of Great Britain, Portugal, and America, together, and that of Spain and France together, and the gold coins of Great Britain, Portugal, and America, shall be computed at the rate of eighty-nine shillings currency, for each ounce Troy, according to the table hereunto annexed, marked A., and that of Spain and France, at the rate of eighty-seven shillings and eight pence half-penny currency, for each ounce Troy, according to the table hereunto annexed, marked B., and on each of such weighings, a deduction shall be made of one half of a grain Troy for each piece of gold coin so weighed, as a compensation to the receiver or receivers for the loss that may accrue to him, her, or them, in afterwards paying away the same by the single piece, which deduction shall be computed respectively at the rates aforesaid, or

according to the table aforesaid, to which the description or descriptions of the gold coin so weighed may belong.

A.

TABLE,

Exhibiting the Value of British, Portugal, and American Gold, when weighed in Bulk.

GRAINS.					PENNYWEIGHTS.					OUNCES.			POUNDS.		
	Pounds.	Shillings.	Pence.	Farthings.	Parts.	Pounds.	Shillings.	Pence.	Farthings.	Parts.	Pounds.	Shillings.	Pounds.	Shillings.	Pence.
1	0	0	2	0	9-10	1	0	4	5	16-10	1	4	9	1	53	8	0
2	0	0	4	1	8-10	2	0	8	10	32-10	2	8	18	2	106	16	0
3	0	0	6	2	7-10	3	0	13	4	08-10	3	13	7	3	160	4	0
4	0	0	8	3	6-10	4	0	17	9	24-10	4	17	16	4	213	12	0
5	0	0	11	0	5-10	5	1	2	3	00 0	5	22	5	5	267	0	0
6	0	1	1	1	4-10	6	1	6	8	16-10	6	26	14	6	320	8	0
7	0	1	3	2	3-10	7	1	11	1	32-10	7	31	3	7	373	16	0
8	0	1	5	3	2-10	8	1	15	7	08-10	8	35	12	8	427	4	0
9	0	1	8	0	1-10	9	2	0	0	24-10	9	40	1	9	480	12	0
10	0	1	10	1	0	0	10	2	4	6	00 0	10	44	10	10	534	0	0
11	0	2	0	1	9-10	11	2	8	11	16-10	11	48	10	11	587	8	0
12	0	2	2	2	8-10	12	2	13	4	32-10				12	640	16	0
20	0	3	8	2	0	0	13	2	17	10	08-10			13	694	4	0
30	0	5	6	3	0	0	14	3	2	3	24-10			14	747	12	0
40	0	7	5	0	0	0	15	3	6	9	00 0			15	801	0	0
50	0	9	3	1	0	0	16	3	11	2	16-10			16	854	8	0
60	0	11	1	2	0	0	17	3	15	7	32-10			17	907	16	0
70	0	12	11	3	0	0	18	4	0	1	08-10			18	961	4	0
80	0	14	10	0	0	0	19	4	4	6	24-10			19	1014	12	0
90	0	16	8	1	0	0								20	1068	0	0
100	0	18	6	2	0	0											
200	1	17	1	0	0	0											
300	2	15	7	2	0	0											
400	3	14	2	0	0	0											
500	4	12	8	2	0	0											
600	5	11	3	0	0	0											
700	6	9	9	2	0	0											
800	7	8	4	0	0	0											
900	8	6	10	2	0	0											
1000	9	5	5	0	0	0											

For every grain, over or under, when weighed by the single piece, add or deduct 2¼, and when weighed in bulk, one half a grain so to be deducted for each piece so weighed, the value of which deduction may be easily found in the table.

B.

TABLE,

Of French and Spanish Gold, at 87s. 1-2d. per Ounce.

GRS.	VALUE.			DWTS	VALUE.				OZ	VALUE.			LIB	VALUE.		
	Shillings.	Pence.	Farthings.		Pounds.	Shillings.	Pence.	Farthings.		Pounds.	Smillings.	Pence.		Pounds.	Shillings.	Pence.
1	0	2	1½	1	0	4	4	2½	1	4	7	8½	1	52	12	6
2	0	4	1½	2	0	8	9	1	2	8	15	5	2	105	5	0
3	0	6	2	3	0	13	1	3½	3	13	3	1½	3	157	17	6
4	0	8	3	4	0	17	6	2	4	17	10	10	4	210	10	0
5	0	10	3½	5	1	1	11	0½	5	21	18	6½	5	263	2	6
6	1	1	½	6	1	6	3	3	6	26	6	3	6	315	15	0
7	1	3	1	7	1	10	8	1½	7	30	13	11½	7	368	7	6
8	1	5	2	8	1	15	1	0	8	35	1	8	8	421	0	0
9	1	7	2½	9	1	19	5	2½	9	39	9	4½	9	473	12	6
10	1	9	3½	10	2	3	10	1	10	43	17	1	10	526	5	0
11	2	0	½	11	2	8	2	3½	11	48	4	9½	20	1052	10	0
12	2	2	1	12	2	12	7	2	12	18	1	LIB				
20	3	7	3	13	2	17	0	0								
30	5	5	3	14	3	1	4	3								
40	7	3	2½	15	3	5	9	1½								
50	9	1	2½	16	3	10	2	0								
60	10	11	2	17	3	14	6	2½								
70	12	9	1½	18	3	18	11	1								
80	14	7	1½	19	4	3	3	3½								
90	16	5	1	20	LN	1	OZ									
100	18	3	1													
200	36	6	2													
300	54	9	3													
400	73	1	0													
500	91	4	1													
600	109	7	2½													
700	127	10	3½													
800	146	2	½													
900	164	5	1½													
1000	182	8	2½													

For every grain, over or under, when weighed by the single piece, add or deduct 2 1-5, and when weighed in bulk, one half of a grain to be deducted for each piece so weighed, the value of which deduction may be easily found in the table.

Chapter IX.

£1600 to be appropriated, &c.

An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, opening new ones, and building bridges in the several districts thereof.

[Temporary.]

Second Session of the fifth Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE TWELFTH DAY OF MARCH FOLLOWING, IN THE FIFTIETH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1810.

Chapter I.

An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose.

(Amended by 4th Geo. IV, c 10.)

[Passed March 12, 1810.]

Preamble.

WHEREAS the present mode of laying out, amending, and keeping in repair, the public highways and roads within this province, and the method of performing statute labor thereon, is found inconvenient; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the thirty-third year of his present Majesty's reign, entitled, "An act to regulate the laying out, amending, and keeping in repair, the public highways and roads within this province;" and also an act passed in the thirty-eighth year of his present Majesty's reign, entitled, "An act to alter the method of performing statute duty on the highways and roads within this province," shall be, and the same are, hereby repealed.

33d Geo. III, c 4, & 38th, c 7, repealed.

(See 9th Geo. IV, c 5, making valid the act of surveyors of highways, though not appointed annually.)

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty's justices of the peace, in general quarter sessions assembled in the month of April in each and every year, in the several districts of this province, except in the districts of London and Johnstown—and in the district of London, for his Majesty's justices of the peace so assembled, in the month of June, and in the district of Johnstown, for his Majesty's justices of the peace so assembled, in the month of May, in each and every year—or the majority of them, to appoint, as occasion may require, one or more surveyor or surveyors of highways, in each and every county and riding, throughout this province, within their respective districts, to lay out and regulate the highways and roads within such county or riding, in manner hereinafter mentioned; and such surveyor or surveyors, before he or they shall enter upon their office, shall before any justice of the peace take and subscribe the following oath, which oath the said justice is hereby authorized to administer:

Surveyors of the highways to be appointed by the quarter sessions.

Oath of the surveyor of highways.

"I, A. B., do swear, that I will faithfully and diligently discharge the duty of a surveyor of highways, agreeably to the provisions of an act passed in the fiftieth year of his Majesty's reign, entitled, 'An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose.'"

And if on complaint made, or otherwise, it shall appear to the justices of the peace in quarter sessions assembled, that any such surveyor or surveyors is or are incompetent to the discharge of his or their duty, or negligent in the performance thereof, it shall and may be lawful for the said justices so assembled, to remove the said surveyor or surveyors.

The surveyors, on application, to alter or open a road, shall report thereupon to the quarter sessions; if no opposition, the report to be confirmed; if opposition, the report to be confirmed, annulled, or modified by a jury.

III. And be it further enacted by the authority aforesaid, That upon application in writing being made to any such surveyor by twelve freeholders of any such county or riding, stating that any public highway or road in the neighborhood of the said freeholders now in use, is inconvenient and may be altered so as better to accommodate his Majesty's subjects and others travelling thereon, or that it is necessary to open a new highway or road, it shall and may be lawful for such surveyor, and he is hereby required to examine the same, and report thereon in writing to the justices at their next ensuing quarter sessions, describing particularly the alteration intended to be made, or new highway or

road to be opened, giving at the same time public notice thereof by affixing or causing to be affixed, a copy of the said report in two or more of the most public places next adjacent to the place where the said alteration is intended to be made, or new highway or road to be opened, and if no opposition, as hereinafter mentioned, shall be made to such report, it shall and may be lawful for the said justices, or the major part of them, and they are hereby required to confirm the said report, and to direct such alteration to be made, or such new highway or road to be opened accordingly; and when and so often as any application shall be made, to the said justices in quarter sessions assembled as aforesaid, in opposition to the said report, it shall and may be lawful for the said justices, on its being made to appear to their satisfaction, that due notice hath been given to the surveyor by whom such report as aforesaid was made, to direct a jury of twelve disinterested men to be empanneled out of the persons returned to serve as jurors at the said sessions, who after hearing evidence upon oath, touching and concerning the said intended alteration, or new highway or road, shall upon their oath either confirm or annul the said report, or so alter and modify the same as the exigency of the case may appear to require, and their verdict shall be final, and the said justices shall direct such highway or road to be altered or opened accordingly; and such highway or road so altered or opened, shall be and is hereby declared to be a common and public highway; and the said report so confirmed or altered, shall remain as a record and description of the said highway or road, in the office of the clerk of the peace, and a copy thereof shall be entered in a book to be by him kept for that purpose, and for every such entry, he shall be allowed the sum of five shillings, and no more, to be paid out of the treasury of the district: Provided always, That it shall not be lawful to lay out or alter any public highway or road, so as to lead the same through any orchard or garden, or to remove any building, without the consent of the owner first had and obtained, any thing in this act contained to the contrary in any wise notwithstanding.

No highway to be altered so as to lead thro' any orchard, &c. or to remove any building without the consent of the owner.

Quarter sessions may authorize the surveyor of highways to employ a surveyor of lands.

IV. And be it further enacted by the authority aforesaid, That when and so often as it shall appear to the justices of the peace, in quarter sessions assembled, that it will be necessary or useful to employ a surveyor of lands, in laying out or altering any highway or road as aforesaid, it shall and may be lawful for them to order and direct any surveyor of highways of the county or riding in which such highway or road is intended to be laid out or altered, to employ such surveyor of lands, who shall be paid out of the district treasury, [a] by an order of the said justices, for the number of days in which he shall have been so employed, at the rate of ten shillings for each day.

[a] See 52d Geo. III, c 10.
Pay of surveyor of lands.

Width of the roads.

Width of the bridges and causeways; trees to be cut down for building of the same.

V. [Repealed by 4th Geo. IV, c 10, s 1.]

VI. And be it further enacted by the authority aforesaid, That all bridges and causeways, hereafter to be built upon any public highway or road, shall not be less than fifteen feet in width, and in order to provide materials for the same, it shall and may be lawful for the overseers to direct the laborers performing such duty as hereinafter mentioned, to cut down and make use of any trees standing upon any unenclosed and unimproved lands, that may be most convenient and best adapted to building or repairing such bridges or causeways as aforesaid.

Fences to be erected where there are waters or precipices.

VII. And be it further enacted by the authority aforesaid, That when any public highway or road does pass by any deep water or dangerous precipice, the overseers shall cause good and sufficient fences to be erected at the sides of the said highway or road, for the security of his Majesty's subjects and others who may travel thereon.

Pay to be allowed to the surveyors of highways.

VIII. And be it further enacted by the authority aforesaid, That every such surveyor of highways as aforesaid, for the time being, shall be allowed seven shillings and sixpence per day, for every day in which he shall be necessarily employed in carrying into effect the provisions of this act, an account of which, such surveyor shall present to the justices of the peace, in quarter sessions assembled, for their inspection, who being satisfied that such account is proper and correct, shall order and direct the treasurer of the district forthwith to pay the same. [b]

[b] See 52d Geo. III, c 10.

Surveyor to sell the land through which an old road formerly passed, unless the owners of the land through which the new road may pass shall take the same as a compensation.

(The government allowance not to be sold. See 4th Geo. IV, c 10, s 7.)

IX. And be it further enacted by the authority aforesaid, That in all cases when it shall be found necessary to alter the direction of any such highway or road already laid out, so that the land through which it formerly passed shall become unnecessary for a public highway, that in such case it shall and may be lawful for any surveyor or surveyors to be appointed under and by virtue of this act, and he or they are hereby fully authorized and required to sell such land, and to grant the same under his hand and seal, or their hands and seals, to any purchaser, which sale and grant as aforesaid, shall convey a legal title to such purchaser: Provided nevertheless, That if the owner or owners of the land through which such new road may pass, shall be willing to accept the old road as a compensation, such owner or owners shall and may take the same, by a conveyance under the hand and seal of the surveyor or surveyors as aforesaid, which he or they are hereby fully authorized to give.

X. And be it further enacted by the authority aforesaid, That when any sale shall take place as aforesaid, the money arising therefrom shall be given to the owner or owners of the land through which the new road may pass, as an indemnification for the same, and if such owner or owners shall not be satisfied therewith, it shall and may be lawful for him, her, or them, to signify the same to the said surveyor or surveyors, who are hereby required to report the further claim for compensation of such owner or owners, to the justices of the peace, at the next ensuing quarter sessions assembled, and to give notice to the said owner or owners to appear at the said sessions, and the justices so assembled shall direct a jury of twelve disinterested men to be empanneled out of the persons returned to serve as jurors, at such quarter sessions, and the said jury shall upon their oaths determine whether any, and what further sum shall be allowed to such owner or owners as aforesaid, and their verdict shall be final; and in case such jury shall award any further sum to such owner or owners, the said justices so assembled as aforesaid, are hereby authorized and required to order and direct the treasurer of the district forthwith to pay the same.

The price of the land sold, to be given to the owner of the land thro' which the new road may pass. If he is not satisfied with the same, a jury to determine what compensation he shall receive.

XI. And be it further enacted by the authority aforesaid, That the justices of the peace, acting within their respective counties or ridings for the time being, shall and may (at a special sessions in the month of March, to be holden for that purpose,) divide their respective parishes, townships, or ridings, into divisions, which they shall allot to the overseers of the highways and roads, and the said overseers shall superintend, repair, and keep in order, the highways and roads, streets, and bridges in their several divisions, and the said justices, or the majority of them, may from time to time order any overseer to work upon any highway or road within his division, as they shall think necessary, and the said overseer shall within ten days after having received such order, summon such persons within his division as are obliged to perform statute duty or labor, and order them to work on such part of the road or highway, as they shall be directed to amend or repair, and shall direct all persons performing such labor, to destroy, as much as may be in their power, all weeds that are hurtful to husbandry; and every person neglecting or refusing to obey such order, shall be subject to the like penalties, as if he had been a wilful defaulter for that day, or for such time as he shall have so neglected or refused, and if any overseer shall refuse or neglect to summon such persons as aforesaid, and set them to work on such road or highway, as he shall be directed to amend or repair, he shall for every such neglect or refusal forfeit the sum of forty shillings, to be recovered in manner hereinafter set forth.

Justices to ascertain the divisions which they shall allot to the overseers in parishes, townships, &c. may give orders to the overseers.

Duty of the overseer.

Penalty for not obeying the summons and order of the overseers.

Penalty, if overseer shall neglect to summon.

XII. And be it further enacted by the authority aforesaid, That all allowances for roads, made by the King's surveyors in any town, township, or place, already laid out, or which shall be made in any town, township, or place, within this province, and also all roads laid out by virtue of any act of the parliament of this province, or any roads whereon the public money hath been expended for opening said roads throughout this province, or whereon the statute labor hath been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless any such roads have been already altered according to law, or until such road or roads shall be altered according to the provisions of this act.

What shall be deemed a common and public highway.

XIII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully stop up or incumber any such road or roads as aforesaid, or shall pull down or destroy any fences along canals or precipices, or railing of bridges, that have been or shall be put up according to law, for the security of travellers: he, she, or they shall forfeit and pay for every such offence, the sum of two pounds, to be recovered in manner hereinafter mentioned.

Penalty for stopping or incumbering roads, destroying fences, and railing of bridges.

XIV. And be it further enacted by the authority aforesaid, That the persons to be employed as overseers of the highways and roads in every parish, township, or place, within this province, shall be nominated and appointed according to the provisions for that purpose made, in a certain act of the legislature of this province, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," and also by an act entitled, "An act to alter and amend an act passed in the thirty-third year of his Majesty's reign, entitled, 'An act to provide for the nomination and appointment of parish and town officers, and also to repeal certain parts of an act passed in the thirty-third year of his present Majesty's reign, entitled, 'An act to authorize and direct the laying and collecting the assessments and rates in every district of this province, and to provide for the payment of wages to the members of the house of assembly.'' "

Mode of appointing overseers of the highways.

(See 33d Geo. III, c 2, and 46th, c 5.)

(Overseers of highways for towns, to be appointed under the provisions of 4th Geo. IV, c 9.)

XV. And be it further enacted by the authority aforesaid, That the overseers of every township, reputed township, or place, shall severally make out and keep a list of every person who is the owner of a cart, waggon, plough, sled, or team, within their division, and likewise of all the inhabitants of such division, who are liable, under the directions of this act, to work upon the highways, a copy of which list shall be subscribed by the

List to be made of persons liable to work on the highways.

Copy to be delivered to the justices of the peace.

Overseers to collect compositions and forfeitures.

To keep an account of the duty done, compounded or unperformed; also of such money as he shall have received by virtue of this act, and have applied; also of what money is due: such account to be delivered to the justices at special sessions.

said overseers respectively, and delivered to the justices of the peace, acting within the county or division to which the said overseers belong, within twenty days after they shall have been appointed overseers as aforesaid, and the said overseers for every township, reputed township, or place, and each of them, shall carefully and diligently collect the several compositions, forfeitures, and sums of money directed and allowed to be received and taken within the same, by virtue of this act, within the year for which he is appointed overseer, and shall also keep one or more book or books containing an account of the duty or labor done, compounded for, or unperformed, by every person liable to discharge the same within his division, and also a just, true, and fair account, to be verified on oath, if required, which oath the justices are hereby authorized to administer, of all such money as shall come into his hands in respect to such division, by virtue of and for the purposes of this act, and to whom and on what occasion he shall have paid and applied the same, and also of the sums of money that shall then remain due and owing, from any person or persons in respect of payments, compositions, and forfeitures, to be taken and received for and in respect of the said highways, by virtue of this act; which book or books shall be delivered to the said justices, acting within their respective divisions or counties, at some special sessions to be holden for that purpose, in the month of March in every year.

Persons who shall work on the highways, to bring tools for that purpose.

Hours of working.

Manner of working.

Penalty for negligence, &c. in working.

XVI. And be it further enacted by the authority aforesaid, That the roads and highways in and through every township, reputed township, or place, shall be cleared, repaired, and maintained by the inhabitants thereof, and that every person liable to work by virtue of this act, shall either in person or by a sufficient man in his stead, be obliged to work on the said road, and shall have and bring with him, one spade, pick-axe, bar, or such other tool or instrument, useful for the purposes aforesaid, as he may be owner of, and be directed by the overseers to bring for and during any space of time he may be liable to work on the said roads in each and every year, allowing eight hours to each day's work, and that every person within each township, reputed township, or place, keeping a cart, wagon, or team of two horses, oxen, or beasts of burthen or draught, used to draw the same, shall send on every day to be appointed by the said overseers, a cart, wagon, or team, and one able man to drive the same, for such space of time as he shall be held liable to work on the said roads by this act, to work on the highways, roads, streets, or bridges, allowing eight hours to each day's work, which said day's work shall be held equivalent to two days personal labor, and if any laborer or driver shall refuse or neglect to work, or to carry good and sufficient loads during the time above mentioned, it shall and may be lawful for the said overseers to discharge such laborer or driver, team and cart, and such laborer or driver of such team or cart shall be liable to the forfeiture which every such person would have incurred by virtue of this act, in case such laborer had not attended, or such team, cart, and driver had not been sent.

Notice from the overseer to work.

Penalty for not working in pursuance of such notice, with cart, wagon, &c. and also for not performing personal labor.

Application of such forfeitures.

Recovery of forfeitures before making up of accounts.

XVII. And be it further enacted by the authority aforesaid, That each overseer shall from time to time give to every person, or leave or cause to be left at the house or usual place of abode of every person within his division, liable to perform the duty and labor by this act directed, three days' notice at least, either verbally or in writing, of the day, hour, and place, upon which each of the said day's duty shall be performed, and every person possessed of a cart, wagon, or team, having been duly notified as aforesaid, and not having paid such composition as hereinafter is mentioned, who shall make default in sending such cart, wagon, or team, with an able man to drive the same, or in performing the said duty at the time and place to be notified to him in manner aforesaid, shall for every such default, forfeit and pay the sum of ten shillings; and that every person as hereinafter mentioned, liable to such personal labor, having been duly notified, and not paid such composition money as directed by this act, who shall not appear or send a sufficient man in his stead, with such tool or instrument, at such time and place as by the said notice shall be directed, shall forfeit and pay for every such default, the sum of five shillings; all which forfeitures shall be applied to the use of the highways of the townships, reputed townships, or places respectively, in which such default shall have been made; and the said overseers shall fairly and equally demand and require such duty and labor from every person liable to perform the same, according to the directions of this act, without favor or partiality to any person or persons whatever, and every overseer shall and may, and he is hereby required with all convenient speed, after default made as aforesaid, to proceed to the recovery of the fines and forfeitures hereby inflicted in manner hereinafter directed, so that the same may be recovered before he makes up his accounts in manner directed by this act.

Roll of composition for labor.

XVIII. [Repealed by 56th Geo. III, c 39, s 1.]

Composition money to be paid to overseer.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person who may be desirous of compounding for any statute labor as aforesaid, to pay the composition money allowed by this act, to the overseer of the highways

of the division in which such person shall reside, within two months after the appointment of the said overseer, which payment shall be in full satisfaction of the statute labor of such person, for the current year in which the same shall be made, and the overseer of each and every division shall apply such composition money to the use of the highway, within the year of his appointment.

Application of the same.

XX. And be it further enacted by the authority aforesaid, That when the said surveyors of the highways, or any of them, acting within their said counties, shall be of opinion that a further sum will be wanting, to undertake any particular work of manifest general advantage, on the public highways, that he or they may, and is and are hereby required to certify the same, by a writing under their hands, to the justices of the peace in general quarter sessions assembled, within their respective districts, and may report to them an estimate of the additional sum required to complete such work; and if it shall appear to the majority of the said justices, then and there assembled, that such proposed work is necessary, and that it is expedient to undertake the same, they may come to a resolution to such effect, and declare they will take the matter into consideration at the next ensuing general quarter sessions, advising such resolution in each respective district to which they may belong, and in case it shall be deemed advisable by the greater number of the justices, at such subsequent quarter sessions assembled, upon further consideration, that such resolution should be confirmed, it shall and may be lawful for the said justices to order and direct such work to be performed, and when performed, to order and direct the treasurer of the district to pay the amount of the same, (provided it do not exceed fifty pounds,) out of the district treasury.

Surveyor, when money is wanting for any work of advantage on the public highways, to certify, &c.

Justices in quarter sessions may order such work to be performed, and money not exceeding £50 to be paid out of the district treasury for performance of the same.

XXI. And be it further enacted by the authority aforesaid, That if any tree shall be cut down after the passing of this act, or fall out of any inclosed land, into or across any of the public highways, that the owner or occupier of such inclosure shall within the space of twenty-four hours after he shall receive notice of its having so fallen, remove the same; and if after such notice thereof is given to such owner or occupier as aforesaid, he shall neglect to remove such tree out of such road, within the space of twenty-four hours, he shall forfeit and pay the sum of ten shillings, for every day such tree shall be unremoved, after receiving such notice as aforesaid.

Trees cut down or falling out of inclosed lands, across the highway, shall be removed by the owner of such lands.

Penalty for neglecting to remove.

XXII. And be it further enacted by the authority aforesaid, That all fines and forfeitures accruing by virtue of this act, shall be recovered before any two or more of his Majesty's justices of the peace, by confession, or upon the oath of one credible witness, and shall be levied by warrant under the hand and seal of either of the said justices, by distress and sale of the goods and chattels of the person so offending, rendering the overplus money, (if any there be,) to the owner or owners, after deducting the necessary charges of such distress and sale, and in default of such distress, it shall and may be lawful for any justice as aforesaid, to commit the person so offending to the common gaol for any time not exceeding one month, unless the fines and forfeitures, costs and charges, shall respectively be sooner by him paid; and the produce of all compositions, fines, and forfeitures, shall be applied towards the making or repairing of the public roads and bridges within the township and division where the same shall arise.

Mode of recovering forfeitures under this act.

Application of the same.

XXIII. And be it further enacted by the authority aforesaid, That if any overseer of the highways shall neglect to apply any composition money to the use of the highways, in such manner as he shall have been directed by the justices of the division, at their special sessions, or refuse to account to the justices for the same, it shall and may be lawful for such justices, upon conviction of the offender, by confession or on oath of one credible witness, to commit him to the common gaol of the district, until he shall render a true account of such composition money, under oath, and shall pay or cause the same to be paid into the hands of such justices, provided such imprisonment shall not exceed three months.

Overseer neglecting to apply composition money to the use of the highways, or refusing to account for the same, liable to imprisonment, &c. until he shall render an account and pay over to the justices that money.

XXIV. And be it further enacted by the authority aforesaid, That such money as shall be received by the justices as aforesaid, shall by them be paid to the overseer, for the next ensuing year, to be by him applied in like manner as other composition money.

Such money to be paid by the justices to the overseer for the ensuing year, to be applied as other composition money.

XXV. And be it further enacted by the authority aforesaid, That if any overseer, who shall be sworn to an account of composition money under and by virtue of this act, shall swear falsely, he shall, upon conviction thereof, suffer all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable.

Swearing falsely liable to the punishment of wilful perjury.

XXVI. [Repealed by 56th Geo. III, c 39, s 1.]

Seasons in the year in which no statute labor is to be performed.

XXVII. And be it further enacted by the authority aforesaid, That after any fall of snow, by which any highway shall be obstructed, it shall and may be lawful for the said overseers of the town or township through which the said highway may run, and they are hereby required in their respective divisions, to order and direct such and so many persons liable to work on the said highways and roads next adjoining the same, being persons

Duty of overseers in case any highway shall be obstructed by snow.

possessed of a sleigh or sledge and team, to open a free passage through the said highway, by driving or causing their sleighs or sledges to be driven over and through the said highway: Provided always, That the said labor shall not interfere, or be construed a part of the statute labor hereinafter mentioned.

Stakes and beacons to be stuck on each side of the roads and over frozen waters, when necessary.

XXVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said overseers, and they are hereby required to cause the inhabitants liable to work on the said highways and roads, to set up, or cause to be set up, on each side of the said highways and roads, or over any frozen waters, stakes or beacons, so as to direct travellers, when and so often as occasion may require, by reason of great falls or drifts of snow; and any person refusing or neglecting so to do, when thereunto required by the said overseer, shall be liable to the same fines and forfeitures, as those neglecting to perform their proportion of statute labor on the highways or roads, as hereinafter mentioned, and to be recovered in manner aforesaid.

Penalty for neglect.

Special sessions may be held for the purpose of this act by two or more justices.

XXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace, within their respective divisions, and they are hereby empowered, from time to time, whenever they shall judge proper, to hold any special sessions, besides that which is hereinbefore directed in the month of March, for executing the purposes of this act, and to adjourn the same, as they shall think fit, causing six days' public notice to be given of the time and place of holding such special sessions, and the adjournments thereof.

Persons shall be liable to work on the highways in proportion to the assessment of their real and personal property.

The number of days on which labor is to be performed on the highways ascertained according to such assessment.

XXX. [Repealed by 59th Geo. III, c 8, s 2.]

If the name of any person is omitted in the assessment roll through mistake, he shall nevertheless be liable to work.

XXXI. And be it enacted by the authority aforesaid, That if through inadvertence, or otherwise, the name of any person or persons having real or personal property, shall not have been inserted on any assessment roll, such person or persons shall nevertheless be liable to work on the highways or roads, in proportion to the amount of the sum for which he or they ought to have been assessed.

When the whole of the statute labor not required, justices may lessen the same.

XXXII. And be it further enacted by the authority aforesaid, That when and so often as it may appear to the justices in special sessions assembled, for the purposes of this act, that the full amount of the statute labor will not be wanted in any town, township, reputed township, or place, within their division, it shall and may be lawful for the justices to lessen the same, in proportion to the labor required by law, from each and every inhabitant thereof.

Protection of overseers in the discharge of their duty.

XXXIII. And be it further enacted by the authority aforesaid, That the overseers of the highways, and all persons acting, or who shall have acted under their directions, in the execution of such orders as they shall have received from the justices of the peace, acting as commissioners of highways, relative to the performance of their duty on such highways, are hereby discharged from any action of trespass now pending, or hereafter to be brought in any of his Majesty's courts within this province, for any act or acts that the said overseers, or any person or persons acting under their direction as aforesaid, may, in the execution of such orders and directions, have committed or done.

Actions founded on things done in pursuance of this act to be commenced within three months.

XXXIV. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this act and the special matter in evidence, at the trial to be had thereupon, and that the same was done in pursuance and by the authority of the present act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become non-suit, or discontinue his, her, or their action, after the defendant or defendants have appeared, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof, as in any other cases by law.

Plaintiff to pay treble costs on non-suit or discontinuance.

Soil and freehold of roads under the provisions of this act vested in his Majesty, his heirs and successors. (See 41st Geo. III, c 10, and 48th, c 12.)

XXXV. And be it further enacted by the authority aforesaid, That when any highway or road shall be altered, amended, or laid out, under the provisions of this act, that the soil and freehold of such highway or road, shall be thereby vested in his Majesty, his heirs and successors.

Chapter II.

An act for granting to his Majesty, a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several districts thereof.

£2000 granted to be appropriated, &c.

[TEMPORARY.]

Chapter III.

An act to extend the provisions of an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act for the preservation of salmon."

[REPEALED BY 2D GEO. IV, CH. 10.]

Chapter IV.

An act for preventing the forging and counterfeiting of foreign bills of exchange, and of foreign notes and orders for the payment of money.

[Passed March 12, 1810.]

Preamble

WHEREAS it is expedient that effectual provision should be made to prevent forging and counterfeiting of foreign bills of exchange, foreign promissory notes, and foreign orders for the payment of money within this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if any person, from and after the passing of this act, shall, within this province, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting, any bill of exchange, or promissory note, undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, undertaking, or order for the payment of money, of any foreign prince, state, or country whatsoever, or of any minister, or officer intrusted by or employed in the service of any foreign prince, state, or country, or of any person, or company of persons, resident in any foreign state or country, or of any body corporate and politic, or body in the nature of a body corporate and politic, created or constituted by any foreign prince or state, with intent to deceive, or to defraud his Majesty, his heirs and successors, or any such foreign prince, state, or country, or with intent to deceive or defraud any person or company of persons whomsoever, or any body corporate and politic, or body in the nature of a body corporate and politic whatsoever, whether the same be respectively resident, carrying on business, constituted or being in any part of this province, or in any foreign state or country, or if any person from and after the passing of this act, shall within any part of this province, tender in payment or in exchange, or otherwise, utter or publish as true, any such false, forged, or counterfeited bill of exchange, promissory note, undertaking, or order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud his Majesty, his heirs and successors, or any foreign prince, state, or country, or any person or company of persons, or any body corporate and politic, or in the nature of a body corporate and politic, as aforesaid; then every person so offending, shall be deemed and taken to be guilty of felony, and being thereof lawfully convicted, shall be punished by fine or imprisonment, not exceeding two years, or by other corporeal punishment, not extending to life or loss of member, and also by banishment from this province, or by one or more of the said punishments, at the discretion of the court.

Persons forging, &c. foreign bills of exchange, &c. or uttering the same, guilty of felony; punished by fine or imprisonment, not exceeding two years, &c. corporeal punishment or banishment, or by one or more of the said punishments, at the discretion of the court.

II. And be it further enacted by the authority aforesaid, That no person, after the passing of this act, shall within any part of this province, engrave, cut, etch, scrape, or by any other means or device, make, or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making, in or upon any plate whatsoever, any bill of exchange, or promissory note, or undertaking, or order for the payment of money, purporting to be the bill of exchange, promissory note, or undertaking, or order of any foreign prince, state, or country, or of any minister or officer intrusted by, or employed in the service of any foreign state or country, or of any person or company of

No person shall engrave plates for foreign bills of exchange, &c. nor print them without written authority, or have the same in his custody without lawful excuse.

persons resident or being in any foreign state or country, or of any body corporate and politic, or in the nature of a body corporate and politic, or constituted by any foreign prince or state, or any part of such bill of exchange, promissory note, undertaking, or order, without an authority in writing for that purpose, from such foreign prince, state, or country, minister or officer, person, company of persons, or body corporate and politic, or body in the nature of a body corporate and politic, or from some person duly authorized to give such authority, or shall in any part of this province without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such foreign bill of exchange, promissory note, undertaking, or order for the payment of money, or any part thereof, or knowingly, wilfully, and without lawful excuse, (the proof whereof shall lie upon the party accused,) have in his or her custody, any such plate or device, or any impression taken from the same, and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof convicted according to law, shall be liable for the first offence, to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the second offence, shall be punished by fine or imprisonment, not exceeding two years, or by other corporeal punishment, not extending to life or loss of member, and also by banishment from the said province, or by one or more of the said punishments, at the discretion of the court: Provided always, That nothing in this act contained shall extend or be construed to extend in any manner whatsoever, to repeal or alter any law or statute now in force for the prevention and punishment of the crime of forgery in any respect whatsoever, within any part of the said province.

For the first offence, punishment of imprisonment not exceeding six months, fine, publicly or privately whipped, or one or more of the said punishments. For second offence, fine, imprisonment, not exceeding two years, or by other corporeal punishment, banishment, or by one or more of the said punishments, at the discretion of the court. This act not to alter the laws in force against forgery.

III. And be it further enacted by the authority aforesaid, That no person against whom any bill of indictment shall be found at any assizes, for any offence against this act, shall be entitled to traverse the same to any subsequent assizes, but the court at which such bill of indictment shall be found, shall forthwith proceed to try the person or persons against whom the same shall be found, unless he, she, or they shall shew good cause, to be allowed by the court, why his, her, or their trial should be postponed.

Persons indicted shall not be allowed to traverse to a subsequent assizes.

IV. And be it further enacted by the authority aforesaid, That if any person shall be convicted of any offence against this act, and shall afterwards be guilty of the like offence in any other district within this province, the clerk of the crown where such former conviction shall have been tried, shall at the request of the prosecutor, or any other, on his Majesty's behalf, certify the same by a transcript in few words, containing the effect and tenor of such conviction, for which certificate, two shillings and six pence, and no more, shall be paid; and such certificate being produced in court, and the hand-writing of such clerk of the crown thereto being proved, shall be sufficient evidence of such former conviction.

Certificates of former convictions shall be evidence in trial for second offences.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any one justice of the peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are, or hath, or have been concerned, in the making, forging, or counterfeiting, such foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money as aforesaid, or in engraving, cutting, etching, scraping, or by any other means or device making upon any plate whatsoever, any of the said foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money as aforesaid, or by means of any such plate, or by any other device or means of making or printing the same, or that the said suspected person or persons hath or have in his, her, or their custody, any such plate or device for the purpose aforesaid, or any impression taken from such plate, or otherwise printed or made, of the said foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, by warrant under the hand and seal of the said justice, to cause the dwelling house, room, work shop, out house, or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, forging, counterfeiting, engraving, cutting, etching, scraping, or printing, as aforesaid, to be searched for any such false, forged, and counterfeited foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, and for the tools, plates, or devices for the making, forging, printing, or counterfeiting of the same; and if any such tools, plates, implements, or devices, shall be found in any place so searched, or in the custody of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whatsoever discovering the same, to seize, and he or they are hereby authorized and required to seize, such false, forged, and counterfeited foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, tools, plates, implements, and devices, and to carry the same forthwith before a justice of the peace of the district where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or

Houses and other premises of suspected persons may be searched, and counterfeited bills of exchange, &c. and tools, &c. seized and carried to a justice of the peace, to be produced in evidence against the person or persons to be prosecuted for said offences.

persons who shall or may be prosecuted for any of the offences aforesaid, and after the same shall have been so produced in evidence, they shall forthwith, by order of the court where such offender or offenders shall be tried, or by order of some justice of the peace, in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such court or such justice shall direct.

Limitation for matters done under this act, three months.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and not afterwards; and the defendant or defendants in such action or suit, may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if afterwards, judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at law.

General issue.

Treble costs.

Chapter V.

An act to declare the common gaols in the several districts of this province to be houses of correction for certain purposes.

[Passed March 12, 1810.]

Preamble.

Whereas it is expedient that until houses of correction shall be erected in the several districts of this province, that the common gaol in each and every of the said districts shall be held and taken to be for certain purposes, a house of correction; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That until such houses of correction shall be erected as aforesaid, the common gaol in each of the said several districts respectively shall be, and the same is hereby constituted a house of correction; and that all and every idle and disorderly person, or rogues and vagabonds, and incorrigible rogues, or any other person or persons who may by law be subject to be committed to a house of correction, shall be committed to the said common gaols in the said districts respectively, any law or usage to the contrary in any wise notwithstanding.

Until houses of correction shall be erected, the common gaols in each respective district are constituted houses of correction.

Chapter VI.

An act for granting to his Majesty a duty upon billiard tables.

[Passed March 12, 1810.]

Most gracious Sovereign:

Preamble.

We, your Majesty's most dutiful and loyal subjects, the commons of the province of Upper Canada, in parliament assembled, for the uses of this province, have freely and voluntarily resolved to give and grant to your Majesty, your heirs and successors, a duty on billiard tables; therefore, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the twenty-ninth day of September next, there shall be raised, levied, collected, and paid yearly, and every year, unto his Majesty, his heirs and successors, to and for the uses of this province, and towards the support of the civil government thereof, of and from all and every person or persons having in his, her, or their possession, custody, or power, any billiard table, set up for hire or gain, directly or indirectly, whether such person or persons shall use or permit the same to be used or not, the sum of forty pounds.

Every person having a billiard table in this province, set up for hire or gain, shall pay yearly the sum of £40, for keeping of the same.

II. And be it further enacted by the authority aforesaid, That after the said twenty-ninth day of September next, it shall not be lawful for any person or persons to have in

his, her, or their possession, custody, or power, any billiard table, set up for hire or gain, directly or indirectly, unless a license shall have been obtained for such billiard table, as under mentioned:

Form of a license to be obtained for setting up such billiard table.

"License to A. B. to keep one billiard table, for the space of one year only from the date hereof, he having paid forty pounds, by virtue of an act of the provincial parliament of the province of Upper Canada, entitled, 'An act for granting to his Majesty a duty upon billiard tables,' dated this day of "

III. And be it further enacted by the authority aforesaid, That every person desirous of obtaining such license as aforesaid, shall, on or before the twenty-ninth day of September in this present year, and on or before the twenty-ninth day of September in each and every subsequent year, deliver to the inspector of the district, where such billiard table is set up and kept, a requisition in writing, in the following form:

Form of a requisition to the inspector of the district for the obtaining of a license for setting up such billiard table.

"I do hereby require a license to be granted to me for keeping one billiard table, in the town or township of in the county of and in the district of , for which I am ready to pay the sum of forty pounds provincial currency; dated the day of "

And shall pay unto such inspector the sum of forty pounds, on receipt of which, the said inspector shall deliver to the said person such license; and if any person or persons after the twenty-ninth day of September next, shall have in his, her, or their possession, custody, or power, any billiard table, set up for hire or gain, directly or indirectly, without first having obtained such license, such person or persons shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in his Majesty's court of king's bench in this province.

The date and expiration of such licenses.

IV. And be it further enacted by the authority aforesaid, That all such licenses to be granted for the purposes aforesaid, after the said twenty-ninth day of September next, shall be dated on the twenty-ninth day of September, in the year in which they are to be issued, and shall expire on the twenty-eighth day of September next ensuing the date thereof; and that it shall and may be lawful for the said inspector, and he is hereby authorized to receive from every person requiring such license, the sum of five shillings for receiving such application for a license, and also the sum of five shillings and no more, as his fee for issuing the same.

Fee to the said inspector for issuing of the same.

Time when the monies received for the said licenses, shall be paid by the inspector to the receiver general.

One half of the fines and forfeitures incurred by this act shall be paid to the receiver general, for the uses of the province, and accounted for to his Majesty thro' the lords of the treasury; the other half shall be paid to the person who shall sue for the same.

V. And be it further enacted by the authority aforesaid, That all monies which shall be received by the said inspector of each district, under and by virtue of this act, except what he shall be entitled to receive for his own benefit under the authority of the same, shall be paid by the said inspector into the hands of the receiver general of this province, on or before the thirty-first day of December in each and every year, to and for the uses aforesaid, and that one moiety of all fines, forfeitures, and penalties, that shall be incurred under this act, shall be immediately paid into the hands of the receiver general, for the use of his Majesty, his heirs and successors, towards the support of the civil government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall please to direct, and the other moiety to the person who shall sue for the same.

Chapter VII.

£606: 16: 9¾ granted for the purposes therein mentioned.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty, through the lieutenant governor, in pursuance of several addresses of this house.

Chapter VIII.

(See 44th Geo. III, c 11, and 53d, c 7, which repeals 44th, c 11.)

An act to amend an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money, for the further encouragement of the growth and cultivation of hemp within this province, and the exportation thereof."

Chapter IX.

An act to repeal an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the thirty-fourth year of his Majesty's reign, entitled, 'An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal, and to authorize his Majesty's court of king's bench in this province to regulate certain fees, costs, and charges, therein mentioned.'"

(See 44th Geo. III, c 3.)

[REPEALS 44TH GEO. III, CH. 3.]

Chapter X.

An act further to extend the benefit of an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act for the more easy barring of dower."

(37th Geo. III, c 7.)

[Passed March 12, 1810.]

WHEREAS by an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act for the more easy barring of dower," it is enacted that no release of dower by any deed executed in manner therein mentioned, of any land, tenements, or hereditaments, shall have any force or effect to bar the person so entitled to dower and executing the same, unless such person shall come before his Majesty's chief justice of this province, or one of the justices of the court of king's bench, or shall appear at some general quarter sessions of the peace for the district in which she shall reside, and shall have been examined by the said chief justice, or justice, or by the chairman or presiding magistrate of such quarter sessions, touching her consent to be barred of dower; and whereas much inconvenience has arisen to his Majesty's subjects thereby; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person entitled to dower, to appear before the judge of the district court, or the chairman of the quarter sessions of the district in which the party resides, and being privately examined by the said judge or chairman, touching her consent to be barred of dower, it shall and may be lawful for the said judge or chairman to certify the same in like manner as the same may at present be certified by the chief justice or any justice of the court of king's bench; and the said certificate shall have the same force and effect, and be as valid in law as if the person had been examined by the chief justice, or justice, or court of quarter sessions, any law or usage to the contrary in any wise notwithstanding.

Preamble.

Dower may be barred before judge of the district court or the chairman of the quarter sessions, in like manner as before the chief justice or any of the justices of the court of king's bench, or before the court of quarter sessions.

II. And be it further enacted by the authority aforesaid, That the judge of the district court, or chairman aforesaid, or their clerk respectively, shall be entitled to receive the sum of five shillings for such certificate, and no more.

Fee to be paid for obtaining such certificate. (See 37th Geo. III, c 7, and 48th, c 7.)

Chapter XI.

An act for the relief of minors of the societies of Menonists and Tunkers.

[Passed March 12, 1810.]

WHEREAS the sons of Menonists and Tunkers, who are minors, cannot avail themselves of the indulgence intended to be granted them by the twenty-seventh clause of an act passed in the forty-eighth year of his present Majesty, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," by reason of not being able to obtain the certificate required by the above mentioned act, until they shall have attained the age of twenty-one years, according to the rules and regulations of the said societies; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the

Preamble.

(See 48th Geo. III, c 1, s 27.)

Certificate to be produced by the sons of Menonists and Tunkers, under the age of twenty-one years, to entitle them to the indulgence granted to them from serving in the militia, by the 48th Geo. III, c 1, s 27, in place of the certificate required by the statute.
(49th Geo. III, c 6.)

same, That the sons of Menonists and Tunkers liable to serve in the militia, under the age of twenty-one years, shall instead of the certificate required by the above mentioned act, produce a certificate, stating his name, that his father is a Menonist or Tunker, (as the case may be,) and that such minor is brought up and educated in the principles of the Menonists or Tunkers, (as the case may be,) which certificate shall be signed by the clerk of the meeting of such society, or by any three or more of the people called Menonists or Tunkers; such minor shall then be entitled to all the benefits and indulgences in the said clause mentioned, subject nevertheless to all other restrictions and provisions of the said clause.

Chapter XII.

An act to authorize the inhabitants of the county of Haldimand to hold annual meetings, for the purpose of electing town and parish officers.

[Passed March 12, 1810.]

Preamble.

Whereas that part of the county of Haldimand comprised within the district of Niagara, contains a large number of white inhabitants, and is not divided into townships, whereby the said inhabitants are unable to elect parish and town officers; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for any justice of the peace, acting within the said district, to issue his warrant, giving eight days' previous notice, to any constable or constables within the said county, authorizing him or them, on the first Monday in April in this present year, and on the first Monday in March [*a*] in every succeeding year, to assemble the white inhabitant householders of the said county, residing between Dundas street and the Onondaga village, (commonly called Bearsfoot,) including said village, in one division; and the inhabitants as aforesaid, residing between said village and the mouth of the Grand river, within said county, in the other division, in some convenient place, for the purpose of electing town and parish officers.

Justice of the peace of the district of Niagara to issue his warrant, authorizing any constable of the county of Haldimand to assemble certain inhabitants thereof, for the purpose of electing town and parish officers.

[*a*] See 57th Geo. III, c 6, s 2.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants, so assembled, to nominate and appoint proper persons to serve as town and parish officers, and to do and perform the several duties directed and required by law to be done by the inhabitants of the respective townships in this province, at their town meetings.

Such inhabitants so assembled, may appoint town and parish officers.

III. And be it further enacted by the authority aforesaid, That the several officers, so appointed within the limits of the said divisions respectively, be subject to all the duties, and be liable to all the penalties, that all or any parish and town officers are by law now subject and liable to perform in this province.

Such officers to be subject to all the duties, &c. as any other parish and town officers.

IV. And be it further enacted by the authority aforesaid, That the said inhabitants of the said divisions respectively, shall be, and they are hereby declared to be, subject to all the provisions of an act passed in the forty-sixth year of his Majesty's reign, entitled, "An act to alter and amend an act passed in the thirty-third year of his present Majesty's reign, entitled, 'An act to provide for the nomination and appointment of parish and town officers;'" and also to repeal certain parts of an act passed in the thirty-third year of his present Majesty's reign, entitled, "An act to authorize and direct the laying and collecting the assessments and rates in each and every district in this province, and for the payment of wages to the members of the house of assembly."

The said inhabitants to be subject to the provisions of statute 46th Geo. III, c 5.

(See 33d Geo. III, c 2.)

Chapter XIII.

(See 49th Geo. III, c 7.)

An act for granting an additional sum of money for erecting a bridge across the Grand river.

Third Session of the fifth Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE THIRTEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-FIRST YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1811.

Chapter I.

An act for granting to his Majesty a certain sum of money, out of the funds applicable to the use of this province, to defray the expenses of amending and opening the public highways and roads, and building of bridges in the several districts thereof.

£3450 granted, to be appropriated, &c.

[TEMPORARY.]

Chapter II.

An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act for granting to his Majesty, duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned," and further, for granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned.

(47th Geo. III, c 9.)

[EXPIRED.]

Chapter III.

An act to extend personal arrest to the sum of forty shillings, and otherwise to regulate the practice in cases of personal arrest.

[REPEALED BY 2D GEO. IV, CH. 1.]

Chapter IV.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty, through the lieutenant governor, in pursuance of an address of this house.

Chapter V.

An act to amend and continue for a limited time, an act passed in the forty-ninth year of his Majesty's reign, entitled, "An act for continuing for a limited time the provisional agreement entered into between this province and Lower Canada at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to duties, also for continuing for a limited time the several acts of the parliament of this province, now in force relating thereto."

(49th Geo. III, c 1.)

(See 58th Geo. III, c 13.)

[EXPIRED.]

Chapter VI.

An act to amend the process of the district courts, and also further to regulate the proceedings of sheriffs in the sale of goods and chattels taken by them in execution.

[Passed March 13, 1811.]

[The first clause repealed by 2d Geo. IV, c 2, s 1.]

II. And be it further enacted by the authority aforesaid, That when and so often as goods and chattels are seized by the sheriff, his deputy officer or officers, under and by virtue

An inventory of the goods seized in execution to be given by the

sheriff, &c. before they be removed.

(See 43d Geo. III, c 1, and 49th, c 4, s 5.)

of execution, issued out of the court of king's bench, or district courts, the said sheriff, his deputy officer or officers, shall, on request, deliver to the person or persons to whom the said goods and chattels did belong, his, her, or their agents, or servants, an inventory of the said goods and chattels, before they shall be removed from the premises on which they were so seized as aforesaid.

Sheriff, &c. shall not purchase any goods sold in execution.

(See 34th Geo. III, c 3; 37th, c 11, and 38th, c 3.)

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for any sheriff or his deputy, or any bailiff or constable, directly or indirectly, to purchase any goods or chattels exposed by him to sale, under and by virtue of any execution from the said court of king's bench, or district court in this province, respectively.

Chapter VII.

(48th Geo. III, c 1.)

An act to amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province."

[Passed March 13, 1811.]

27th section of the 48th of Geo. III, in part recited.

Whereas by the twenty-seventh section of an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament the several laws now in being, for the raising and training the militia of this province," it is enacted that the people called Quakers, Menonists, and Tunkers, who, from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the militia, but every person professing that he is one of the people called Quakers, Menonists, or Tunkers, and producing a certificate of his being a Quaker, Menonist, or Tunker, signed by the clerk of the meeting of such society, or by any three or more of the people called Quakers, Menonists, or Tunkers, shall be excused and exempted from serving in the said militia: Provided nevertheless, That every such person or persons that shall or may be of the people called Quakers, Menónists, or Tunkers, from the age of sixteen to sixty, shall, on or before the first day of December, in each and every year, give in his name and place of residence to the treasurer of the district where he or they shall reside, and pay to such treasurer, to and for the public uses of such district, in time of peace, the sum of twenty shillings, and in time of invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, the sum of five pounds, and in default of such payment, it shall and may be lawful, on information or complaint on oath, made by the said treasurer before any justice of the peace of such district, for the said justice to issue his warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum, in time of peace, and five pounds per annum, in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, deducting therefrom the charges and all other incidental expenses of such distress and sale: And whereas the people called Quakers cannot avail themselves of the indulgence intended to be granted them, as by their said scruples of conscience, they cannot pay any commutation or composition, to be exempt from bearing arms, nor in case of distress and sale of their goods and chattels, in consequence of non-payment of fines and forfeitures incurred under and by virtue of the said act, can they receive the surplus, (if any,) after such distress and sale; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when and so often as the goods and chattels of any Quaker taken by distress and sale, for or on account of any exemption money, fine, forfeiture, or penalty, under or by virtue of the said act, shall exceed the amount thereof, the overplus, after deducting the amount of such distress, together with the costs and charges of sale, shall be paid by the constable or other person making such distress and sale, to the treasurer of the district in which such Quaker shall reside, which overplus shall be and remain, and be accounted for, as so much for future exemption money, for the person whose goods and chattels have been so distrained as aforesaid, and if any constable or other person, making such distress and sale, as aforesaid, and refusing or neglecting, within one month after such sale, to pay such overplus as hereinbefore directed, shall forfeit and pay the sum of twenty-five pounds, over and above the said overplus, upon confession or conviction by the oath of one credible witness, before any two of his Majesty's justices of the peace, for the district wherein such distress and sale

Preamble

If the levy by distress and sale shall exceed the exemption money of any Quaker, the overplus shall remain as future exemption money, and shall be paid to the treasurer of the district, &c.

Penalty for not so paying the said overplus.

were made, and in default of payment, it shall and may be lawful for such justices, by warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods and chattels of the offender, and if no such distress can be found, to commit the offender by warrant, as aforesaid, to the common gaol of the district, until the same shall be paid, or for a space of time not exceeding six calendar months: Provided always, That no sale of any effects, so taken, shall be made until public notice is given thereof, at least eight days previous thereto, at the most public place in the town or township where such effects may have been taken in execution, and of the time and place when such effects are to be exposed to sale.

Mode of recovering the said penalty.

No sale without eight days' previous notice.

II. And be it further enacted by the authority aforesaid, That so much of the said act passed in the forty-eighth year of his Majesty's reign, as relates to the returning to any Quaker such sum or sums of money levied by distress and sale, under and by virtue of that act, as shall exceed the exemption money required by the said act to be paid by him for not serving in the said militia, with the costs and expenses incident to the making such distress and sale, shall be and the same is hereby repealed: Provided nevertheless, That if the sum or sums of money, so levied by distress, shall exceed the said exemption money, but shall not be equal to the exemption money to be paid by the said Quaker, for the year succeeding that for which such distress and sale were made, that then, and in such case, the residue of the exemption money so to be paid for that succeeding year, if not paid when due, shall be levied by distress and sale of the goods and chattels of the offender.

Repeal of such part of the 48th Geo. III, as relates to the returning of the overplus of the exemption money to Quakers.

If the overplus of the exemption money shall not be equal to the exemption money of the succeeding year, the residue to be paid shall be levied by distress, &c.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of every constable, or other person levying or taking any distress of the goods and chattels of any Quaker under and by virtue of this act, to take as near the value as may be sufficient to satisfy the warrant for levying such distress, with the costs and expenses incident to the sale thereof, and shall stop and discontinue the sale when a sufficiency is sold to satisfy the amount of such warrant and costs as aforesaid, and shall return the residue of the goods and chattels so taken and remaining unsold, if any, to the person from whom they were taken, or in default thereof, shall forfeit and pay a sum double the amount of such distress and sale, to be recovered as before mentioned.

Regulations in taking distress under this act.

Penalty for transgressing the same.

IV. And be it further enacted by the authority aforesaid, That all fines, forfeitures, and penalties, incurred under and by virtue of this act, shall be paid into the hands of the treasurer of the district, in which they may be incurred, to and for the uses of such district, and every such treasurer, upon information thereof, is hereby authorized and required to prosecute for and receive the same.

Fines and forfeitures to whom paid, and how applied and recovered.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of all justices of the peace issuing or granting any summons or warrant, under and by virtue of this act or of the said act of the forty-eighth year of his Majesty's reign, and they are hereby required to direct every such summons or warrant, as aforesaid, to the constable living in the township where the person or persons so to be summoned, or against whose goods and chattels such warrant shall be issued or granted, may reside; or in case of no constable living in such township, then and in that case, such summons or warrant shall be directed to the constable living nearest to the residence of the person or persons so to be summoned, or against whose goods and chattels such warrant shall be issued or granted, and every constable shall, in computing his costs upon every such service, charge his mileage from the place where he received such summons or warrant, and no more.

Justices to direct the summons, &c. to a constable in the township, or if none, to a constable living nearest the person to be so summoned.

(See 56th Geo. III, c 31.)

Chapter VIII.

An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act to repeal the several acts now in force in this province, relative to rates and assessments, and also to particularize the property real and personal, which, during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed," and to make further provision for the same.

[Repealed by 59th Geo. III, Ch. 7.]

Chapter IX.

An act to repeal an ordinance of the province of Quebec, passed in the seventeenth year of his Majesty's reign, entitled, "An ordinance for ascertaining damages on protested bills of exchange, and fixing the rate of interest in the province of Quebec;" also, to ascertain damages on protested bills of exchange, and fixing the rate of interest in this province.

[Passed March 13, 1811.]

Whereas an ordinance passed in the province of Quebec, in the seventeenth year of his Majesty's reign, entitled, "An ordinance for ascertaining damages on protested bills

Preamble.

of exchange, and fixing the rate of interest in the province of Quebec," is in part inapplicable to this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said ordinance, as far as it relates to, or affects this province, be, and the same is hereby repealed.

Ordinance passed in the 17th of Geo. III, in the province of Quebec, for ascertaining damages on protested bills of exchange, and fixing the rate of interest in that province, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, all bills of exchange drawn, or hereafter to be drawn, by any person or persons residing in this province, upon any person or persons in Europe or the West Indies, that may return under protest for non-payment thereof, shall be subject to ten per cent. damages, and six per cent. per annum interest upon the principal sum furnished here, from the day of the date of the protest to the time of payment, which said principal sum shall be reimbursed to the holder of the bill at the par of exchange, that is to say, at the rate of one hundred and eleven pounds and one-ninth currency, for one hundred pounds sterling.

Damages and interest on protested bills of exchange drawn in this province on Europe or the West Indies.

III. And be it further enacted by the authority aforesaid, That all and every bill or bills of exchange drawn, or hereafter to be drawn, by any person or persons residing in this province, or any person or persons in North America, the West Indies excepted, and shall be returned protested, shall be subject to four per cent. damages, and six per cent. per annum interest upon the principal sum furnished here, from the day of the date of the protest to the time of payment.

Damages and interest on protested bills of exchange, drawn in this province on North America, the West Indies excepted.

IV. And be it further enacted by the authority aforesaid, That all bills, orders, or mandates, drawn after the passing hereof, by any person or persons residing in this province, or any person or persons living in the same, and notes of hand, given in this province, if protested for non-payment, shall be subject to six per cent. per annum, interest, from the date of the protest to the time of payment.

Interest on protested bills, orders, or mandates, drawn in this province, on persons living therein, and on notes of hand, given in this province.

V. And be it further enacted by the authority aforesaid, That in all the said causes of protest, the expense of noting and protesting the bill, and the postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest and damages.

Expense of noting, protesting, by whom to be paid.

VI. And be it further enacted by the authority aforesaid, That it shall not be lawful upon any contract, to take, directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the advance or forbearance of one hundred pounds for a year, and so after that rate, for a greater or less sum or value, or for a longer or shorter time; and the said rate of interest shall be allowed and recovered in all cases where it is the agreement of the parties that interest shall be paid; and all bonds, contracts, and assurances whatsoever, whereupon or whereby a greater interest shall be reserved and taken, shall be utterly void, and every person who shall, either directly or indirectly, take, accept, and receive, a higher rate of interest, shall forfeit and lose, for every such offence, treble of the value of the monies, wares, merchandize, and other things lent, or bargained for, to be recovered by action of debt in the court of king's bench in this province, a moiety of such forfeiture shall be paid into the hands of his Majesty's receiver general, for the use of his Majesty, his heirs and successors, towards the support of the civil government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct, and the other moiety to him or them that shall sue for the same.

Interest for the loan of any monies, &c. shall not be taken above the rate of six pounds per centum for a year.

All bonds, contracts, &c. whereupon a greater interest shall be reserved, shall be void.

Penalties for receiving a higher rate of interest. How recovered.

Fourth Session of the fifth Provincial Parliament.

MET AT YORK, ON THE THIRD DAY OF FEBRUARY, AND PROROGUED ON THE SIXTH DAY OF MARCH FOLLOWING, IN THE FIFTY-SECOND YEAR OF THE REIGN OF GEORGE III.

ISAAC BROCK, ESQUIRE, PRESIDENT.

Anno Domini 1812.

Chapter I.

An act to prevent desertion from his Majesty's regular forces, by granting a bounty for apprehending deserters in this province.

[Expired at the close of the last European war.]

Chapter II.

An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, and building bridges in the several districts thereof.

[Repealed by 52d Geo. III, Ch. 2, 2d Sess.]

Chapter III.

An act to extend the provisions of an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province." (48th Geo. III, c 1.)

[Expired, 1813.]

Chapter IV.

An act to prevent damage to travellers on the highways in this province.

[Passed March 6, 1812.]

Whereas evil disposed persons travelling the highways in this province with sleds or other carriages, frequently do injury to his Majesty's subjects whom they do meet on the highways aforesaid, by not giving an equal half of the width of the road or beaten track, or any part thereof, for the conveniency of passing each other; for remedy thereof, and to put an end to such evil practices, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall be the duty of every person or persons travelling the highways with sleds or other carriages as aforesaid, when, and as often as they do meet each other, for each person or persons so meeting, to turn out to the right hand with their sleds or other carriages, and give one equal half of said road, highway, or beaten track, for the more easy passing each other, without doing damage to either party's team, sled, or other carriage as aforesaid. Preamble. All persons travelling on the highway, and meeting sleds, &c. to turn out to the right hand and give half the road.

II. And be it further enacted by the authority aforesaid, That if any persons travelling as aforesaid, with sleds or other carriages, do meet each other on the roads, and shall refuse or neglect to give the one to the other the one half of the width of the road, highway, or beaten track as aforesaid, the party so refusing shall forfeit and pay the sum of ten shillings, with reasonable costs, to be recovered before any one of his Majesty's Penalty for disobedience of this act. How recovered.

justices of the peace within the district where such offence may be committed, on confession of the party so refusing or neglecting, as aforesaid, or on the conviction thereof by the oath of any one credible witness, which oath, the said justice of the peace is hereby authorized to administer, to be levied by distress and sale of the offender or offenders' goods and chattels, and for want of sufficient distress to satisfy such fine and costs, it shall be the duty of such justice, before whom the cause may be tried, to commit such offender or offenders to the common gaol of the district, for any time not exceeding three days, unless such fine and costs shall be sooner by him or them paid.

Two or more bells to be affixed to the harness of every sleigh.

III. And be it further enacted by the authority aforesaid, That from and after the first day of December next ensuing, every person or persons travelling with sleighs on any road, highway, or beaten track, in this province, shall have affixed two or more bells to the harness thereof, and any person neglecting so to do, shall, on conviction thereof, by confession, or by the oath of one credible witness, before any of his Majesty's justices of the peace within the district where such offence may be committed, which oath, the said justice is hereby authorized to administer, forfeit and pay the sum of ten shillings, to be levied by distress and sale of the offender or offenders' goods and chattels.

Penalty for neglect.

How fines to be accounted for and disposed of.

IV. [Repealed by 56th Geo. III, c 11, s 2.]

Complaints under this act to be made within ten days.

V. And be it further enacted by the authority aforesaid, That all complaints to be made under and by virtue of this act, shall be made within ten days after the offence has been committed, and not afterwards.

Act in force for four years. (Continued: See 56th Geo. III. c 11; further continued by 59th Geo. III, c 1.)

VI. [Repealed by 56th Geo. III, c 11, s 2.]

Chapter V.

An act for applying a certain sum of money therein mentioned, to make good certain monies issued and advanced by his Majesty through the lieutenant governor, in pursuance of an address of the house of assembly.

[Temporary.]

Chapter VI.

An act for granting to his Majesty a sum of money for the use of the militia of this province.

[Temporary.—£5000 to be applied in defraying the expense of training and exercising the militia in such manner as the governor, &c. shall direct.]

Chapter VII.

(44th Geo. III, c 8.)

An act to extend the provisions of an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money for the purposes therein mentioned."

[Temporary.—Governor to issue his warrant to the receiver general for £175, to be laid out in the purchase of the statutes of Great Britain and other books, for the use of the provincial legislature, in addition to former appropriation.]

Chapter VIII.

(See 53d Geo. III, c 7.)

An act for granting to his Majesty a certain sum of money, further to encourage the growth and cultivation of hemp in this province, and for other purposes.

[Repealed.]

Chapter IX.

(Revived and continued by 56th Geo. III, c 21. See 4th Geo. IV, c 7.)

An act to amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, 'An act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefits of the said act,'" and to continue part of the same.

[Passed March 6, 1812.]

Preamble.

Whereas an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, 'An

act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefits of the said act,'" will shortly expire; and it is expedient to amend the said act, and to continue part of the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That such part of the said act passed in the forty-eighth year of his Majesty's reign, as requires that the commissioners therein mentioned, shall hold their sittings at the town of York, twice in the year, shall be, and the same is, hereby repealed.

(45th Geo. III, c 2, & 48th, c 10.)

Part of 48th Geo. III, c 10, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the sittings of the said commissioners shall be holden, in this present year, during the first ten days next succeeding the present session of the legislature of this province, and also during fifteen days, to commence on the first Monday of July next, and in each and every other year during the continuance of this act, the said sittings of the commissioners shall be holden at the said town of York, once in the year, to wit, during fifteen days, to commence on the first Monday of July: Provided always, nevertheless, That when the said commissioners shall have good reason to believe that there will not be sufficient business to require their daily attendance throughout the term limited for their sittings, as last aforesaid, they may be at liberty to adjourn for any time within the same, that may be consistent with the despatch of such business as may be brought before them.

Times and place of sitting of the commissioners

III. And be it further enacted by the authority aforesaid, That the said act of the forty-eighth year of his Majesty's reign, and every matter and thing therein contained, except such part thereof as is hereby altered and amended, shall be, and is hereby continued.

Act of 48th Geo. III, c 10, (except such part as is by this act repealed,) is continued.

IV. And be it further enacted by the authority aforesaid, That this act shall be, and it is hereby declared to be, in force for and during the space of four years, and no longer.

Continuance of this act.

Chapter X.

An act to amend an act passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose."

(50th Geo. III, c 1.)

[Passed March 6, 1812.]

WHEREAS by the eighth clause of an act passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," it is provided, that all surveyors of highways, when employed to act as such, shall be paid out of the district treasury; and also by the fourth clause of the above recited act, the surveyors of land, when directed by the justices in quarter sessions assembled, and employed to survey any road or roads, are directed to be paid out of the district treasury; and whereas it is found from experience, that many roads are unnecessarily laid out; for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when any roads shall be hereafter laid out under the authority of the above recited act, that shall not be confirmed by the justices in general quarter sessions, then and in that case the expense or charge of any surveyor or surveyors, at the rate and proportion as described in the above recited act, shall be paid by the party applying for such survey, any law to the contrary notwithstanding.

Preamble.

When any road shall be laid out and not confirmed by the justices in quarter sessions, the party applying for the survey shall pay the charge and expense of the surveyors.

Chapter XI.

An act further to continue an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province."

(See 56th Geo. III, c 4.)

[Two first clauses of 33d Geo. III, c 12, to provide for the appointment of returning officers, continued for four years, and from thence to the end of the then next ensuing session of the provincial parliament.]

First Session of the sixth Provincial Parliament.

MET AT YORK, ON THE TWENTY-SEVENTH DAY OF JULY, AND PROROGUED ON THE FIFTH DAY OF AUGUST FOLLOWING, IN THE FIFTY-SECOND YEAR OF THE REIGN OF GEORGE III.

ISAAC BROCK, ESQUIRE, PRESIDENT.

Anno Domini 1812.

Chapter I.

An act to repeal part of the laws now in force for raising and training the militia of this province, and to make further provision for the raising and training of the said militia.

[EXPIRED.]

Chapter II.

An act to repeal an act passed in the fifty-second year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, and building bridges in the several districts thereof."

[REPEALS 52D GEO. III, CH. 2, FIRST SESSION.—Commissioners under 52d Geo. III, to pay to the receiver general the monies in their hands unexpended, together with a statement on oath of such monies as they have laid out; said commissioners may retain all such monies as they have obliged themselves to pay for labor performed on the highways, or for labor already begun, but not completed.]

Chapter III.

An act to provide for the defence of this province.

[EXPIRED.]

Chapter IV.

An act to repeal an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act appropriating a certain sum of money annually, to defray the expenses of erecting public buildings to and for the uses of this province."

[REPEALS 44TH GEO. III, CH. 9.]

Chapter V.

An act for granting a certain sum of money, to make good certain sums of money issued and advanced by his Majesty through his honor the president, in pursuance of an address of the house of assembly.

Second Session of the sixth Provincial Parliament.

MET AT YORK, ON THE TWENTY-FIFTH DAY OF FEBRUARY, AND PROROGUED ON THE THIRTEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-THIRD YEAR OF THE REIGN OF GEORGE III.

ROGER HALE SHEAFFE, ESQUIRE, PRESIDENT.

Anno Domini 1813.

Chapter I.

An act to facilitate the circulation within this province of army bills, issued by authority of the province of Lower Canada.

[EXPIRED.]

(See 54th Geo. III, c 16, and 56th, c 25.)

Chapter II.

An act to repeal and amend certain parts of the militia law, and also for the transporting naval and military stores.

[EXPIRED.]

Chapter III.

An act to authorize the governor, lieutenant governor, or person administering the government of this province, to prohibit the exportation of grain and other provisions, and also to restrain the distillation of spirituous liquors from grain.

[EXPIRED.]

(See 54th Geo III, c 8.)

Chapter IV.

An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service.

[Passed March 13, 1813.]

MOST GRACIOUS SOVEREIGN:

Whereas it is deemed expedient to provide means for the support of such officers, non-commissioned officers, and private militia-men, as may be disabled in his Majesty's service, and to provide for the support of the widows and children of such officers, non-commissioned officers, and private militia-men, as may be killed on such service; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if any officer, non-commissioned officer, or private militia-man, shall in any engagement with an enemy, or by any accident or casualty which may occur while performing any duty on actual service, be killed, and leave a widow, child, or children, lawfully begotten, his widow shall be entitled to receive, during her widowhood, and in case of the death or marriage of such widow, then the eldest child or guardian, for the use of such child or children of such officer, non-commissioned officer, or private militia-man, until the youngest thereof shall have attained the age of sixteen years, an annuity of twenty pounds, lawful money of this province.

Preamble.

Pension to be paid to the widows and children of officers, non-commissioned officers, and militia-men, killed in actual service.

II. [Repealed by 56th Geo. III, c 17, s 1.]

Pension to officers, non-commissioned officers, or militia-men disabled on service, and having wife or child; and in case of death, before recovering from such incapacity, to his widow or children.

Pension to be paid to officers, &c. disabled, not having a wife or child.

III. [Repealed by 55th Geo. III, c 6, s 1.]

38th section of 52d Geo. III, c 1, repealed.

IV. And be it further enacted by the authority aforesaid, That the thirty-eighth clause of an act passed in the fifty-second year of his Majesty's reign, entitled, "An act to repeal part of the laws now in force for raising and training the militia of this province, and to make further provision for the raising and training the said militia," shall be repealed, and the same is hereby repealed accordingly: Provided always, That nothing herein contained shall prevent, or be construed to prevent, the persons who have been wounded or disabled before the passing of this act, or the widow or child or children of such person or persons as have been killed on actual service, from receiving the annuity heretofore by law allowed to them.

Nothing herein to prevent payment of pensions heretofore allowed.

How annuities to be paid.

V. And be it further enacted by the authority aforesaid, That the said several annuities herein granted, shall be paid by the receiver general of this province, out of any monies that now are or which may hereafter come into his hands, subject to the disposition of the parliament of this province, and in discharge of such warrant or warrants as may be issued by the governor, lieutenant governor, or person administering the government of this province, and it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to order and direct that the said annuities herein granted and allowed, shall be paid either in advance or by quarterly or half yearly payments, as to him shall seem proper; and the said several sums of money when so paid, shall be accounted for to his Majesty, his heirs or successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, may please to direct.

Maybe paid in advance, &c.

(See 57th Geo. III, c 5.)

Chapter V.

An act to prohibit the sale of spirituous liquors to Indians within this province.

[Expired.]

Chapter VI.

(52d Geo. III, c 3, second session.)

An act to continue an act passed in the fifty-second year of his Majesty's reign, entitled, "An act to provide means for the defence of this province, and to make further provision for the same."

[Expired.]

Chapter VII.

An act to repeal an act passed in the forty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money for the further encouragement of the growth and cultivation of hemp within this province, and the exportation thereof," as also an act passed in the fifty-second year of his Majesty's reign, entitled, "An act for granting to his Majesty a certain sum of money further to encourage the growth and cultivation of hemp in this province, and for other purposes."

[Repeals 44th Geo. III, Ch. 11, and 52d Geo. III, Ch. 8, first Session.]

Chapter VIII.

(See 58th Geo. III, c 13.)

An act to continue for a limited time the provisional agreement entered into with Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to duties; also, continuing for a limited time, the several acts of the parliament of this province now in force relating thereto.

[Expired.]

Chapter IX.

An act to alter and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act for the better regulation of parish and town officers throughout this province.

[Passed March 13, 1813.]

Preamble.

(48th Geo. III, c 14.)

Whereas so much of an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act for the better regulation of parish and town officers throughout this

province," as relates to the collectors and town clerks, is found insufficient; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the collector of each and every parish, township, reputed township, or place, shall, and he is hereby required, once in every three months, and oftener, if thereto required by the magistrates in general quarter sessions assembled, to pay or cause to be paid to the treasurer of the district, all such monies as he shall have received under and by virtue of any act of this province, and it shall and may be lawful for the said treasurer to give a receipt for the monies so collected and paid over to him, which receipt shall be a good and sufficient discharge to the said collector for the monies so collected and paid by him to the said treasurer.

Collectors to pay over once in three months, or oftener if required, all monies received.

Treasurer to give a receipt for the same.

II. And be it further enacted by the authority aforesaid, That the condition of the bond to be entered into by the collector of each and every township within this province, agreeable to the second clause of an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act for the better regulation of parish and town officers throughout this province," shall be in the following form:

Form of bond to be entered into by collectors.

"The condition of this obligation is such, that if the above bounden A. B. shall collect and levy all the rates and assessments of the township or townships of for the present year, ending on the first Monday of March next, so far as the law may enable him so to do, and shall pay all the monies which he shall so collect and levy, to the treasurer of the said district, once in every three months, or oftener, if thereto required by the magistrates in general quarter sessions assembled, and if the said A. B. do well and truly collect and pay, by the different payments to be made, as aforesaid, the whole amount of all monies received by him on or before the first day of March [a] next ensuing his appointment as collector, then this obligation to be void, or else in full force."

[a] See 57th Geo. III, c 7, s 2

III. And be it further enacted by the authority aforesaid, That if any town clerk shall neglect or refuse to provide such bond and transmit the same, if executed, to the treasurer of the district, as by law is directed, he shall, for every such neglect or refusal, upon conviction thereof before two or more of his Majesty's justices of the peace for the district, on the oath of one or more credible witness or witnesses, pay a sum not less than five pounds, nor more than twenty-five pounds, to be levied by distress and sale of the offender's goods and chattels, under and by virtue of a warrant issued by such justices, and when such fines shall be recovered and received, a moiety thereof shall be paid to the informer or informers, and the other moiety paid into the hands of the receiver general, to and for the uses of his Majesty, his heirs and successors, for the public use of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct.

Penalty for town clerks neglecting to provide and transmit the said bond.

How to be recovered and applied.

IV. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to the county of Prescott in the Eastern district of this province.

County of Prescott excepted from this act. (See 33d Geo. III, c 3.)

Chapter X.

An act to amend an act passed in the forty-ninth year of his Majesty's reign, entitled, "An act for quartering and billeting, on certain occasions, his Majesty's troops and the militia of this province, and to repeal a part of the same."

[Passed March 13, 1813.]

Whereas by the first clause of an act passed in the forty-ninth year of his Majesty's reign, entitled, "An act for quartering and billeting, on certain occasions, his Majesty's troops and the militia of this province," among other things it is therein enacted, that one of his Majesty's justices of the peace may issue his warrant to impress such horses, carriages, and oxen, as the service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day; and whereas so much of the above recited act as relates to the payment of the owners of horses, carriages, and oxen, is found inapplicable to the purposes thereby intended; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled

Preamble. (49th Geo. III, c 2.)

49th Geo. III, c, 2, in part repealed.

by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the same be and is hereby repealed.

Owners of impressed carriages shall receive 12s 6d per day for each carriage, and a further sum of 2s 6d per day for a driver.

II. And be it further enacted by the authority aforesaid, That the owner or owners of such carriages, horses, or oxen, as shall be impressed for the use of his Majesty's service, shall be entitled to receive the sum of twelve shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as he or they shall be employed in going and returning, or shall be detained in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day.

Chapter XI.

An act for granting a certain sum of money to make good certain sums of money issued and advanced by his Majesty through his honor the president, in pursuance of an address of the house of assembly.

Third Session of the sixth Provincial Parliament.

MET AT YORK, ON THE FIFTEENTH DAY OF FEBRUARY, AND PROROGUED ON THE FOURTEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-FOURTH YEAR OF THE REIGN OF GEORGE III.

GORDON DRUMMOND, ESQUIRE, PRESIDENT.

Anno Domini 1814.

Chapter I.

An act to repeal part of the laws now in force for raising and training the militia of this province, and to make further and more effectual provision for the same.

[Expired.]

Chapter II.

An act to provide for the issuing and circulating of government bills in this province.

[Expired.]

Chapter III.

An act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this province, to defray the expenses of amending and repairing the public highways and roads, and building bridges in the several districts thereof.

£6000 granted, to be appropriated, &c.

[Temporary.]

Chapter IV.

An act to repeal and amend part of an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act to ascertain the eligibility of persons to be returned to the house of assembly."

(35th Geo. III, c 2.)

[Repealed by 58th Geo. III, Ch. 9.]

Chapter V.

An act to repeal part of an act, and to amend and continue an act passed in the fifty-first year of his Majesty's reign, entitled, "An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, 'An act for granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned,' and further for granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned."

(51st Geo. III, c 2.)

[Expired.]

Chapter VI.

An act to empower his Majesty, for a limited time, to secure and detain such persons as his Majesty shall suspect of a treasonable adherence to the enemy.

[Expired.]

Chapter VII.

An act laying an additional duty on stills within this province.

[Expired.]

Chapter VIII.

(53d Geo. III, c 8.)

An act to continue and amend an act passed in the fifty-third year of his Majesty's reign, entitled, "An act to authorize the governor, lieutenant governor, or person administering the government of this province, to prohibit the exportation of grain and other provisions, and also to restrain the distillation of spirituous liquors from grain."

[Expired March 14, 1815.]

Chapter IX.

(Amended by 2d Geo. IV, c 6.)

An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty.

[Passed March 14, 1814.]

Preamble.

Whereas many persons, inhabitants of the United States of America, claiming to be subjects of his Majesty, and renewing their allegiance as such by oath, did solicit and receive grants of lands from his Majesty, or became seized of lands by inheritance or otherwise, within this province, which persons, since the declaration of war by the said United States of America, against his Majesty and his subjects of the United Kingdom of Great Britain and Ireland, have voluntarily withdrawn themselves from their said allegiance, and the defence of the said province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all such persons as aforesaid, who, having received grants of land, or may have become seized of lands, within this province, by inheritance or otherwise, as shall have voluntarily withdrawn themselves from this province into the United States of America, since the first day of July, one thousand eight hundred and twelve, or who may hereafter during the present war, voluntarily withdraw themselves from this province into the said United States, without license, granted under the authority of the governor, lieutenant governor, or person administering the government of this province, shall be taken and considered to be aliens born, and incapable of holding lands within this province.

Persons who having come from the United States of America, and received grants of land in this province, representing themselves to be British subjects, and having taken the oath of allegiance, who after 1st July, 1812, shall have voluntarily left this province and gone into the United States of America, without license, or may hereafter go thither during the present war with America, without such license, shall be deemed aliens, and incapable of holding lands in this province.

Governor, &c. may authorize, by commission under the seal of the province, any sheriff, coroner, or other person in the several districts of this province, to inquire of such persons by a jury, and also what lands they were seized of, and after such inquisition, such lands shall revert to his Majesty.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, by commission under the great seal of this province, to authorize any sheriff, coroner, or other person or persons in the several districts of this province, to inquire by the oath of twelve good and lawful men of their respective districts, and by inquisition indented under the hands and seals of the said jurors, and of the said commissioner or commissioners, to return to his Majesty's court of king's bench all such persons as aforesaid, who, seized of lands in the respective districts, shall have voluntarily withdrawn from the province into the United States of America since the said first day of July, and before the conclusion of the existing war with those states, without license granted under the authority of the governor, lieutenant governor, or person administering the government, and from and after the said finding by such inquisition, his Majesty shall become seized of the lands so found to have been in the seizin of such person on the said first day of July: Provided always, That nothing in this act contained, shall be construed to prevent any persons interested in the said lands from traversing any inquisition or office respecting the same, at any time within one year after the peace shall be established between his Majesty and the United States of America, or within one year after the finding of such inquisition.

Persons interested in the said lands may traverse such inquisition within one year after peace with America, or after finding of the said inquisition.

III. Provided always, That nothing in this act shall extend or be construed to extend to affect the claim of any bona fide creditor, or to defeat any just lien or security of or upon any lands, tenements, or hereditaments whatsoever.

This act not to affect the claim of bona fide creditors, or defeat any just lien, or claim on such lands.
(See 59th Geo. III, c 12.)
(See 9th Geo. IV, c 1. No commission to issue after 1st July, 1828.)

Chapter X.

An act to grant to his Majesty an additional duty on shop and tavern licenses.

[Expired.—The act of 56th Geo. III, c 10, by which it was continued, having been repealed by 59th, c 2, s 1.]

Chapter XI.

An act for the more impartial and effectual trial and punishment of high treason and misprision of high treason, and treasonable practices in this province.

[Expired.]

Chapter XII.

An act for applying a certain sum of money to make good certain monies issued and advanced by his Majesty, through his honor sir Roger Hale Sheaffe, baronet, president, in pursuance of an address of the house of assembly.

Chapter XIII.

An act to supply in certain cases the want of county courts in this province.

[Repealed by 55th Geo III, Ch. 2, Sec. 1.]

Chapter XIV.

An act to repeal so much of an act passed in the seventh year of the reign of Queen Anne, and also so much of an act passed in the seventeenth year of the reign of his late Majesty King George the Second, as puts an end to the forfeiture of inheritance upon attainder of treason after the death of the Pretender and his sons.

[Passed March 14, 1814.]

Whereas an act was passed in the seventh year of the reign of her late Majesty Queen Anne, entitled, "An act for improving the union of the two kingdoms;" whereby amongst other things it was provided and enacted, that after the decease of the person who pretended to be Prince of Wales, during the life of the late King James, and since pretends to be King of Great Britain; and at the end of the term of three years after the immediate succession to the crown, upon the demise of her said late Majesty, should take effect, no attainder for treason should extend to the disheriting of any heirs, nor to the prejudice of the right or title of any person or persons, other than the right or title of the offender or offenders, during his, her, or their natural lives only; and that it should and might be lawful for every person or persons, to whom the right or interest of any lands, tenements, or hereditaments, after the death of any such offender should or might have appertained, if no such attainder had been, to enter the same; and whereas by another act passed in the seventeenth year of the reign of his late Majesty King George the Second, entitled, "An act to make it high treason to hold correspondence with the sons of the Pretender to his Majesty's crown, and for attainting them of high treason, in case they should land or attempt to land in Great Britain, or any of the dominions thereunto belonging, and for suspending the operation and effect of a clause in the act of the seventh year of the late Queen Anne, for improving the union of the two kingdoms, relating to forfeitures for high treason, until after the decease of the sons of the Pretender;" after reciting so much of the aforesaid act as is hereinbefore recited, it was further enacted, that the said provision so made by the aforesaid act should not take place, nor have any operation, force, or effect whatsoever, until after the deceases, not only of the said Pretender, but also of his eldest son, and all and every other son and sons; and whereas it is expedient that the said provisions in the two several acts contained and hereinbefore recited, should be repealed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said provisions in the said two several acts contained, and hereinbefore recited, shall be, and the same are, hereby repealed.

Preamble.

7th Anne, c 21, in part recited.

17th Geo. II, c 29, recited.

Certain provisions in the said act contained repealed by this act.

Chapter XV.

An act to empower the commissioners of the peace for the Home district, in their court of general quarter sessions assembled, to establish and regulate a market in and for the town of York, in the said district.

[Passed March 14, 1814.]

Preamble.

Whereas it is expedient for the convenience of the inhabitants of the Home district, that a market should be established at York, in the said district, and that the times and places for holding such market should be ascertained; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners of the peace in the Home district, in their court of general quarter sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the town of York as a market, where butcher's meat, butter, eggs, poultry, fish, and vegetables, shall be exposed to sale, and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market to be erected in the town of York.

Orders and regulations.

Fines for offences.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered to impose such fines not exceeding twenty shillings for any offence committed against such rules and regulations, as to them, in their discretion, shall seem requisite and proper.

Publication of rules, orders, and regulations.

III. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said district, and at the doors of the church and court house of the said town of York, and that such orders, rules, and regulations, shall not be in force until three weeks after such publication.

Mode of levying and application of fines.

IV. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations so made by the said commissioners, such person, for every such transgression, shall forfeit the sum which in every such order, rule, and regulation, shall be specified, to be recovered by information before any one commissioner of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that the one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as it shall please his Majesty to direct.

Chapter XVI.

Continues 53d Geo. III, c 1, one year, and to end of the then next ensuing session of parliament. (See 56th Geo. III, c 25.)

An act to facilitate the circulation, within this province, of army bills issued by authority of the province of Lower Canada.

[Expired.]

Chapter XVII.

Surplus revenue of this province placed at the disposal of the governor, &c. for its defence.

An act for granting to his Majesty, his heirs and successors, a sum of money towards defraying the expense attending the defence of this province.

[Expired.]

Chapter XVIII.

An act to continue for a limited time the provisional agreement entered into between this province and Lower Canada, at Montreal on the fifth day of July, one thousand eight hundred and four, relative to duties, also for continuing for a limited time the several acts of the parliament of this province relative thereto.

(See 58th Geo. III, c 13.)

[Expired.]

Chapter XIX.

An act to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, "An act to make provision for certain sheriffs in this province."

(46th Geo. III, c 1.)

[Continues 46th Geo. III, Ch. 1, for three years, which is further continued by 57th Geo. III, Ch. 8.]

Fourth Session of the sixth Provincial Parliament.

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE FOURTEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-FIFTH YEAR OF THE REIGN OF GEORGE III.

GORDON DRUMMOND, ESQUIRE, PRESIDENT.

Anno Domini 1815.

Chapter I.

Grants £20,500 to be appropriated, &c. (See 56th Geo. III, c 37.)

An act to grant to his Majesty a sum of money to provide for amending and repairing the public highways in this province.

[TEMPORARY.]

Chapter II.

An act to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to supply in certain cases the want of county courts in this province, and to make further provision for proceeding to outlawry in certain cases therein mentioned."

[Passed March 14, 1814.]

Preamble.

WHEREAS doubts have arisen respecting the construction of an act of the legislature of this province, passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to supply in certain cases the want of county courts in this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That such part of the said act as provides that it shall and may be lawful for the court of king's bench in this province, on the usual return of "non est inventus" to the alias and pluries writs of capias, to issue a writ of exigent, and award a writ of proclamation as therein is set forth, shall, in all cases that have arisen or may hereafter arise, be taken and considered to mean that such alias and pluries writs of capias, must be taken out and returned as aforesaid, when by law they are usually required, before the writ of exigent or proclamation shall issue or be awarded, in manner aforesaid; but that the said act shall not extend or be construed to extend to make necessary alias or pluries writs of capias, or any more or other writs of capias, before the issuing of the exigent and awarding proclamation, than are required in similar cases by the law of England; and whereas it is expedient that some further and more particular provision be made respecting process of outlawry in this province; be it therefore enacted by the authority aforesaid, That the said act of the parliament of this province, passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to supply in certain cases the want of county courts in this province," be, and the same is, hereby repealed: Provided always, nevertheless, That nothing in this act contained shall extend to make void any proceedings heretofore had or made under the provisions and authority of the said act.

Such part of the act passed in the 54th of the King, as provides that it shall be lawful for the court of king's bench, on the usual return of "non est inventus," to the alias and pluries writs of capias, to issue a writ of exigent, &c. shall be considered to mean where by law they are required.

By the law of England.

(54th Geo. III, c 13, repealed.)

Nothing herein contained shall extend to make void any proceedings had under the said act.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the courts of general quarter sessions of the peace, in the several districts of this province, shall be and they are hereby declared to be in the place and stead of the sheriff's county courts of England, as far as respects any purpose of outlawry or any proceedings therein.

The courts of general quarter sessions of the peace in the several districts, declared to be in the stead of sheriff's county courts of England, as far as respects outlawry.

III. And be it further enacted by the authority aforesaid, That after the passing of this act, the process upon every indictment to bring the person indicted into court, shall be a capias, in the usual form, issued from the court before whom the said indictment shall be found, directed to the sheriff of the district wherein the said court shall be then sitting, commanding to take the person so indicted, and bring him before the said court; and if the person cannot be taken during the sitting of the said court, that then so soon after as he shall be taken, he do bring or cause him to be brought before some justice of the peace

The process upon every indictment shall be a capias issued from the court before whom the said indictment shall be found, directed to the sheriff of the district wherein the said court shall be sitting;

of the said district, to be dealt with according to law; which said capias shall be made returnable in the court of king's bench, on the first day of the term next after the sitting of the said court before which the said indictment shall have been found as aforesaid; and if upon the return of the said writ, the sheriff of the said district shall return that the person therein named is not to be found in his district, then an alias writ of capias shall issue from the court of king's bench, under the seal of the said court, tested of the first day of the term, if in term time, or on the last day of the preceding term, if in vacation, returnable before the said court of king's bench, on the first day of the term next ensuing that in which the alias capias shall be so issued.

and if the person cannot be taken during the sitting of the said court, then so soon after as he shall be taken, cause him to be brought before some justice of the peace of said district, to be dealt with according to law.

Capias to be returned in king's bench, on the first day of the term after the sitting of the said court; and if upon the return of the said writ, sheriff returns "non est," then an alias to issue, tested of the first day of the term, if in term time, or last day of the term, if in vacation, returnable first of ensuing term.

IV. And be it further enacted by the authority aforesaid, That if to the said writ of alias capias, the sheriff shall return that the person therein named is not to be found in his district, then, upon motion in court or before a judge in vacation, a writ of exigent shall issue, under the seal of the said court, tested on the first day of the term, if in term time, or on the last day of the preceding term, if in vacation, and directed to the sheriff of the district into which the said writs of capias shall have issued; which writ of exigent shall be returnable on the first day of the fifth term from that in which the same shall be awarded, and may be in the form following, that is to say:

If to the writ of alias capias the sheriff returns "non est inventus," then upon motion in court, a writ of exigent shall issue, directed to the sheriff of the district into which the capias shall have issued

Returnable on the first day of the fifth term from that in which the same shall be awarded.

Form of writ of exigent.

"George the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To the sheriff of the district, greeting.

We command you that you cause A. B., late of to be demanded from general quarter sessions to general quarter sessions, in your district, until, according to the law of this province, he be outlawed, if he doth not appear, and if he doth appear, then that you take him and cause him to be safely kept, so that you may have his body before us on the day of term next, [the return of the writ,] wherever we shall then be in Upper Canada, to answer to a certain bill of indictment found against him for [whatsoever the crime may be,] and have then there this writ.

Witness the honorable chief justice, at York, this day of in the year of our reign."

V. And be it further enacted by the authority aforesaid, That the sheriff to whom the said writ of exigent shall issue, shall at three successive courts of general quarter sessions of the peace, to be holden in and for his district, before the return of the said writ, in open court, immediately after the commission of the peace for the district shall have been read, make, or cause to be made, proclamation of all and every the persons named in the said exigent, requiring them to render themselves to answer to the said indictment.

Sheriff at three successive courts of general quarter sessions of the peace to make proclamation of the persons named in the exigent, requiring them to render themselves to answer indictment.

VI. And be it further enacted by the authority aforesaid, That if the person or persons so demanded do not appear, the sheriff to whom the said writ of exigent is directed, shall indorse upon the said writ of exigent a return in the following form:

If the person demanded, does not appear, sheriff to indorse the writ as follows:

Form of return.

"By virtue of the within writ, to me directed, at the court of general quarter sessions of the peace, held at in and for the district of on the day of in the year within written, the within named A. B. was a first time demanded, and did not appear: And at the court of general quarter sessions of the peace, held at aforesaid, for the district aforesaid, on the day of in the year aforesaid, [or as it may be,] the said A. B. was a second time demanded, and did not appear: And at the court of general quarter sessions of the peace, held at aforesaid, for the district aforesaid, on the day of in the year aforesaid, [or as it may be,] the said A. B. was a third time demanded, and did not appear; therefore the said A. B. according to the law of this province is outlawed.

The answer of

C. D., Sheriff."

VII. And be it further enacted by the authority aforesaid, That in all criminal cases wherein any writ of exigent shall be awarded under and by virtue of this act against any person or persons described in the indictment as being lately conversant in any other district of this province than that in which the said exigent shall be so awarded, a writ of proclamation shall be awarded, and made out of the same court, or by order of a judge in vacation, having day of teste and return as the writ of exigent shall have, and shall be

In all cases wherein any writ of exigent shall be awarded against any person described in the indictment as being lately conversant in any other district than that in which the exigent shall

be awarded, a writ of proclamation shall be awarded with the same teste and return as the writ of exigent, directed to the sheriff of the district in which the person indicted shall in the said indictment be described as having been lately conversant.

directed and delivered to the sheriff of the district in which the person or persons indicted shall in the said indictment be described as having lately been conversant, which writ of proclamation may be in the following form:

Form of writ of proclamation.

"George the Third, &c. &c. &c.

To the sheriff of the district, greeting:

Whereas by a writ, we lately commanded our sheriff of the district of that he should cause A. B. late to be demanded from general quarter sessions to general quarter sessions, until, according to the law of this province, he should be outlawed if he did not appear, and if he did appear, then that he should take him and cause him to be safely kept, so that he might have his body before us on the day of term then next, wheresoever we should then be in Upper Canada, to answer to a certain bill of indictment found against him for therefore we command you that in pursuance of the act of the parliament of this province, passed in the fifty-fifth year of our reign, you cause the said A. B. to be proclaimed upon three several days according to the form of the said statute, that he render himself to our sheriff of so that he may have his body before us at the time aforesaid, wheresoever we shall then be in Upper Canada, to answer to the said indictment, and have there then this writ.

Witness the honorable at York, this day of in the year of our reign."

Sheriff at three successive courts of general quarter sessions before the return of the writ, to make proclamation according to the command of the said writ.

And that the sheriff to whom the said writ of proclamation shall issue, shall at three successive courts of general quarter sessions of the peace before the return of the said writ, in open court, on the first day of the said court, make, or cause to be made, proclamation of all and every the persons named in the said writ of proclamation, according to the command of the said writ.

When the writ of proclamation shall have been executed, the sheriff shall return the same.

VIII. And be it further enacted by the authority aforesaid, That when the said writ of proclamation shall have been executed as aforesaid, the sheriff to whom the same shall be directed, shall indorse thereon a return in the following form:

Form of return.

"By virtue of the within writ to me directed, I caused the within named A. B. to be proclaimed three several days, according to the effect of the within mentioned statute, as it is within commanded me.

The answer of C. D., Sheriff."

After the return of the exigent and proclamation, the person or persons against whom they shall have issued, shall in default of appearance incur the same forfeiture, &c. as in cases of outlawry by the law of England, as it stood 17th September, 1792.

IX. And be it further enacted by the authority aforesaid, That after the return of the said writ of exigent, and of the writ of proclamation when required to be issued in manner aforesaid, the person or persons against whom the same shall have issued, shall in default of appearance, incur and suffer the same forfeiture and disabilities, and the like process shall be had thereupon as in cases of outlawry for the same offences, by the criminal law of England, as it stood on the seventeenth day of September, in the year of our Lord one thousand seven hundred and ninety-two.

In all cases where the sheriff has made to the first writ of capias, the usual return of "non est inventus," upon which a second writ of capias ought to issue, and in all cases where writs of exigent have been awarded, but have not yet been issued, it shall be lawful to continue the proceedings according to the provisions of this act, as if no lapse of time had intervened.

No chasm of time before the continuance of such proceedings, to be deemed a discontinuance.

X. And whereas, by reason of the disturbed state of this province, and the want in some cases of general courts of quarter sessions of the peace being held, as heretofore, it may have been impracticable to proceed regularly to outlawry in all such cases as may have arisen: be it therefore further enacted by the authority aforesaid, That in all cases where the sheriff has made to the first writ of capias to him directed, the usual return of "non est inventus," upon which a second capias ought to issue; and also in all cases where writs of exigent have been awarded, but have not yet been issued or acted upon by reason of the difficulties above recited, it shall and may be lawful to continue the proceedings therein, according to the provisions of this act, as if no lapse of time had intervened since the last proceeding in any such case, and to prosecute the parties to outlawry in like manner as if the capias had been returned according to this act, or the exigent had been awarded immediately before the next proceeding that shall be had therein, and that no chasm of time before the continuance of such proceedings, in the cases before mentioned, shall be deemed in law a discontinuance, or shall vitiate or render null the process to outlawry therein, any law to the contrary notwithstanding.

Continuance of this act. (Continued by 58th Geo. III, c 11.)

XI. And be it further enacted by the authority aforesaid, That this act shall continue and remain in force for and during the term of two years, and from thence to the end of the next ensuing parliament, and no longer.

Chapter III.

An act to afford relief to barristers and attornies, and to provide for the admission of law students within this province, and for other purposes therein mentioned.

[Passed March 14, 1815.]

Preamble.

Whereas the glorious and honorable defence of this province, in the war with the United States of America, hath necessarily called from their usual occupations and professions most of the inhabitants of the said province, and amongst them very many barristers, students at law, attornies, and articled clerks of attornies, within the same, whereby the regular meetings of the benchers of the law society of the said province being for many terms past interrupted, several young gentlemen have been prevented from making due application for admission on the books of the said society as students at law, and several students at law have in like manner been prevented from being duly called to the bar of the said province, to their manifest and great injury; and whereas to obviate this evil as far as they then could, at a meeting of the said law society held as of Hilary term, in the fifty-fifth year of his present Majesty's reign, the benchers of the said law society did enter upon their books the names of several persons who had been prevented in manner aforesaid, from obtaining their due admission as students and barristers as aforesaid, therefore to remove all doubts as to the legality of such entry or entries; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all those persons whose names are now entered upon the books of the law society, as students at law and barristers, shall be deemed and held to be legally and regularly entered on the said books, and are hereby declared to be students at law and barristers within this province, and of such standing as to time, as is now allowed by each respectively upon the books of the society.

All those persons whose names are entered upon the books of the law society as students at law and barristers, shall be deemed legally entered on the said books.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the benchers of the said law society, or a quorum thereof, in Michaelmas term next, to make a further entry upon the books of the said society, of the names of other students or barristers who may have been and still continue to be prevented by the causes aforesaid, from making their proper application in due time for their respective admissions, and that all such persons, so to be entered upon the said books in Michaelmas term next, shall be held to be legally and regularly entered on the said books, and shall in like manner be considered and held as to term and degree, as students and barristers, according to the tenor of such entry so to be made in Michaelmas term next, as aforesaid: Provided, That nothing herein contained shall be construed to be compulsory upon the said society to make such admissions, but that the same and every of them to be made by virtue of this act, shall be so entered and made only upon the approbation and unanimous vote of a legal quorum of the said benchers.

It shall be lawful for the benchers of the law society in Michaelmas term next, to make a further entry of the names of other students or barristers; and all such persons so entered in Michaelmas term, shall be held to be legally entered.

Nothing herein contained to be compulsory upon the said society to make such admissions.

III. And be it further enacted by the authority aforesaid, That all those persons whose names are now entered upon the rolls of the court of king's bench, as attornies thereof, and who have by military or other public duty, been interrupted in their regular service, limited in their respective articles of clerkship, are hereby declared to be regularly entered and admitted as such attornies, any defect in such entry or entries as to the time of service, notwithstanding.

All persons now entered upon the rolls of the court of king's bench, as attornies, &c. are declared to be regularly entered.

IV. And be it further enacted by the authority aforesaid, That in all future admissions of attornies' clerks, who have been bona fide articled as such, before the passing of this act, and who for any portion or portions of time, within the period limited in their respective articles of clerkship, have been withdrawn from the service of their masters, by any military or any civil or public duty, or by any other matter, cause, or circumstance, occasioned by the war, and preventing such regular service, it shall and may be lawful for the court of king's bench to admit such articled clerks to be attornies of the said court, at the end of five years from the date of their respective indentures, without the usual affidavit of service, and that all such attornies so to be entered, shall be considered and held as attornies of the said court, legally admitted, any defect by reason of interrupted service for the causes aforesaid notwithstanding.

In all future admissions of attornies' clerks, who have been articled as such, before the passing of this act, and who for any portion of time during their clerkship, have been withdrawn from the service of their masters, by any military or civil duty, &c.; to be admitted without the usual oath of service.

Chapter IV.

An act for granting a compensation to Thomas Merritt, esquire, sheriff of the district of Niagara, for certain extraordinary services performed by him.

[Private.]

Chapter V.

An act to continue and amend an act passed in the fifty-first year of his Majesty's reign, entitled, "An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, 'An act to repeal the several acts now in force in this province relative to rates and assessments, and also to particularize the property real and personal, which, during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same.'"

[Repealed by 59th Geo. III, Ch. 7.]

Chapter VI.

An act to explain and amend an act passed in the fifty-third year of his Majesty's reign, entitled, "An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service."

[Repeals 2d Geo. IV, Ch. 4.]

Chapter VII.

An act to exonerate Isaac Swayze, esquire, from the payment of certain monies therein mentioned.

[Private.]

Chapter VIII.

(See 32d Geo. III, c 8, &c.)

An act to provide for the rebuilding and repair of certain gaols and court houses in this province.

[£6500 appropriated for building gaols in the Niagara, London, and Western districts, viz: £2000 Western district; £2000 London district; £2000 district of Niagara; £500 district of Newcastle.]

Chapter IX.

An act to amend an act, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts, have been erected and holden, and other matters relative to the administration of justice, done in the several districts of this province, and also to fix the time of holding the courts of general quarter sessions of the peace in and for the same."

[Passed March 14, 1815.]

Preamble.
(41st Geo. III, c 6.)

Whereas the provisions of an act of the parliament of this province, passed in the forty-first year of his Majesty's reign, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace and other courts have been erected and holden, and other matters relative to the administration of justice, done in the several districts of this province, and also to fix the time of holding the courts of general quarter sessions of the peace in and for the same," have not been found applicable to the present situation of this province; and whereas it is expedient to make further and more effectual provision for the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That whenever any district in this province

shall be actually invaded by the enemy, or it shall be found impracticable from any other cause to assemble the court of general quarter sessions of the peace, at the place especially designated by law for that purpose, it shall and may be lawful for the magistrates in a special session, to be convened for that purpose by the chairman of the quarter sessions of such district, to issue their precept to the sheriff, to summon the jurors for the court of general quarter sessions, to assemble in such part or place in the said district, as they may consider best adapted to the conveniency of the public, and to the furtherance of public justice: Provided always, That the next general quarter sessions of the peace held in the district of Niagara, shall be begun and holden at the Forty Mile Creek, in the township of Grimsby, at the time appointed by law for that purpose, any law or usage to the contrary notwithstanding.

If any district in this province shall be invaded, or it shall be impracticable, from any other cause, to assemble the court of quarter sessions at the place designated by law, it shall be lawful to assemble in such other place as may be considered best adapted.
The next general quarter sessions in the district of Niagara, to be holden at the Forty Mile Creek.

II. And be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to alter or vary the places where the courts of justice are now holden in and for the Midland district.

Nothing herein contained to alter the places where the courts of justice are now holden for the Midland district.
(See 41st Geo. III. c 6.)

III. And be it further enacted by the authority aforesaid, That in each and every district of this province, in which the place for holding the quarter sessions of the peace for such district shall be changed, under and by virtue of this act, the district court in such district, shall be held at the place so appointed for holding the said quarter sessions.

District court to be holden at the place appropriated for holding the quarter sessions.
(See 33d Geo. III, c 6.)

Chapter X.

An act to license practitioners in physic and surgery throughout this province.

[REPEALED BY 59TH GEO. III, CH. 13.]

Chapter XI.

An act granting relief to certain inspectors of districts within this province.

[TEMPORARY.]

Chapter XII.

An act to provide for the accommodation of the provincial legislature at its next session.

[TEMPORARY.]

Chapter XIII.

An act granting to his Majesty a certain sum of money for the uses of the incorporated militia of this province, and other purposes therein mentioned.

[£6000 granted, viz: £5883 6s. 8d. to be applied as follows: To the officers, non-commissioned officers, and privates of the incorporated militia, six months' pay, £4594 15s. 2d. To the officers and non-commissioned officers of the line attached to the incorporated militia, the nett pay of their respective ranks in the said corps, £1000. To the officers and non-commissioned officers and privates of the incorporated militia artillery, six months' pay, £288 11s. 6d. To the speaker of the house of assembly, to purchase a sword to be presented to Col. Robinson, late of the incorporated militia, 100 guineas.]

Chapter XIV.

An act for applying a certain sum of money therein mentioned, to make good certain monies advanced by his Majesty, through his honor the president, in pursuance of several addresses of this house.

£111: 7: 7.

Chapter XV.

An act to provide for the erection of a monument to the memory of the late president, major general sir Isaac Brock.

(See 7th Geo. IV, c 30, granting £600 in addition.)

[Passed March 14, 1815.]

MOST GRACIOUS SOVEREIGN:

Whereas at the declaration of war by the United States of America against Great Britain, the government of this province was administered with great uprightness and ability by the late major general sir Isaac Brock; and whereas by the wisdom of his

Preamble.

councils, the energy of his character, and the vigor with which he carried all his plans into effect, the inhabitants of this province, at a time when the country was almost destitute of regular troops, were inspired with the fullest confidence in him and in themselves, and were thereby induced most cordially to unite with and follow him in every operation which he undertook for their defence; and whereas after having achieved the most brilliant success and performed the most splendid actions, that truly illustrious commander, contending at the head of a small body of regular troops and militia, against a very superior force of the enemy, devoted his most valuable life; and whereas the inhabitants of this province reverencing his character, feel it a tribute due to his memory to express the same by a public and lasting testimonial; we, your Majesty's most dutiful and loyal subjects, the commons of this province, in parliament assembled, beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted to his Majesty, his heirs and successors, the sum of one thousand pounds, to be issued out of the funds now remaining or hereafter to come into the hands of the receiver general, unappropriated, which said sum of one thousand pounds shall be disposed of, appropriated, and applied, by the commissioners hereinafter named, for the constructing and erecting at Queenston, near where he fell, or such spot as may be agreed upon by the commissioners hereinafter to be appointed, a monument to the memory of the said major general sir Isaac Brock.

£1000 granted for the constructing a monument to the memory of major general sir Isaac Brock.

How to be accounted for.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to nominate and appoint Thomas Dickson, esquire, Thomas Clark, esquire, and Robert Nichol, esquire, commissioners, for carrying the provisions of this act into effect; and that the monies hereby granted, shall be paid by the receiver general to any one of the said commissioners, in discharge of such warrant or warrants as shall be issued by the governor, lieutenant governor, or person administering the government, and be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to appoint.

Chapter XVI.

An act to repeal part of, and to amend an act of the parliament of this province, passed in the forty-first year of his Majesty's reign, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts, have been erected and holden, and other matters relative to the administration of justice, done in the several districts of this province, and also to fix the time of holding the courts of general quarter sessions of the peace in and for the same," and to make further provision for the same.

[Repealed by 7th Geo IV, Ch. 13.]

Chapter XVII.

£400.

An act to grant a sum of money to his Majesty, to enable the honorable James Baby to pay for a certain quantity of hemp, delivered to him as commissioner for the purchase of hemp, in the Western district of this province.

Chapter XVIII.

An act to incorporate the Midland district school society.

[Passed March 14, 1815.]

Preamble.

Reciting that funds had been collected, and a society formed in England, to promote the education of the poor.

Whereas funds have been collected and a society lately formed in England, designated, "The committee for promoting the education of the poor in Upper and Lower Canada," the object of which society is to promote the education and moral improvement of the poor, of every religious denomination, in Canada; and whereas in furtherance of the wishes of that institution, a subscription has been entered into at Kingston, in the Mid-

land district of this province, to assist in carrying into effect their benevolent intentions with regard to this province; and it is apprehended that if countenanced and supported by the laws of this province, and established upon a permanent footing, and vested with powers for better enabling the subscribers thereto to carry into execution their charitable and useful designs, such an institution would be of extensive use, and of great benefit and advantage to the public; and whereas the purposes aforesaid cannot be effected without the aid of the legislature; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That on the first day of May, now next ensuing, there shall be held a meeting of the subscribers for the purposes aforesaid, in the town of Kingston, in the Midland district aforesaid, at which meeting a president, secretary, treasurer, and six trustees, and four of whom, with the president, shall be a quorum, for transacting business, shall be chosen from among the subscribers, by a majority of the subscribers then there present, and regulation shall be also then and there made respecting the length of times the said officers and trustees shall continue in office, and also respecting the election or nomination for the future, of such president, secretary, treasurer, and trustees.

That a subscription had been entered into in Kingston, in furtherance of the plan.

It is enacted, that a meeting of subscribers should be held on the 1st of May.

President, secretary, treasurer, and trustees, any four of whom, with the president, shall be a quorum to be chosen.

Regulations to be made.

II. And be it further enacted by the authority aforesaid, That the president, secretary, treasurer, and trustees, for the time being, and their successors, so to be nominated and appointed, shall be and they are hereby declared to be one body corporate and politic, in deed and in law, by the name of "The Midland District School Society," and shall have perpetual succession, and a common seal, with power to change, alter, break, or make new the same, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record and places of jurisdiction within this province, and that they and their successors by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, for the end and purposes of this act, and in trust and for the benefit of the said society of the Midland district, all such sum and sums of money as have been had or given, or shall at any time or times hereafter be paid, given, devised, or bequeathed by any person or persons, to and for the benevolent ends and purposes in this act mentioned; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, without any license or mortmain purchase, take, receive, have, hold, possess, and enjoy, any lands, tenements, or hereditaments, or any estate or interest derived or arising out of any lands, tenements, or hereditaments, for the purposes of the said society, and for no other purposes whatsoever, and may also, in the same manner sell, grant, demise, alien, or dispose of the same, and do or execute all and singular other matters and things that to them shall or may appertain to do.

Body corporate.

To be capable of holding lands, money, &c. in trust and for the benefit of the society.

And to sell or demise the same, and do all other things that to them may appertain to do.

III. And be it further enacted by the authority aforesaid, That the said president and trustees, so to be nominated and appointed, as aforesaid, and their successors, shall have full power and authority to lease such real estate and hereditaments on such terms as they shall judge most beneficial, and also to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of the said institution.

President and trustees empowered to lease real estates and dispose of all personal estates as shall appear most advantageous.

IV. And be it further enacted by the authority aforesaid, That no person who is not a natural born subject of his Majesty, or a subject naturalized by act of the British parliament, or a subject of his Majesty, having become so by the conquest and cession of the province of Canada, shall be capable of being a trustee or teacher of the said school.

No persons but subjects of his Majesty, can be trustees or teachers.

Fifth Session of the sixth Provincial Parliament.

MET AT YORK, ON THE SIXTH DAY OF FEBRUARY, AND PROROGUED ON THE FIRST DAY OF APRIL FOLLOWING, IN THE FIFTY-SIXTH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, PRESIDENT.

Anno Domini 1816.

Chapter I.

An act to alter the time of holding the courts of general quarter sessions of the peace, in the London and Johnstown districts of this province.

[Passed March 22, 1816.]

Preamble.

WHEREAS the provisions of an act of the parliament of this province, passed in the forty-first year of his Majesty's reign, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace and other courts have been erected and holden, and other matters relative to the administration of justice, done in the several districts of this province, and also to fix the times of holding the courts of general quarter sessions of the peace in and for the same," have not been found generally beneficial; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of the said act as enacts that the said court of general quarter sessions of the peace, for the district of London, shall be holden on the second Tuesday in the months of March, June, September, and December, and for the district of Johnstown, on the third Tuesday in the months of February and May, and on the second Tuesday in the months of July and October, be, and the same is hereby repealed.

So much of the 2d clause of the 41st of the King, as enacts that the court of general quarter sessions for the district of London, shall be holden on the 2d Tuesdays in the months of March, June, September, and December, and for the district of Johnstown on the 3d Tuesday in February and May, and on the 2d Tuesday in July and October, repealed.

II. And be it further enacted by the authority aforesaid, That the said courts of general quarter sessions of the peace shall be holden in the said London and Johnstown districts, [a] at the places specially designated by law for that purpose, at the following periods, viz: on the second Tuesday in the months of January, April, July, and October: Provided always, and that this act shall not take effect, until the first day of July next.

The said courts of general quarter sessions of the peace shall be holden in the London and Johnstown districts, at the places specially designated by law at the following periods, viz: On the 2d Tuesday in January, April, July, and October.

This act not to take effect till 1st July next.

[a] As to Johnstown district, see 58th Geo. III, c 2, s 1.

Chapter II.

(38th Geo. III, c 5.)

An act to repeal part of an act of the parliament of this province, passed in the thirty-eighth year of his Majesty's reign, entitled, "An act for the better division of this province," and more effectually to provide for the administration of justice by constituting the counties of Prescott and Russell, under certain modifications, a separate district.

[Passed March 22, 1816.]

Preamble.

WHEREAS from the great extent of the Eastern district of this province, the inhabitants of the counties of Prescott and Russell, in the said district, experience much inconvenience in attending his Majesty's courts of justice at present established; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's

reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act for the better division of this province," as directs that the counties of Russell and Prescott shall form part of the Eastern district, shall be repealed, and the same is hereby repealed accordingly.

So much of the 38th Geo. III, as directs that the counties of Prescott and Russell shall form part of the Eastern district, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, there shall be formed, constituted, and established, a new district, to consist of the said counties of Prescott and Russell, to be called the district of Ottawa, and the said district shall enjoy all the privileges and be subject to the same laws, rules, and regulations, as any other district in this province enjoys, except as is hereinafter provided.

A new district to consist of the counties of Prescott and Russell, to be called the district of Ottawa.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, to be appointed in and for the district of Ottawa, to fix upon some fit and proper place, within the said district, where a gaol and court house may be built, in the same manner, and subject to the same rules and regulations, as the gaols and court houses are directed by law to be built in other districts in this province: Provided, That nothing in this act shall extend, or be construed to extend, to authorize the said justices of the peace to fix the place for building the said gaol and court house on any reserve of the crown or clergy, or on any land belonging to any person or persons, without permission first obtained from the government, or from the owner of said land; and, Provided also, That until such time as the said gaol and court house, in and for the district of Ottawa, shall have been erected and built, whether out of the fund produced by the district assessments and rates, or otherwise, that it shall and may be lawful for the majority of his Majesty's justices of the peace for the said district of Ottawa, to appoint some place therein for the holding of the courts of general quarter sessions of the peace, and of all other courts authorized to be held by virtue of this act.

The justices to fix upon a proper place within the district where a gaol and court house may be built.

The gaol and court house not to be built, on any crown or clergy reserves, &c. without permission first obtained.

The majority of the justices of the peace to appoint some place for the holding of the courts of general quarter sessions, &c.

IV. [Repealed by 10th Geo. IV, c 6.]

Times for the commencement of the courts of general quarter sessions of the peace.

V. And be it enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to affect the jurisdiction of his Majesty's court of king's bench in this province, or to make it necessary or lawful to issue any commissions of oyer and terminer and general gaol delivery, or commissions of assize and nisi prius, for the said district of Ottawa, or to authorize any of the officers to be appointed in the said district, to, in any wise, interfere in any of the proceedings of the said courts; but that all actions that shall have been, or may hereafter be commenced in either of the said courts, shall and may be tried at the courts of assize and nisi prius and general gaol delivery for the Eastern district, in the same manner as if this act had never been made, any thing herein contained to the contrary notwithstanding.

Cases to which this act does not extend.

VI. And be it further enacted by the authority aforesaid, That notwithstanding the appointment of a sheriff in and for the said district of Ottawa, the sheriff of the Eastern district shall have full power to summon jurors in the said district of Ottawa, and perform all other services in the said district of Ottawa, that appertain or relate to the courts of oyer and terminer and general gaol delivery, and courts of assize and nisi prius, to be holden in the said Eastern district, any law or usage to the contrary notwithstanding.

The sheriff of the Eastern district to have full power to summon jurors and perform all services in said district of Ottawa, that relate to the courts of oyer and terminer and general gaol delivery.

VII. And be it further enacted by the authority aforesaid, That whenever one or more prisoner or prisoners shall be committed to gaol in the said district of Ottawa for any felony or other crime too high in its nature to be tried before the court of general quarter sessions of the peace in the said district of Ottawa, such prisoner or prisoners shall be removed from the district of Ottawa, to the common gaol for the Eastern district, before the then next sitting of the court of oyer and terminer and general gaol delivery, in and for the Eastern district, there to take his, her, or their trial, for the offence or offences with which the said prisoner or prisoners may be charged, and the magistrate or magistrates, who originally committed such prisoner or prisoners to the gaol of the district of Ottawa, shall, and he is hereby required, when such prisoner or prisoners are removed, as aforesaid, to transmit to the sheriff or gaoler of the Eastern district, the commitments, informations, and other documents, respecting such commitment, which commitment being indorsed by the committing magistrate, shall be a sufficient authority to the gaoler of the said Eastern district, to receive such prisoner or prisoners, and from thence shall be responsible for such prisoner or prisoners, until discharged by due course of law.

Prisoners committed for felony or other crime too high to be tried before the quarter sessions, to be removed to the Eastern district, &c. to be tried, and the committingmagistrates to transmit to the sheriff, &c. the documents respecting such commitments.

VIII. And be it further enacted by the authority aforesaid, That the expense of maintenance of such prisoner or prisoners so conveyed from the district of Ottawa to the Eastern district, shall be borne by the district of Ottawa.

Expense of prisoner to be borne by the district of Ottawa.

Process in civil actions, brought against defendants.

IX. And be it further enacted by the authority aforesaid, That in all civil actions, brought against defendants in the said district of Ottawa, the first process of the court of king's bench, and the writs of execution after judgment, shall be addressed to the sheriff of the district of Ottawa, whose returns, nevertheless, shall be made to the office of the deputy clerk of the crown in the Eastern district.

Power of magistrates to bind over witnesses to appear at the court of oyer, &c. in the Eastern district. (See 33d Geo. III, c 6, 38th, c 5, and 59th, c 10.)

X. And be it further enacted by the authority aforesaid, That in all criminal cases, arising in the district of Ottawa, it shall and may be lawful for the magistrates of the said district of Ottawa, to bind over parties and witnesses to appear at the court of oyer and terminer, in the Eastern district, which shall have the same effect and be equally binding on the persons entering into such recognizances, as if duly entered into in the Eastern district.

Chapter III.

An act to repeal part of, and to amend the laws now in force for the better collection of his Majesty's revenue in this province, and to make further and more effectual provision for the same.

[Passed March 22, 1816.]

Most gracious Sovereign:

Preamble. (43d Geo. III, c 9, and 45th, c 1.)

Whereas the provisions of an act of the parliament of this province, passed in the forty-third year of his Majesty's reign, entitled, "An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned," and also of a certain other act of the parliament of this province, passed in the forty-fifth year of his Majesty's reign, entitled, "An act for altering the time of issuing licenses for the keeping of a house or any other place of public entertainment, or for the retailing of wine, brandy, or any other spirituous liquors, or for the having and using of stills, for the purpose of distilling spirituous liquors," and for repealing so much of an act passed in the forty-third year of his Majesty's reign, as relates to the periods of paying into the hands of the receiver general, the monies collected by the inspector of each and every district throughout this province for licenses, have not been found fully to answer the intended purposes; and whereas it has become necessary that more effectual provision be made for the same, we beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fifth clause of the first recited act, and also the fourth clause of the last recited act, be and the same are hereby repealed.

5th clause 43d Geo. III, and the 4th clause 45th Geo. III, repealed.

Each inspector in this province is required to render within a month after the 5th January in every year during the continuance of this act, a just account of the monies he may have received.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every inspector of this province, and each and every of them is and are hereby required to render, within one month after the fifth day of January, in each and every year during the continuance of this act, to the inspector general of this province, a just, true, and faithful account, to be verified on oath, of all monies which he or they shall receive, under and by virtue of any act of the parliament of this province, and such inspector and inspectors, as aforesaid, shall also pay or cause to be paid into the hands of the receiver general of this province, within two months thereafter, all such monies as he and they shall have so received.

Such inspector shall pay such monies unto the receiver general, within two months thereafter.

Every such inspector to transmit a true account quarterly, of all monies he may receive.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every inspector as aforesaid, and each and every of them is and are hereby required to transmit to the inspector general of this province every three months thereafter, a just, true, and faithful account, to be verified on oath, of all such monies as he and they shall collect and receive, under and by virtue of any act of the parliament of this province, and such inspector and inspectors shall, in one month subsequent thereto, pay or cause to be paid into the hands of the receiver general of this province, all such monies as he and they shall have so received.

And in one month subsequent thereto to pay the same to the receiver general.

The said inspectors to furnish on the first day of general quarter sessions to the clerk of the peace, a list of all licenses issued.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and every inspector is hereby required to furnish quarterly, on the first day of the general quarter sessions, to the clerk of the peace, an accurate list of all still, shop, and tavern licenses, issued by him during the preceding quarter, in order that the same may be laid before the justices in quarter sessions, in their respective districts assembled.

The clerk of the peace in each district on the

V. And be it further enacted by the authority aforesaid, That the clerk of the peace in each and every district within this province, shall, on or before the first day of May

and the twentieth day of February, in each and every year, transmit to the inspector general of this province, a certified copy of such lists, as aforesaid, to be laid before the house of assembly of this province, for which the said clerk of the peace shall be entitled to receive the sum of two pounds, to be paid out of the rates and assessments levied, or hereafter to be levied, raised, and collected within such district.

1st of May and 20th of February in each year, to transmit to the inspector general, a certified copy of such list as aforesaid, for which the said clerk of the peace shall receive £2.

VI. And be it further enacted by the authority aforesaid, That if any inspector, as aforesaid, shall neglect to transmit such account, or pay over to the receiver general, as aforesaid, such monies so by him received and collected at the different periods, and in such manner as by this act is required, he shall, for every such neglect, forfeit and pay the sum of one hundred pounds, lawful money, to be recovered by any person who shall sue for the same in his Majesty's court of his bench, in this province, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed, one moiety of which sum shall be paid to the person who shall sue for the same, and the other into the hands of the receiver general of this province, to the use of the King's Majesty, his heirs and successors, for the public uses of this province, and support of the government thereof, to be accounted for to his Majesty, through the commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Every inspector who shall not make the said returns, or pay over the money as aforesaid, shall forfeit £100.

A moiety to be paid to the person suing for the same, and the other to the receiver general.

How to be accounted for.

Chapter IV.

An act further to continue an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province."

[Passed March 22, 1816.]

Whereas an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province," which act has since been continued by several laws of this province which will shortly expire; and whereas it is found expedient to continue the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the thirty-third year of his Majesty's reign, and every part thereof, and every clause, matter, and thing, therein contained, are by the present act continued for and during the space of four years, and no longer.

[Continued by 59th Geo. III, c 23, for four years.]

Preamble.

(33d Geo. III, c 12.)

The act of the 33d year of his Majesty's reign, which provides for the appointment of returning officers, in the several counties of this province, continued.

This act to be in force for four years.

Chapter V.

An act to extend the jurisdiction of the court of requests.

[Passed March 22, 1816.]

Whereas it will contribute to the conveniency of the inhabitants of this province, to extend the jurisdiction of the court of requests; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the second clause of an act passed in the thirty-second year of his Majesty's reign, entitled, "An act for the more easy and speedy recovery of small debts," shall be, and the same is, hereby repealed.

Preamble.

(32d Geo. III, c 6.)

2d clause of 32d Geo. III, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the first of April next, it shall and may be lawful for every inhabitant within the limits of this province, who then or thereafter may have any debt or debts owing to him, her, or them, not exceeding the sum of five pounds, currency of this province, by any person or persons whatsoever, inhabiting the said province, to cause such person or persons to be warned or summoned by a writing under the hand of a justice of the peace, acting under and by virtue of his Majesty's commission, to be left with some grown person at the dwelling

After 1st April, 1816, every inhabitant having any debt, not exceeding £5 currency, due by any person inhabiting this province, is authorized to cause such person to be summoned by a writing signed by a magistrate,

to be left at the house of such person, or by service of the same on such debtor; and on proof of the service of that summons, the justices of the court are authorized to make such orders, decrees, &c. as they shall find consistent with equity, and such orders shall be entered in a book for that purpose; provided that the said justices shall not give any judgment for a larger sum than 40s. unless the same shall have been approved by the acknowledgment of the defendant in writing, or other proof than the oath of the prosecutor. No defendant to be summoned before any other court of requests than that for the division in which such defendant resides.

house or place of abode of such person or persons, or by service of the same on the person of such debtor, to appear before the justices of the said court; and the said justices, after such summons as aforesaid, shall, upon proof of such summons having been so left or served, at least four days previous to the day of appearance, have full power and authority by virtue of the said act, to make, or cause to be made, such acts, orders, decrees, judgments, and proceedings, between such plaintiff and his, her, or their debtors, defendants, touching such debts not exceeding the sum of five pounds, currency of this province, in question before them, as they shall find consistent with equity and good conscience, and all such acts, orders, decrees, judgments, and proceedings, shall be entered in a book to be kept for that purpose: Provided always, That nothing herein contained shall extend or be construed to extend to authorize such justices, as aforesaid, to give any judgment for a larger sum than forty shillings, lawful money of this province, unless the same shall have been previously ascertained by acknowledgment of the defendant in writing, or other proof than that of the oath of the prosecutor, and, Provided also, That nothing in this act contained shall extend, or be construed to extend, to authorize the summoning of any defendant or defendants before any other court of requests, within any district or county, other than that which shall be established by the magistrates in quarter sessions, as by law directed, for the division in which such defendant or defendants shall, at the time of issuing such summons, be resident.

No plea to be holden in said court for a debt at a tavern for spirituous liquors, or any gambling debts.

III. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to authorize the holding plea in such court for any debt contracted at a tavern for spirituous liquors, or for any gambling debt whatever.

No execution to issue until forty days after judgment, if the sum exceeds 40s. (See 32d Geo. III, c 6.)

IV. And be it further enacted by the authority aforesaid, That no writ of execution for seizing and selling effects, shall issue until forty days after judgment has passed, where the sum exceeds forty shillings.

Chapter VI.

An act to provide, for a limited time, for the appointment of a provincial aid-de-camp within this province.

[Expired.]

Chapter VII.

An act for making further and more ample provision for the adjutant general of the militia of this province.

[Passed March 22, 1816.]

Preamble.

Whereas it is expedient to make further and more ample provision for the adjutant general of the militia of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted annually to his Majesty, his heirs and successors, the sum of one hundred and sixty-five pounds, to be paid to the adjutant general of the militia of this province, for the time being, in addition to the salary now allowed by law, which said sum of one hundred and sixty-five pounds shall commence and be payable from and after the twenty-fifth day of March, one thousand eight hundred and fifteen.

Out of the rates and duties already levied, or hereafter to be levied for the use of this province, £165 granted to his Majesty, to be paid to the adjutant general of militia, in addition to the salary now allowed by law.
The said £165 to be payable from the 25th of March, 1815.

The governor to issue his warrant to the receiver general of this province for the payment of such salary as aforesaid, half yearly.
The said receiver general shall account to his Majesty for the same through the lords commissioners of the treasury.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to issue his warrant or warrants to the receiver general of this province, for the payment of such salary, as aforesaid, half yearly, and the said receiver general shall account to his Majesty, his heirs and successors, for the same, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

This act to continue in force for four years. (See 48th Geo. III, c 1, s 6, & c 3.)

III. And be it further enacted by the authority aforesaid, That this act be and continue in force for and during the term of four years.

Chapter VIII.

An act to revive and continue an act passed in the forty-second year of his Majesty's reign, entitled, "An act to enable the governor, lieutenant governor, or person administering the government of this province, to appoint one or more additional port or ports, place or places of entry, within this province, and to appoint one or more collectors at the same respectively."

(See 41st Geo. III, c 5, and 43d, c 2.)

[Revives and continues 42d Geo. III, Ch. 4, for four years.]

Chapter IX.

An act to provide for the remuneration of the honorable William Dummer Powell, for certain services rendered to this province.

[£1000 granted to his Majesty; to be appropriated in remunerating the hon. W. D. Powell, for services rendered this province, as commissioner for ascertaining titles to lands within the same.]

Chapter X.

An act to repeal part of, and to continue and amend an act, passed in the fifty-fourth year of his Majesty's reign, entitled, "An act for granting to his Majesty an additional duty on shop and tavern licenses."

54th Geo. III, c 10, & 59th, c 2, s 1.

(See 58th Geo. III, c 1.)

[Repealed by 59th Geo. III, Ch. 2, Sec. 1.]

Chapter XI.

An act to continue and amend an act passed in the fifty-second year of his Majesty's reign, entitled, "An act to prevent damage to travellers on the highways in this province."

[Passed March 22, 1816.]

Whereas an act of the parliament of this province, passed in the fifty-second year of his Majesty's reign, entitled, "An act to prevent damage to travellers on the highways in this province," will shortly expire, and whereas it is found expedient to continue and amend the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act of the parliament of this province, and every clause, matter, and thing, therein contained, other than the fourth and sixth clauses thereof hereinafter repealed, is hereby continued, and declared to be in full force and effect.

Preamble.

(52d Geo. III, c 4, first session.)

52d Geo. III, to remain in full force, other than the 4th and 6th clauses.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said fourth and sixth clauses of the said recited act of the parliament of this province, and every matter and thing in such clauses contained, shall be repealed, and the same are repealed accordingly.

4th and 6th clauses of 52d Geo. III, repealed.

III. And be it further enacted by the authority aforesaid, That one moiety of all fines, forfeitures, and penalties, levied and collected under and by virtue of such part of the said recited act as is hereby continued, shall be paid to the person informing, and the other moiety to the receiver general of this province, on or before the first day of October in each and every year, for the support of the civil government thereof, to be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Penalties how to be paid and accounted for.

IV. And be it further enacted by the authority aforesaid, That this act shall be, and continue to be in force, for and during the term of four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Continuance of this act.

(This clause repealed by 59th Geo. III, c 17, by which this act is continued.)

Chapter XII.

An act granting relief to Catharine McLeod.

[Private.]

Chapter XIII.

An act granting relief to Charlotte Overholt.

[Private.]

Chapter XIV.

An act to extend the limits of the town of Niagara, in the district of Niagara.

[Passed March 22, 1816.]

Preamble.

Whereas it appears expedient and necessary, from various circumstances, to extend the limits of the town of Niagara, in the district of Niagara; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all that tract of land lying and being situate within the following described boundaries, be and is hereby declared to be the town of Niagara, videlicit: commencing at Massesagua point, thence westerly along lake Ontario to Crookston, thence along the rear or town line of Niagara to the Black swamp road, thence along the eastern limit of the lands of the late Thomas Butler, esquire, deceased, and the lands of Garrit Slingerland, to the northwest angle of the lands of John Eccleston, thence easterly to where the lands of William Dickson, esquire, and the late Martin M'Lennon, deceased, come in contact, thence east along the northern boundary of the lands of the said Martin M'Lennon, deceased, to the river Niagara, thence northerly down said Niagara river, to the place of beginning.

All that tract of land situate within the following described boundaries is hereby declared to be in the town of Niagara, viz.

Description.

Chapter XV.

An act to provide for the contingent expenses of both houses of parliament, during the last session, and for other purposes therein mentioned.

Chapter XVI.

An act to afford relief to persons holding or possessing lands, tenements, or hereditaments, in the district of Niagara.

[Passed March 22, 1816.]

Preamble.

Whereas many deeds, conveyances, wills, mortgages, leases, and other mesne conveyances, affecting certain lands, tenements, and hereditaments, within the district of Niagara, and the memorials of other deeds, conveyances, wills, mortgages, leases, and other mesne conveyances, affecting other lands, tenements, and hereditaments, within the said district, and also the books wherein such memorials were enregistered, pursuant to the provisions of an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may affect any lands, tenements, or hereditaments, within this province," were during the late war with the United States of America, taken, burnt, lost, or destroyed, to the great damage of his Majesty's liege subjects in this province; and whereas it is necessary to the peace and quiet of his Majesty's said subjects, to the maintaining them on their estates, rights, and possessions, and their protection against fraudulent conveyances of such lands, tenements, and hereditaments, that remedy be therefore provided; may it therefore please your Majesty that it be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of this province, for the time being, from time to time, and at any time within two years from and after the passing of this act, to issue one or more commission or commissions, under the

The governor, &c. within two years to issue commission or commissions to any five persons, to inquire of any deeds, &c. affecting any lands, &c. within the district of Niagara, and to receive proof thereof.

great seal of this province, directed to any five fit and discreet persons, which said commissioners, or any three of them, shall have full power and authority to inquire of such deed, conveyance, will, mortgage, lease, or other mesne incumbrance, affecting any lands, tenements, or hereditaments, within the said district, so taken, burnt, lost, or destroyed, as aforesaid, and to take and receive proof and evidence thereof, and thereupon to proceed in manner hereinafter directed.

II. And be it further enacted by the authority aforesaid, That if any person or persons who is or are possessed or seized of and in any lands, tenements, or hereditaments, within the said district, who shall, so as aforesaid, have lost the deed, conveyance, will, mortgage, lease, or other mesne conveyance, under which he, she, or they shall claim, and shall thereof make oath or affirm before the said commissioners, or any three of them, which oath or affirmation they are hereby empowered to take and administer, that then, and in such case, if a memorial, record, or probate of such deed, conveyance, will, mortgage, lease, or other mesne conveyance, shall be found in the register office of the counties of Lincoln and Haldimand, in the said district, or in the office of the register of the surrogate court thereof, the party claiming under such deed, conveyance, will, mortgage, lease, or other mesne conveyance, shall produce an attested copy of such memorial, record, or probate, from the register of the said offices respecting to the said commissioners, which said commissioners, the same attested copy shall cause to be transcribed, entered, and recorded, in a book or books to be provided in a manner hereinafter mentioned, and shall on such copy cause to be endorsed a certificate of such entry and record, and such copy so endorsed, or the entry or record thereof so made, together with the actual possession of the party claiming under such deed, conveyance, will, mortgage, lease, or other mesne conveyance, shall be held, deemed, esteemed, and taken in law to be good evidence of the title in the party claiming, until better evidence shall appear: Provided nevertheless, That when any person or persons shall so, as aforesaid, have lost the deed, conveyance, will, mortgage, lease, or other mesne conveyance, under which he, she, or they may claim any such lands, tenements, or hereditaments, whereof no memorial, record, or probate can be found in such offices as aforesaid, and the party claiming make oath or affirm before the said commissioners, or any three of them, which oath or affirmation, they are hereby empowered to administer and take, that the deed, conveyance, will, mortgage, lease, or other mesne conveyance, under which he, she, or they claim, hath been bona fide lost or destroyed, and shall by other testimony or evidence prove that he, she, his, her, or their ancestor, or other person under whom he, she, or they shall claim, have been in the actual, undisturbed, and peaceable possession of the lands, tenements, or hereditaments, claimed by and for the space of three years then next before, or shall by the witness or witnesses to such deed, conveyance, will, mortgage, lease, or other mesne conveyance, or other parole or written evidence, prove the substance, matter, import, and effect thereof, that then and in such case, the said commissioners, or any three of them, the said matter, evidence, and proof, shall cause to be made an entry of, set down in writing, and recorded in such book or books, as aforesaid, the description of the lands claimed, the name of the township and county wherein situated, and the name, addition, and place of abode of the party claiming the same, which said entry and record so made by the said commissioners, or an attested copy thereof, shall be held, deemed, esteemed, and taken in law, as good evidence of title in the party claiming, until better evidence shall appear: Provided also, That such entry and record, or copy thereof, shall not be taken, held, or construed to extend, to bar him, her, or them, or the heirs of him, her, or them, who at the time of making thereof had better title; but every such other person or persons and his, her, or their heirs, then living and residing within this province, may at any time within seven years after making such entry and record, have, pursue, and prosecute his, her, or their title at law, notwithstanding such entry and record, which shall not be given in evidence to bar him, her, or them, or the heirs of him, her, or them, that at the time of making thereof had better right, and who shall pursue the same within the time aforesaid, saving also to infants, persons of non-sane memory, femes coverts, and persons beyond the seas, or residing without this province, the right of so pursuing and prosecuting their title at law, at any time within three years next after they shall become of full age, of sane memory, non-covert, or shall come into this province.

Persons possessed of any lands, &c. within said district, who have lost the deed under which he, &c. shall claim, and shall make oath before said commissioners that in such case if a memorial, &c. shall be found in the register's office of the counties of Lincoln and Haldimand, in said district, or in the register of the surrogate court thereof, the party claiming under such deed, &c., shall produce an attested copy of such memorial, &c. from the register of the said offices respectively to said commissioners; the same attested copy shall cause to be transcribed in a book, to be provided in manner hereinafter mentioned, and shall on such copy cause to be endorsed a certificate of such entry, which, with the possession of the claimant under such deed, &c. shall be good evidence of his title, until better evidence shall appear.

Any person who shall have lost the deed, &c. under which he may claim such lands, &c. whereof no record can be found in such offices as aforesaid, and make oath before said commissioners that the deed, &c. hath been bona fide lost, and that he has been in the actual possession of the lands claimed, for three years, or shall by the witnesses to such deed &c. prove the substance thereof, the said commissioners shall cause to be made an entry in such books as aforesaid.

Such entry and record not to extend to bar him, &c. who at the time of making thereof had better title, but every person, &c. residing within this province, may, within seven years after such entry, pursue his title at law, notwithstanding such entry shall be given in evidence to bar him, that at the time of making thereof had better right.

III. And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, shall provide fit and sufficient books of record wherein to set down, enter, and record, all proceedings had before them in the execution of the said commission, and shall have full power and authority to nominate and appoint some fit and proper person to be clerk or secretary of the said commission, whose duty it shall be to fully, fairly, and truly to enter, set down, transcribe, and record, in such book or books as aforesaid, all proceedings of the said commissioners, or any three of them, and the nature and effect of such written or other evidence as shall come before them, and who, before entering on such duty, shall take and subscribe the following oath:

Commissioners to provide books of record, wherein to set down all proceedings.

Also to nominate a clerk to said commission.

Duty of said clerk.

Oath of said clerk.

"I, A. B., do make oath and swear, that I will truly and faithfully discharge and perform the duty of secretary to the commissioners appointed under the authority of an act of the parliament of Upper Canada, entitled, 'An act to afford relief to persons holding or possessing lands, tenements, or hereditaments in the district of Niagara,' and will make true records of all proceedings had before the said commissioners, without partiality to any person whatsoever. So help me God."

Clerk to administer oath to commissioners.

And which said clerk or secretary, so appointed, shall have power to administer to each and every of the said commissioners the following oath, to be by them made and subscribed, before entering on the execution of the said commission, which oath in the following form shall be written, in such book as aforesaid:

Oath of commissioners.

"We, A. B., C. D., E. F., G. H., and J. K., do severally make oath and swear, That we will truly and faithfully discharge and perform the duty of commissioners, under the provisions of an act of parliament of this province, entitled, 'An act to afford relief to persons holding or possessing lands, tenements, or hereditaments, in the district of Niagara,' and will cause true records to be made of all proceeding laid before us in the execution of the said commission, without partiality, favor, or affection to any person."

Notice to be given of the time and place of holding said commissions.

IV. And be it further enacted by the authority aforesaid, That no sitting of the said commissioners shall be held or holden, unless notice in writing of the time and place of holding the same, subscribed by one of the said commissioners, shall first be affixed up in the register office of the said counties, and unless the time and place of holding thereof shall first in open court be proclaimed at some general quarter sessions of the peace, for the said district, by and for the space of two months next before the sitting of the said commission.

Power of commissioners to cause to come before them any persons to give evidence, to be set in writing.

V. And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, shall have full power and authority to cause to come before them, at any sitting so to be holden as aforesaid, any person or persons to give evidence, on oath, touching the loss or destruction of any deed, conveyance, will, mortgage, lease, or other mesne conveyance, affecting any lands, tenements, or hereditaments, within the said district, or touching or affecting the estate, right, and interest, of any person or persons claiming the same, and the testimony and evidence, which shall by any such person or persons be thereof given before the said commission, the said commissioners shall cause to be set down in writing, entered and recorded, in such book or books to be provided as aforesaid, which person or persons appearing and attending to give such evidence, shall be entitled to demand and receive under rule or order of the said commissioners, from the party on whose behalf they shall attend, a like allowance as is paid to witnesses attending the trial of issues in his Majesty's court of his bench: Provided nevertheless, That no such evidence or testimony affecting any lands, tenements, or hereditaments within the said district, or the estate, rights, and interests, of any person therein, shall be admitted, taken, entered, or recorded, by the said commissioners, in such book or books as aforesaid, unless proof be adduced to the said commissioners that a sufficient description in writing, mentioning and setting forth the lands, tenements, or hereditaments claimed, the town, township, county, or other place wherein situated, and the name, place, and abode of the person or persons claiming, shall have been affixed up in the register office of the said counties, and on the door of the court house, or other building wherein a court of general quarter sessions of the peace shall be holden for the said district, at least one month before the sitting of the said commission.

Money to be paid to witnesses.

No evidence, &c. affecting any lands shall be admitted, as aforesaid, unless proof be advanced that a sufficient description in writing, mentioning and setting forth the lands and the description of the persons claiming, shall have been affixed up in the register's office, of said counties, &c. at least one month before the sitting of said commission.

For preventing frauds in conveyances, &c.

VI. And whereas for preventing of frauds in conveyances, double mortgages, and other collusions in the sale and conveyance of lands, tenements, or hereditaments within the said district, and to the intent that persons minded to purchase, may have notice of any previous deed or conveyance; be it further enacted by the authority aforesaid, That when any person who, on the first day of June, in the year of our Lord one thousand eight hundred and fifteen, was, now, and still is, in the lawful seizin and possession of any such lands, tenements, or hereditaments, under and by virtue of any deed, conveyance, will, mortgage, lease, or other mesne conveyance to him, her or them made, on which is endorsed by the register of the said counties, that a memorial thereof was enregistered in the register office of the said counties, and then and in such case, each and every person or persons shall during the continuance of this act, produce and bring before such commissioners, at their sittings, such deed, conveyance, will, mortgage, lease, or other mesne conveyance, and the said commissioners, the said indorsements, the description of the lands, tenements, or hereditaments conveyed by such deed, conveyance, will, mortgage, lease, or other mesne conveyance, with the names, additions, and places of abode of the parties and witnesses thereto, shall cause to be transcribed, set down, written, entered, and recorded, in such book or books as aforesaid, and shall cause to be endorsed a certificate of such entry on the same, which certificate shall be taken to be sufficient proof of the original registering of such memorial, and of the record and entry thereof by the said commissioners, and that every sale or conveyance which shall hereafter be made of any lands, tenements, or hereditaments, within the said district, shall be held, deemed, esteemed, and taken to be fraudulent and void, against purchasers for valuable consideration from any person or

Any person who, on the first day of June, 1815, was and still is in the lawful possession of any such land, &c. by virtue of any deed, &c.

To be endorsed by the register of said counties.

Such persons to produce such deed, &c.

Name and additions &c. of the witnesses and parties to be recorded.

A certificate of such entry to be endorsed.

Sales hereafter to be made of such land to be void.

persons in the actual possession of the lands, tenements, or hereditaments sold, unless such certificate so as aforesaid endorsed, shall be set down, entered, and recorded in such book or books as aforesaid, before the enregistering of a memorial of such subsequent deed or conveyance in the register office of the said counties, saving, nevertheless, the rights of infants, femes coverts, persons of non-sane memory, and beyond the seas.

Unless certified as aforesaid, endorsed, &c.

VII. And be it further enacted by the authority aforesaid, That it shall and may be free and lawful, to and for all his Majesty's subjects, from time to time, and at all times, during the sitting of the said commission, and between the times and periods thereof, to search in and examine any of the books or records of the said commission, and the entries therein made as aforesaid, and to demand and receive from the clerk or secretary thereof, copies, transcripts, and certificates of any such entries, upon payment of such fees as in like cases are allowed and paid to registers in the several districts of this province.

To be lawful for his Majesty's subjects to search the records of said commissioners.

VIII. And be it further enacted by the authority aforesaid, That at the ending and finishing of the said commission, the books and records thereof, and of all proceedings had before the said commissioners, subscribed with their names, shall by them be deposited in the register office of the said counties, to be kept among the records thereof, and that the entry in such books or record, of a certificate so made and endorsed, that a memorial of any such deed, conveyance, will, mortgage, lease, or other mesne conveyance, was enregistered in the register office of the said counties, shall be taken, held, esteemed, and deemed, as full evidence of the registry thereof, as if the said memorial and record thereof had not been lost or destroyed as aforesaid.

The records of all proceedings to be deposited in the register's office of said counties.

IX. And be it further enacted by the authority aforesaid, That in case any person who shall appear before the said commissioners to give evidence, respecting or affecting any such claim or claims, as aforesaid, shall wilfully and corruptly forswear him, her, or themselves, or shall therein wilfully or corruptly make any false affirmation or declaration, he, she, or they, shall incur, and be subject to the like pains and penalties as would be incurred upon conviction of wilful and corrupt perjury in any evidence given in his Majesty's court of king's bench in this province, on any cause there depending.

Persons who shall wilfully forswear themselves, to be subject to the same penalties as would be incurred on conviction for wilful and corrupt perjury.

(See 56th Geo. III, c 38.)

Chapter XVII.

An act to repeal part of, and to alter and amend the laws now in force, for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provision of the same.

[Repeals 2d Geo. IV, Ch. 4.]

Chapter XVIII.

An act to authorize and provide for the building of a gaol and court house in the town of York, in the Home district, within this province.

(See the act for a new gaol, &c. 4th Geo. IV, c 24, amended by 4th Geo. IV, c 33. See also, 6th Geo. IV, c 4.)

Chapter XIX.

An act to erect and form a new district out of certain parts of the Home and Niagara districts, to be called the district of Gore.

[Passed March 22, 1816.]

Whereas from the great extent of the Home and Niagara districts, in this province, and the increased population of late years in the westernmost part of the said districts, it hath become an object of serious inconvenience to the inhabitants thereof to attend the courts of justice; and whereas for other weighty and sufficient reasons, it has become expedient to divide the said districts, and to constitute and form a new district out of certain parts thereof; and whereas it is expedient that the said new district should enjoy all and every jurisdiction, privilege, and advantage, now possessed and enjoyed by the other districts of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, there shall be formed, constituted, and established, a separate and new district, to be called the district of Gore, which said district shall be formed and composed of the townships of Trafalgar, Nelson, Beverly, and Flamborough, the latter divided into Flamborough east and west, so much of the tract of land upon the Grand river, in the occupation of the Six Nation Indians, as lies to the north-

Preamble.

A separate and new district established, to be called the district of Gore, composed of the townships of Trafalgar, Nelson, Beverly, Flamborough east and west, so much of the land upon the Grand river as lies to the northward of Dundas street, and blocks one, two, three, and four on the Grand river, together with the reserved lands in the rear of Blenheim, and Blanford, and of the townships of Benbrook, Saltfleet, Glanford, Barton, and Ancaster, together with that part of the land in the county of Haldimand, on each side of the Grand river, lying

to the northward and westward of Bearsfoot village on the river Ouse, to Dundas street, together with the beach at the head of lake Ontario, between the outlet of Burlington bay and Saltfleet, with the promontory between Burlington bay and Coot's Paradise in the district of Niagara.

ward of Dundas street, and blocks one, two, three, and four, on the Grand river aforesaid, together with the reserved lands in the rear of Blenheim and Blanford, in the west riding of the county of York, in the Home district, and of the townships of Benbrook, Saltfleet, Glanford, Barton, and Ancaster, in the first riding of the county of Lincoln, together with that part of the tract of land in the county of Haldimand, on each side of the Grand river, lying to the northward and westward of Bearsfoot village, on the river Ouse, to Dundas street, and together with the beach at the head of the lake Ontario, between the outlet of Burlington bay and the township of Saltfleet, with the promontory between Burlington bay and Coot's Paradise, in the district of Niagara.

Toronto shall be attached to the east riding of the county of York, and the residue of the west riding to continue the west riding.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the township of Toronto shall be attached to, and form a part of, the east riding of the county of York, and the residue of the west riding of the county of York shall from henceforth continue and be the west riding of the county of York.

Courts of oyer and terminer, nisi prius, gaol delivery and of the peace; courts of general quarter sessions, district court, surrogate court, court of requests, and every court whatsoever, shall be held in and by the district of Gore.

III. And be it further enacted by the authority aforesaid, That the courts of oyer and terminer, assize, nisi prius, gaol delivery and of the peace, courts of general quarter sessions of the peace, district court, surrogate court, court of requests, and every court and jurisdiction whatsoever held or to be held, possessed, and enjoyed, in and by the other districts of this province, shall from henceforth, with the like powers and authorities, be held, possessed, and enjoyed, in and by the said district of Gore, and that all and every jurisdiction, regulation, rule, privilege, exemption, matter, or thing, which hath or have been enacted, provided, and declared, or shall be hereafter enacted, provided, and declared, by any act or acts of the parliament of this province, made or to be made, touching or concerning the said other districts, shall be and are hereby extended to that district, unless otherwise provided for and declared by this act, and that courts of oyer and terminer, assize, nisi prius, and gaol delivery, shall first be held, unless under special commission, in and for the said district of Gore, during the circuit of the judges of his Majesty's court of king's bench through this province, in the year of our Lord one thousand eight hundred and sixteen: Provided nevertheless, That if any cause of action hath arisen or shall arise, and any action thereupon hath been or shall be commenced, or any indictable offence hath been or shall be committed within the said district of Gore, which said action or indictable offence by due course of law might have been brought to issue and trial, if the said district had not been erected and constituted at the next assizes, to be holden in and for the Home district, or in and for the district of Niagara, it shall and may be lawful, as heretofore, then and there to try the said actions and indictments, any thing herein contained to the contrary notwithstanding.

Gaol and court house to be erected for the said district of Gore.

(32d Geo. III, c 8.)

Regulations in that respect.

IV. And be it further enacted by the authority aforesaid, That a gaol and court house for the said district of Gore shall be erected and built in some fit and convenient place, on lot number fourteen, in the third concession of the township of Barton, to be called the town of Hamilton, in such manner and under the same rules, regulations, and directions, as in that respect are made and provided in and by a certain act, passed in the thirty-second year of his Majesty's reign, entitled, "An act for building a gaol and court house in every district throughout the province, and for altering the names of the said districts," and that all and every the clauses, provisions, rules, regulations, matters, and things, in the said last recited act contained, shall under the same penalties as therein are contained, in all cases, and in respect to all persons, extend and be extended to the district of Gore aforesaid.

Until gaol and court house erected, justices residing within the district of Gore to appoint a place, &c. for the holding of courts.

V. Provided nevertheless, and be it further enacted by the authority aforesaid, That until such time as the said gaol and court house, in and for the district of Gore aforesaid, shall have been erected and built, whether out of the fund produced by the district assessments and rates, or otherwise, it shall and may be lawful for the majority of his Majesty's justices of the peace, residing within the said district of Gore, to appoint some place therein, for holding the courts of general quarter sessions of the peace, and of all other courts held at a place certain in the said other districts of this province; and whereas the said townships of Trafalgar, Nelson, Flamborough east and west, Beverly, Benbrook, Saltfleet, Glanford, Barton, and Ancaster, blocks one, two, three, and four, with the said other lands now constituting the district of Gore, did heretofore belong to and constitute a part of the Home and Niagara districts of this province, and were subject to the jurisdictions, powers, and authorities of the said districts; be it therefore further enacted by the authority aforesaid, That no jurisdiction, power, or authority, of what nature or kind soever to the said Home or Niagara district at this time belonging and appertaining, shall extend or be construed to extend to the said district of Gore: Provided nevertheless, That nothing herein contained shall affect, change, or in any wise invalidate, the jurisdictions, commissions, powers, and authorities, which heretofore were

No jurisdiction of the Home or Niagara district to extend to the district of Gore.

established, possessed, and exercised, in that part of the said province, which before the erecting and constituting the said district of Gore, formed and constituted the Home and Niagara districts; and that all acts, matters, and things, which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers, and authorities, within the said districts, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting of the said district of Gore as aforesaid, and all acts, matters, and things, which shall be lawfully done under and by virtue of the same, in that part of the province, which now formsand constitutes the Home and Niagara districts, so far as respects the validity of the authority under which the same have issued and are constituted, since the said district of Gore hath been so erected and constituted, shall be held to be valid and good in law, to all intents and purposes whatsoever.

Justices of the peace residing within the district of Gore, shall exercise the like authority within that district in manner heretofore held within the Home and Niagara district.

VI. And be it further enacted by the authority aforesaid, That his Majesty's justices of the peace, and other persons bearing lawful authority, residing within the said district of Gore, shall hold, enjoy, and exercise, the like authority, power, and jurisdiction, within that district, at the times and in the manner which they heretofore held, enjoyed, and exercised, within the Home and Niagara districts, before the erecting, constituting, and declaring of the said district of Gore, or which is held, enjoyed, and exercised by his Majesty's justices of the peace, and other persons bearing lawful authority in the other districts of this province, provided that the authority, power, and jurisdiction, heretofore exercised by his Majesty's justices of the peace, and other persons bearing lawful authority, residing within the said district of Gore, shall not in any wise be exercised or continued within that part of this province now constituting the Home and Niagara districts, but the same within those districts shall from henceforth cease and determine.

Assessments.

VII. And be it further enacted by the authority aforesaid, That the assessments and rates levied or to be levied for this current year of our Lord one thousand eight hundred and sixteen, within the said district of Gore, shall be applied and expended for the like purposes within that district, as they now are or may be applied and expended under and by virtue of any act or acts of the parliament of this province, made or to be made in the other districts of this province.

VIII. And be it further enacted by the authority aforesaid, That the residue of the Home district shall from this time henceforth constitute and form the Home district, and the residue of the Niagara district shall be and remain the district of Niagara.

(56th Geo. III, c 16.)

IX. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to prevent or make void any of the provisions of an act passed in the present session, entitled, "An act to afford relief to persons holding or possessing lands, tenements, or hereditaments, in the district of Niagara," and that the commissioners hereinafter to be appointed under the aforesaid act, shall have the same authority therein given, in that part of the counties of Lincoln and Haldimand, as if the same were still a part of the said district of Niagara, any clause, matter, or thing, herein contained, to the contrary notwithstanding.

Block No. 1, on the Grand river, named township of Dumfries.
No. 2, township of Wellington.
No. 3, township of Woolwich.
No. 4, township of Nichol.

X. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the block number one, on the Grand river, shall be known by the name of the township of Dumfries, block number two, by the name of the township of Waterloo, block number three, by the name of the township of Woolwich, and block number four, by the name of the township of Nichol.

Saltfleet, Barton, Benbrook, Glanford, Ancaster, and the beach between Burlington bay and lake Ontario, and the promontory near Coot's Paradise, and so much of the county of Haldimand as lies between Dundas street and the Onondaga village, including said village, shall from henceforth be called the county of Wentworth: And the residue of the county of Haldimand and Lincoln shall remain the counties of Haldimand and Lincoln.

XI. And be it further enacted by the authority aforesaid, That the townships of Saltfleet, Barton, Benbrook, Glanford, Ancaster, and the beach between Burlington bay and lake Ontario, and the promontory near Coot's Paradise, and so much of the county of Haldimand as lies between Dundas street and the Onondaga village, commonly called Bearsfoot, including said village, shall from henceforth form and be called the county of Wentworth, and the residue of the county of Lincoln and the residue of the county of Haldimand shall from henceforth be and remain the counties of Lincoln and Haldimand respectively.

Trafalgar, Nelson, Flamborough east and west, Beverly, & blocks No. 1, 2, 3, and 4, on the Grand river, with the reserved lands in the rear of Blenheim and Blanford, to form the county of Halton.

XII. And be it further enacted by the authority aforesaid, That the townships of Trafalgar, Nelson, Flamborough, the latter divided into Flamborough east and west, Beverly, and blocks number one, two, three, and four, on the Grand river, with the reserved lands in the rear of the townships of Blenheim and Blanford, do constitute and form the county of Halton, and the residue of the county of York shall be and remain the county of York.

The counties of Halton and Wentworth to form the district of Gore. (See 38th Geo. III, c 5, 57th, c 1, 59th, c 10.)

XIII. And be it further enacted by the authority aforesaid, That the counties of Wentworth and Halton do constitute and form the district of Gore.

Chapter XX.

An act granting relief to several inspectors within this province.

Chapter XXI.

(See 59th Geo. III, 2d session, and 4th Geo. IV, c 7.)

An act to revive and continue an act passed in the fifty-second year of his Majesty's reign, entitled, "An act to continue and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, an act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, an act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefit of the said act, and to continue part of the same."

[Revives and continues for four years, 52d Geo. III, Ch. 9, first session.]

Chapter XXII.

An act to increase the salaries of certain officers of the legislative council and house of assembly.

[Passed April 1, 1816.]

Most gracious Sovereign:

Preamble.

Whereas the salaries now allowed by law to certain officers of the legislative council and house of assembly, are not sufficient, it is therefore expedient that the salaries of the said officers should be increased; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted annually to his Majesty, his heirs and successors, the sum of four hundred and seventy pounds, to and for the uses hereinafter expressed; that is to say, the clerk of the legislative council, one hundred pounds; the usher of the black rod, fifty pounds; the master in chancery, attending the legislative council, fifty pounds; the chaplain of the legislative council, fifty pounds; the door keeper of the legislative council, ten pounds; the clerk of the house of assembly, one hundred pounds; the sergeant at arms, fifty pounds; the chaplain of the house of assembly, fifty pounds; the door keeper of the house of assembly, ten pounds; for the time being, in addition to the sums heretofore granted to and for the uses of the said officers.

Granted annually the sum of £470 for the increase of the salaries of the officers of the legislature.

(See 48th Geo. III, c 6.)

II. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty for the payment of salaries to the officers hereinbefore mentioned, shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purposes herein set forth, be from time to time issued by the governor, lieutenant governor, or person administering the government of this province, for the time being, and not otherwise; and the said receiver general shall account to his Majesty for the same, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall be graciously pleased to direct.

The money how to be paid and accounted for.

III. And be it further enacted by the authority aforesaid, That the increase to the salaries heretofore mentioned shall take effect and become payable from and after the first day of January in the present year.

Increase to salaries to become payable from and after the 1st of January in the present year.

IV. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for the term of four years, and no longer.

Continuance of this act.

Chapter XXIII.

£513: 12: 6 granted, to reimburse the several commissioners herein mentioned, the sums therein mentioned.

An act granting to his Majesty a sum of money, to remunerate certain commissioners of highways in this province, for certain sums advanced by them towards the repair of sundry highways within the same.

[Temporary.]

Chapter XXIV.

An act to appropriate a sum of money for providing a library for the use of the legislative council and house of assembly of this province.

£800 to be appropriated to purchase books and maps.

Chapter XXV.

An act to continue an act passed in the fifty-third year of his Majesty's reign, entitled, "An act to facilitate the circulation within this province of army bills, issued by authority of the province of Lower Canada," and also to continue a certain other act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to facilitate the circulation within this province of army bills issued by authority of the province of Lower Canada."

[Expired, May 1, 1816.]

Chapter XXVI.

An act for granting to his Majesty a sum of money towards defraying the expenses of the civil administration of the government of this province.

[Repealed by 1st Wil. IV, Ch. 14.]

Chapter XXVII.

An act to increase the salary of the speaker of the house of assembly, and to remunerate the present speaker for past services.

[Repealed by 2d Geo. IV, Ch. 27.]

Chapter XXVIII.

An act for making temporary provision for the regulation of trade between this province and the United States of America, by land or inland navigation.

[Expired.]

Chapter XXIX.

An act to continue for a limited time the provisional agreement entered into between this province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to duties; also, for continuing for a limited time, the several acts of the parliament of this province, relative thereto.

[Repealed by 58th Geo. III, Ch. 13.]

Chapter XXX.

An act to appropriate a sum of money for the remuneration of Elizabeth Wright.

[Private.]

Chapter XXXI.

An act to amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being, for the raising and training the militia of this province."

[Passed April 1, 1816.]

Preamble. (48th Geo. III, c 1.)

Whereas it is necessary to explain and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parlia-

ment of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That nothing contained in the third clause of the said act, passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," shall extend or be construed to extend to oblige any person to enroll himself in the militia of this province, unless such person is a natural born subject of his Majesty, or a subject of his Majesty naturalized by an act of the British parliament, or a subject of his Majesty having become such by the cession of Canada, or a person who has taken the oath of allegiance; but that in all cases, such persons as are not able to be called upon for the defence of the province in case of invasion, shall be excluded from the rolls of the militia of the same, any thing in the before mentioned act in any wise to the contrary notwithstanding.

Nothing contained in the third clause of the act passed in the 48th year of his Majesty's reign, c 1, shall extend to oblige any person to enroll himself in the militia, unless such person is a natural born subject, &c.

II. [Repealed by 4th Geo. IV, c 6.]

Governor may issue his warrant in favor of the adjutant general of militia, for postage of letters, &c.

III. And be it further enacted by the authority aforesaid, That all fines or exemption money imposed by any militia law heretofore in force, since the first day of July, one thousand eight hundred and twelve, and whereby any judgment may have passed against any person or persons by virtue of such militia law, as aforesaid, and such fine or fines, or exemption money, may not have been collected, the like powers, authorities, ways, means, and methods, are hereby given for the collection of the said fines, as other fines are collected by virtue of this act, or any other militia law of this province.

All fines or exemption money imposed by any militia law, how collected.

Justices granting any warrant under this act, required to direct the same to the sheriff of the district.
No mileage beyond the limits of the township.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of all justices of the peace, issuing or granting any summons or warrant under and by virtue of this act, and they are hereby required to direct every such summons or warrant, as aforesaid, to the sheriff of the district, and such sheriff shall not be entitled to any mileage on such summons or warrant, as aforesaid, against such person or persons, beyond the limits of the township where such person or persons shall reside.

Sheriffs and treasurers in the several districts have a right to retain three per cent. on monies collected and transmitted to receiver general.

If any sheriff or treasurer shall not transmit money collected within three months, shall not receive the three per cent.

V. And be it further enacted by the authority aforesaid, That each and every sheriff, and each and every treasurer in the several districts of this province, shall hereafter severally have a right to retain for his use the sum of three pounds for every hundred pounds, so collected and transmitted to the receiver general, and in the same proportion for any greater or less sum: Provided always, and be it further enacted by the authority aforesaid, That if any sheriff or treasurer shall not transmit the money by him so collected, to the receiver general of this province, within three months thereafter, such sheriff or treasurer, as aforesaid, shall not be entitled to retain the said sum of three pounds for every hundred pounds so collected.

All fines or exemption money collected shall within three months be transmitted to the receiver general.

VI. And be it further enacted by the authority aforesaid, That all fines or exemption money heretofore collected under and by virtue of any militia law of this province, either by magistrates, commanding officers, sheriffs, treasurers, or other persons, shall within three months from the date hereof, be transmitted to his Majesty's receiver general, to and for the public uses of this province, which said fines or exemption monies shall be accompanied by a detailed account of the same from the person transmitting them, regularly certified on oath before one of his Majesty's justices of the peace, and any magistrate, commanding officer, sheriff, treasurer, or other person having in their possession such militia fines or exemption monies, who shall refuse or neglect to transmit the same, as hereinbefore directed, shall forfeit and pay the sum of one hundred pounds, to be recovered in any of his Majesty's courts of this province, by action of debt, bill, plaint, or information, wherein no essoin, privilege, protection, or wager of law shall be allowed, and only one imparlance, any thing to the contrary in this act notwithstanding.

Certified on oath before a justice of the peace.
Any magistrate, commanding officer, &c. who shall neglect to transmit, to forfeit £100.

All monies directed to be paid by this act, to be accounted for thro' the lords commissioners of his Majesty's treasury.

VII. And be it further enacted by the authority aforesaid, That all such sum or sums of money, as are directed to be paid by this act, by virtue of any warrant or warrants to be issued by the governor, lieutenant governor, or person administering the government of this province, shall be duly accounted for to his Majesty, his heirs and successors, by the receiver general of this province, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

(See 51st Geo. III, c 7, and 59th, 2d session.)

Chapter XXXII.

Grants £1000 for the cultivation of hemp.

An act granting to his Majesty a sum of money to be applied for the encouragement of the cultivation of hemp, within this province.

[Repealed by 58th Geo. III, Ch. 7.]

Chapter XXXIII.

An act to regulate the police, within the town of Kingston.

[Repealed by 4th Geo. IV, Ch. 30.]

Chapter XXXIV.

An act for granting to his Majesty, duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned.

[Passed April 1, 1816.]

I. } [Repealed by 58th Geo. III, c 5, s 1.]
II. }

III. And be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to prohibit any person or persons, being British born subjects, or subjects become such by naturalization, or by conquest, from selling leather, hollow ware, farming utensils, or any printed papers, published by authority, they being the growth, produce, or manufacture of this province, nor to hinder any person or persons, who are the real makers of any goods, wares, or merchandize of the manufactory of this province, or his, her, or their children, apprentices, agents, or servants to such real workers or makers of such goods, wares, or manufactories, (they being subjects as above,) only from carrying abroad, exposing to sale, or selling by retail or otherwise, any of the said goods, wares, or manufactories, of his, her, or their own making, in any part of this province; nor any tinkers, coopers, glaziers, harness menders, or any other persons, usually trading in mending kettles, tubs, household goods, or harness, whatsoever, from going about and carrying with him, her, or them, proper materials for mending the same, without having a license as aforesaid, they being subjects as before recited: Provided also, That this act shall not be construed to extend, to prohibit hucksters or persons having stalls or stands in the markets, in the towns within this province, from selling or exposing to sale, without having a license as aforesaid, any fish, fruit, victuals, or goods, wares and merchandize, in such stall or stands, they being British subjects as aforesaid, and complying with such rules and regulations of police, as by the justices in their general quarter sessions of the peace, or by any other authority are or may be established in such towns, respecting such stalls and stands.

Cases to which this act does not extend.

IV. And be it further enacted by the authority aforesaid, That the licenses hereinbefore mentioned, shall be granted by the governor, lieutenant governor, or person administering the government of this province, and for every such license that shall be delivered, there shall be paid by the person or persons applying for the same, to the collector, the sum of three shillings and nine pence, current money, and no more, for issuing the same.

Licenses to be granted by governor, lieutenant governor, &c.

Sums to be paid for said licenses.

V. And be it further enacted by the authority aforesaid, That every collector as aforesaid, before he enter upon the execution of his said office, shall take and subscribe the following oath; which oath shall be taken before any two of his Majesty's justices of the peace, in and for the district in which such collector shall reside, who are hereby authorized and required to administer and transmit the same, to be filed in the office of the clerk of the peace, amongst the records of the said district:

"I, A. B., do swear, that I will well and truly execute, do, and perform, the duty of collector of his Majesty's revenue, arising on licenses to hawkers, pedlars, and petty chapmen, and other trading persons, as described by an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act for granting to his Majesty, duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned,' and will duly and impartially superintend the collection thereof, according to the best of my skill and knowledge, and in all cases of fraud, or suspicion of fraud, that shall come to my knowledge, I will show no person favor or affection, nor will I aggrieve any person from hatred or ill will; and that I will in all cases faithfully do, execute, and perform, to the best of my skill and knowledge, all and every the duties imposed upon me, by the before mentioned act. So help me God."

Oath to be taken by the collectors.

VI. And be it further enacted by the authority aforesaid, That every collector, acting under and by virtue of this act, shall within three months from and after the passing thereof, give security by two sureties, in two hundred pounds each, and himself in four hundred pounds, current money of this province, to his Majesty, his heirs and successors, for the due performance of his office.

Security to be given by said collectors.

VII. } [Repealed by 58th Geo. III, c 3, s 1.]
VIII. }

IX. And be it further enacted by the authority aforesaid, That nothing in this act shall be construed to permit any person or persons whatsoever, to sell any wine, brandy, rum, or other spirituous liquors, without first having taken out a license for the sale thereof, agreeably to the laws of this province.

No person to sell wine, brandy, &c. without first having taken out a license for the sale thereof, agreeably to the laws of this province.

Suits to recover penalties under this act, to be commenced within twelve months after the offence committed.

X. Provided always, and be it further enacted by the authority aforesaid, That no suit or action shall be brought or commenced against any person or persons, for any penalty by this act imposed, that shall not be brought or commenced within twelve months after the offence or offences respectively committed.

Penalties for refusing to appear to be examined as a witness.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned, as a witness or witnesses, to give evidence before any justice of the peace, touching any of the matters relative to this act, and shall neglect or refuse to appear at the time and place for that purpose appointed, without reasonable excuse for such neglect or refusal, to be allowed of by the said justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit for every such offence, the sum of ten pounds, current money aforesaid, with costs, to be levied, recovered, and paid, in such manner and by such means, as are hereinbefore directed; and for want of sufficient distress, the offender or offenders shall be sent by such justices of the peace to the nearest gaol for such time, not exceeding two months, nor less than one month, as such justices of the peace shall think they merit.

Penalties by this act imposed, how to be paid and accounted for.

XII. And be it further enacted by the authority aforesaid, That the moiety of every pecuniary penalty or satisfaction by this act imposed, shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury, for the time being, in such manner as it shall please his Majesty to direct, and the other moiety thereof shall belong to the person or persons who shall sue for the same.

Limitation of action for any thing done in pursuance of this act.

XIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the matter or thing done, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards judgment shall be given to the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at law.

Pleading and costs.

Cases to which this act does not extend.

XIV. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to authorize any person or persons, who shall or may be licensed as aforesaid, to offer and expose to sale any goods, wares, or merchandize, which shall not be bona fide the property of such person so licensed as aforesaid.

Cases where no license is necessary.

XV. Provided nevertheless, That nothing in this act shall extend, or be construed to extend, to compel any person or persons to take out license as aforesaid, who may only import into this province the following articles, viz: wheat, flour, pease, beans, oats, barley, indian corn and meal, rye, staves and heading, oak, pine and fir timber, and other lumber, pot and pearl ashes, furs and skins not dressed, beef, pork, sheep, swine, and live cattle, cheese, butter, and all other articles of provisions; all or any of which articles shall be discharged and disposed of at the port at which such person shall make entry.

Continuance of this act. (See 58th Geo. III, c 5.)

XVI. And be it further enacted by the authority aforesaid, That this act shall be in force for and during the space of two years.

Chapter XXXV.

An act for granting to his Majesty a sum of money, and to provide for the appointment of a provincial agent for this province.

[Repealed by 2d Geo. IV, Ch. 10.]

Chapter XXXVI.

(See 4th Geo. IV, c 8, 4th session; amended and modified by 60th Geo. III, c 7.)

An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulations of said common schools.

[Passed April 1, 1816.]

Most gracious Sovereign:

Preamble.

Whereas it would be conducive to the happiness of the inhabitants, and general prosperity of this province, to encourage the education of youth in common schools; we, your

Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for the establishment of common schools, in each and every district of this province, there shall be annually paid, during the continuance of this act, the sum of six thousand pounds, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of parliament, to or for the uses of this province; of which said sum of six thousand pounds, there shall be paid annually to the Home district, six hundred pounds; to the district of Newcastle, four hundred pounds; to the Midland district, one thousand pounds; to the district of Johnstown, six hundred pounds; to the Eastern district, eight hundred pounds; to the district of London, six hundred pounds; to the district of Gore, six hundred pounds; to the Niagara district, six hundred pounds; to the Western district, six hundred pounds; to the district of Ottawa, two hundred pounds.

(1st clause repealed by 60th Geo. III, c 7.)

£6000 to be annually paid for the establishment of common schools, in manner following: Home district, £600; Newcastle district, £400; Midland district, £1000; Johnstown district, £600; Eastern district, £800; district of London, £600; district of Gore, £600; Niagara district, £600; Western district, £600; district of Ottawa, £200.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the inhabitants of any town, township, village, or place, to meet together for the purpose of making arrangements for common schools in such town, township, village, or place, on or before the first day of June in the present year, and on the first day of June in each and every year during the continuance of this act.

Inhabitants of any town, &c. to meet, to make arrangements for common schools.

III. And be it further enacted by the authority aforesaid, That so soon as a competent number of persons, as aforesaid, shall unite and build or provide a school house, engage to furnish twenty scholars or more, and shall in part provide for the payment of a teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days' previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required to appoint three fit and discreet persons trustees to the said common school, who shall have power and authority to examine into the moral character and capacity of any person willing to become teacher of such common school, and being satisfied of the moral character and capacity of such teacher, to nominate and appoint such person as the teacher of said common school.

When a competent number of persons shall unite and build a school house, furnish twenty scholars, and in part provide for the payment of a teacher, such persons giving eight days' notice, to meet and appoint three fit persons trustees to the said school, who have power to appoint a teacher of said common school.

IV. Provided always, nevertheless, and be it enacted by the authority aforesaid, That no person shall be appointed teacher to such common school, unless such person is a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty having become such by the conquest and cession of the province of Quebec, or by having taken the oath of allegiance to his Majesty.

No person to be appointed a teacher unless a natural born subject, &c.

And having taken the oath of allegiance.

V. And be it further enacted by the authority aforesaid, That the said trustees, or the majority of them, shall have power and authority under the provisions hereinafter mentioned for that purpose, in their discretion, to remove such teacher as aforesaid from his school, for any misdemeanor or impropriety of conduct, and it shall and may be lawful for the said trustees, or the majority of them, in case of the decease, dismissal, or removal of any teacher as aforesaid, to nominate and appoint, as often as the case may require, one other fit and discreet person as aforesaid, to become such teacher, as aforesaid: Provided always, nevertheless, that no teacher of any common school under the provisions of this act, shall be removed or dismissed from his said school, unless the board of education hereinafter appointed in each and every district of this province, sanction the removal or dismissal.

Trustees have power to remove teacher for any impropriety of conduct,

and appoint another person.

No teacher to be removed unless the board of education sanction the removal.

VI. And be it further enacted by the authority aforesaid, That the trustees appointed under and by virtue of this act, to any common school as aforesaid, or the majority of them, shall have power and authority to make rules and regulations for the good government of the said common schools, with respect to the teacher, for the time being, and to the scholars, as in their discretion shall seem meet; and that it shall and may be lawful for the said trustees, and they are hereby required to report to the district board of education, hereinafter to be appointed, the books used, with the rules and regulations used in the said schools, once in every three months: Provided always, That it shall and may be lawful for the said district board of education, on such report as aforesaid being received, to order and direct such books, or any of them, not to be used in the said schools, and to rescind the said rules and regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said trustees, who shall warn the subscribers to the said school, to provide other books for the tuition of the said scholars, and

Trustees have power to make rules for the government of the schools.

Trustees to report to the board of education the books used in the said schools, once in three months.

Board of education to order books not to be used, and to rescind rules, if deemed expedient.

to make such other alterations, rules, and regulations, in the said schools, as they shall deem necessary, in order that there may be a more uniform system of education throughout the province.

All engagements entered into by subscribers shall be liable to be sued for their subscription.

VII. And be it further enacted by the authority aforesaid, That all engagements, contracts, or subscriptions, entered into by the subscribers, to any common schools, in any district of this province, with any person or persons, for the erecting, building, or keeping in repair, any school house for the purpose aforesaid, or the payment of the teacher thereof; such subscriber or subscribers shall be liable to be sued for their subscription, by the said trustees to such common schools, or their successors in office, in any court in this province, having competent jurisdiction.

Trustees once a year to report to the board of education the state of the schools, &c.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees of the common schools, in each and every district of this province, and they are hereby required, once in each and every year, to report to the board of education, for that purpose hereinafter appointed, in each and every district of this province, the state of the common schools which such trustees aforesaid shall have the direction of, the number of scholars, the state of education, with the different branches taught in the said school, and all other matters and things that may tend to cherish the prosperity of the said common schools, or that may in any wise benefit the same, in order that the said board of education may report the state of the district common schools to the governor, lieutenant governor, or person administering the government, that the same may be laid before the legislature, at its first meeting, for their inspection.

in order that the board may report to the governor, that the same may be laid before the legislature.

Governor to appoint not more than five persons, to compose a board of education in each district; three to be a quorum, who have power to superintend such schools, and report annually to the governor.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to appoint not more than five fit and discreet persons to compose a board of education, in each and every district of this province, three of whom shall be a quorum, who shall have full power to superintend such common schools in the districts for which they are appointed, and shall annually report to the governor, lieutenant governor, or person administering the government, the state of the said common schools, to be laid before the legislature at their meeting.

Monies granted to be apportioned to the teachers, to be paid yearly or half yearly.

X. [Repealed by 60th Geo. III, c 7.]

Teachers producing a certificate signed by the trustees,

XI. And be it further enacted by the authority aforesaid, That the teachers of such common schools established as aforesaid, in any town, township, village, or place, in each and every district of this province, producing a certificate signed by the trustees of any such common school, stating his having well demeaned himself as teacher of the said school for six months, with the number of scholars educated in the said school, being not less than twenty, in such school as aforesaid, it shall and may be lawful for the treasurer of the district to pay to such teacher his proportion of any sum or sums of money, that may be granted by the legislature of this province for common schools, in the respective districts thereof, during the continuance of this act.

treasurer of the district to pay such teacher.

District board to apply such part of the money granted, not exceeding £100, for the purchase of books for the use of the schools.

XII. [Repealed by 60th Geo. III, c 7.]

(Repealed in part, by 60th Geo. III.)
Board of education have full power to proportion the money for the schools, and to send to the treasurer a copy thereof.

XIII. And be it further enacted by the authority aforesaid, That the board of education to be appointed by virtue of this act, in each and every district of this province, shall have full power and authority to proportion the sums of money for the common schools of the said districts, and after proportioning the same to each of the said schools, to send to the treasurer of the said district, a copy thereof, in order that the treasurer aforesaid, may discharge the certificates granted to the teacher as aforesaid: Provided always, That no allowance to any common school, in each and every district of the province, shall exceed the sum of twenty-five pounds annually: Provided always, nevertheless, That no allowance whatever shall be paid to the teacher of any common school, in any district of this province, unless the trustees of the said schools report to the board of education, agreeably to the provisions of this act.

No allowance to any common school to exceed £25 annually.

No allowance to a teacher, unless the trustees report to the board of education.

When two adjoining districts compose such school, the trustees have power to make the necessary returns, &c.

XIV. And be it further enacted by the authority aforesaid, That when two adjoining districts may find it convenient to compose such school as aforesaid, a portion of the scholars of which may reside in each district, that the trustees of such school shall have full power to make the necessary returns as are required by this act, and receive an equal proportion of the monies so granted for the support of such schools, from each of the respective districts, in proportion to the number of scholars sent to the said school from each district.

The several sums granted to be paid by the

XV. And be it further enacted by the authority aforesaid, That the several sums hereby granted to the several districts of this province, shall be paid by the receiver general of

this province, to the treasurer of each district respectively, in discharge of such warrant or warrants as shall from time to time be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for by the receiver general to his Majesty, his heirs or successors, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

receiver general to the treasurer of each district, in discharge of warrants issued by the governor.
To be accounted for through the lords commissioners of the treasury.

XVI. And be it further enacted by the authority aforesaid, That this act shall be, and is hereby declared to be in force, for and during the term of four years.

Continuance of this act.

Chapter XXXVII.

An act to grant to his Majesty a sum of money, to amend and repair the public highways and roads, in this province, and to build and repair bridges in the several districts thereof.

£21,000 granted for the repair of roads, bridges, &c.

Chapter XXXVIII.

An act to appropriate a sum of money to defray the expenses of any commission for ascertaining titles to lands in the Niagara district, which shall or may be authorized by any act of the parliament of this province.

(See 56th Geo. III, c 16.)

[£4000 granted for carrying into effect the provisions of an act, entitled, "An act to afford relief to persons holding or possessing lands, tenements, or hereditaments, in the district of Niagara.]

Chapter XXXIX.

An act to repeal and amend part of an act passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose."

[Passed April 1, 1816.]

Whereas it is expedient to repeal certain parts of an act passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the eighteenth and twenty-sixth clauses of the aforesaid recited act shall be, and the same are hereby repealed.

Preamble.

(50th Geo. III, c 1.)

18th and 26th clauses of 50th Geo. III, repealed, (and 30th repealed by 59th Geo. III, 2d session.)

II. [Repealed by 59th Geo. III, c 8, 2d session, after 1st Monday in March, 1820.]

Any person liable to perform duty may compound as herein mentioned.

Provided always, That every male inhabitant from the age of twenty-one years to fifty, not rated on the assessment for any town, township, or place, within this province, shall be compelled to work on the highways, three days in every year, within the township, town, or place, he may reside in, under the same penalty as is imposed by any act on persons rated on the assessment list, and in case any person shall remove from one township to another, the overseer of the highways shall grant him a certificate of the labor he has performed, to prevent his being called out again in another township during the same year.

Every male inhabitant from the age of 21 to 50, not rated on the assessment, shall work on the highways for three days.
Penalty for refusal.
In case any person shall remove to another township, the overseer to grant him a certificate. (See 59th Geo. III, c 8.)

First Session of the seventh Provincial Parliament.

MET AT YORK, ON THE FOURTH DAY OF FEBRUARY, AND PROROGUED ON THE SEVENTH DAY OF APRIL FOLLOWING, IN THE FIFTY-SEVENTH YEAR OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

Anno Domini 1817.

Chapter I.

An act to provide for the representation of the commons of the counties of Wentworth and Halton in parliament.

[Passed April 7, 1817.]

Preamble.

(56th Geo. III, c 19.)

WHEREAS by an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to erect and form a new district, out of certain parts of the Home and Niagara districts, to be called the district of Gore;" it is enacted, that the townships of Saltfleet, Barton, Benbrook, Glanford, Ancaster, and the beach between Burlington bay and lake Ontario, and the promontory near Coot's Paradise, and so much of the county of Haldimand as lies between Dundas street and the Onondaga village, (commonly called Bearsfoot,) including said village, shall from henceforth form and be called the county of Wentworth; and that the townships of Trafalgar, Nelson, Flamborough, (the latter divided into Flamborough east and west,) Beverly, and blocks number one, two, three, and four, on the Grand river, with the reserved lands in the rear of the townships of Blenheim and Blanford, do constitute and form the county of Halton; and whereas, by the laws now in force, no provision is made for the representation of the said counties of Wentworth and Halton, in the commons house of assembly of the province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the said counties of Wentworth and Halton be each represented by one member.

After the passing of this act, the counties of Wentworth and Halton to be each represented by one member.

Governor authorized to issue writs of election for members to serve in assembly for the counties of Halton and Wentworth, in like manner as is provided by the 8th clause of the 31st of Geo. III.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue writs of election for members to serve in the said assembly, for the counties of Halton and Wentworth, in like manner as is provided by the eighteenth clause of an act passed in the thirty-first year of his Majesty's reign, entitled, "An act to repeal certain parts of an act, passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec.'"

Chapter II.

An act establish a police in the towns of York, Sandwich, and Amherstburgh.

[Passed April 7, 1817.]

Preamble.

WHEREAS it is expedient to provide for the regulation of the police of the town of York, in the Home district, and the towns of Sandwich and Amherstburgh, in the Western district of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the

authority of the same, That it shall be lawful for the magistrates assembled in quarter sessions, for each of the said districts respectively, or the majority of them, to make, ordain, constitute, and publish, such prudential rules and regulations as they may deem expedient, relative to paving, lighting, keeping in repair, and improving the streets of the said towns respectively, regulating the assize of bread, slaughter houses, and nuisances; and also to enforce the said town laws relative to horses, swine, or cattle of any kind, from running at large in said towns, and relative to the inspection of weights, measures, firemen, and fire companies: Provided always, That nothing herein contained shall extend or be construed to extend to the regulating or ascertaining the price of any commodities or articles of provision, other than bread, that may be offered for sale: Provided also, That such rules and regulations be not contrary to, or inconsistent with the laws and statutes of this province; and, Provided always, That the beach, east of Russell's creek, and carriage way in front of the town of York, be taken and considered as part of the said town, and be subject to the regulations of its police, as aforesaid.

Magistrates in sessions to publish prudential rules relative to paving, lighting, keeping in repair, and improving streets; to regulate the assize of bread, &c.

Also to enforce the town laws relative to horses, swine, or cattle. The inspection of weights, measures, firemen, and fire companies.

Power of magistrates not to extend to regulating the price of any articles of provision other than bread.

The beach east of Russell's creek, and carriage way in front of the town of York, to be subject to the regulations of police.

II. And be it further enacted by the authority aforesaid, That the magistrates in quarter sessions assembled for the said districts respectively, or the major part of them, in the month of April, in each and every year, may raise by assessment, from the persons rated upon any assessment for property in the said towns respectively, a sum not exceeding one hundred pounds in any one year, for purchasing and keeping in repair fire engines, ladders, buckets, and other utensils for the extinguishing of fires, and for making any other necessary improvements in the said towns, exclusive of the sum such persons may be rated for in and upon any other assessment of this province; and in order to carry the said assessment into effect, it shall be the duty of the clerk of the peace for the said districts respectively, to select from the general assessments of the said districts respectively, a list or assessment of the rateable property that each and every person owns or possesses in the said towns respectively, ready to be laid before the magistrates in quarter sessions assembled for the said districts respectively, in April, in each and every year.

Magistrates in sessions in the month of April in every year, may raise by assessment, a sum not exceeding £100 in any one year, for purchasing and keeping in repair fire engines, buckets, &c. and for making any other necessary improvements, exclusive of other assessments.

Clerk of the peace to select from the assessments a list of the rateable property that each person owns, to be laid before the sessions annually in April.

III. And be it further enacted by the authority aforesaid, That such assessment, as aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said towns respectively, and subject to such rules and regulations as may be made by the magistrates in quarter sessions, for the said districts respectively, for the purpose of raising, collecting, and paying any sum collected, to the treasurer of the said district, which said sum shall be applied, from time to time, in such manner for the purposes aforesaid, as the magistrates in quarter sessions assembled, or the majority of them, shall direct and appoint.

Assessments to be paid in proportion to the sum each person is rated for upon any assessment, subject to such rules as may be made by the magistrates in sessions.

All sums to be applied from time to time as magistrates in sessions shall direct.

IV. And be it further enacted by the authority aforesaid, That the magistrates in general quarter sessions of the peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit, and provide, such reasonable fines upon the offenders against such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence, to be recovered before any commissioner of the peace of the said towns respectively, upon the oath of one credible witness, and levied by warrant, under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the treasurer of the said districts, for the uses of the said towns respectively.

Magistrates in sessions may limit and provide reasonable fines upon offenders against the rules, &c. as they may think proper, not exceeding 40s. for any one offence.

V. And be it further enacted by the authority aforesaid, That every such rule and regulation, so made as aforesaid, before it shall have effect, shall be published, and also be posted up in three or more public places in the said towns respectively.

Every rule before it shall have effect, shall be posted up in three public places in the town.

VI. And be it further enacted by the authority aforesaid, That the magistrates, as aforesaid, shall, and they are hereby authorized to order the same fees to be allowed and paid to the treasurer, collector, and clerk of the peace, for the extra duties imposed by this act, as are paid to the said officers under any assessment law of this province.

Magistrates authorized to order the same fees to be paid to the treasurer, collector, and clerk of the peace, for the extra duties imposed by this act, as are paid to the said officers under any assessment law of this province.

Chapter III.

An act granting to his Majesty a sum of money for certain purposes therein mentioned.

[£9,201 : 2 : 2½ appropriated, and to be applied towards defraying for the present year the charges herein specified.]

Chapter IV.

An act to establish a market in the town of Niagara, in the Niagara district.

[Passed April 7, 1817.]

Preamble.

Whereas it is expedient for the convenience of the inhabitants of the district of Niagara, that a market should be established in the town of Niagara, in the said district, and that the time and place for holding such market should be ascertained; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners of the peace in the district of Niagara, in their court of general quarter sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the town of Niagara as a market, where butcher's meat, butter, eggs, poultry, fish, and vegetables, shall be exposed to sale, and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

After the passing of this act, commissioners of the peace to fix upon a convenient place in the town of Niagara, as a market, where butcher's meat, &c. shall be exposed to sale, and to make regulations relating thereto.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Commissioners authorized to impose fines not exceeding 20s. for any offence.

III. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said district, and at the doors of the church and court house of the said town of Niagara, and that such orders, rules, and regulations, shall not be in force, until three weeks after such publication.

All such regulations to be published.

IV. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations so made by the said commissioners, such person shall for every such transgression forfeit the sum which in every such order, rule, and regulation shall be specified, to be recovered by information before any one commissioner of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender; and that the one moiety of the sum so levied, shall go to the informer, the other moiety shall be paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty, through the commissioners of his Majesty's treasury for the time being, in such manner and form as it shall please his Majesty to direct.

If any person shall transgress, he shall for every transgression forfeit the sum in the regulation specified.

One moiety of the sum to go to the informer, the other moiety to be paid to the receiver general, for the public uses of this province.

Magistrates in sessions may raise by assessment a sum not exceeding £100, for the purpose of erecting a market house.

Clerk of the peace in the assessment to insert the names of persons holding town lots in the town of Niagara. Each town lot shall in the list to be made out be rated at the sum of £50 currency. (See 59th Geo. III, 2d session.)

V.
VI.
VII. } [Repealed by 59th Geo. III, c 11.]

Chapter V.

(56th Geo. III, c 17.)

An act to repeal part of, and amend an act, passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to repeal part of, and to alter and amend the laws now in force, for granting pensions to persons disabled in the service, and the widows and children of persons who have been killed in the service," and to extend the provisions of the same.

[Repealed by 2d Geo. IV, Ch. 4.]

Chapter VI.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of several addresses during the last session.

Chapter VII.

An act to repeal part of and alter and amend an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province."

[Passed April 7, 1817.]

Preamble. (33d Geo. III, c 2.)

WHEREAS it is expedient to alter the time for holding town meetings in the different townships throughout this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," as relates to the inhabitant householders assembling on the first Monday in March, for the purpose of choosing and nominating the parish and town officers, be, and the same is hereby repealed.

So much of an act passed in the 33d Geo. III, c 2, as relates to the inhabitants assembling on the first Monday in March, for choosing parish officers, is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the inhabitant householders of each and every township, reputed township, or place, to assemble on the first Monday in the month of January in every subsequent year, for the purpose of choosing and nominating parish and town officers, agreeable to the said act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," except so much of the said act as is hereby repealed.

From and after the passing of this act, the inhabitants of every township to assemble on the first Monday in January, in every subsequent year.

Chapter VIII.

An act further to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, "An act to make provision for certain sheriffs in this province," and also to extend the provisions of the said act.

(Amended: See 2d Geo. IV, c 9.)

[Passed April 7, 1817.]

MOST GRACIOUS SOVEREIGN:

Preamble. (46th Geo. III, c 1.)

Whereas an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, 'An act to make provision for certain sheriffs in this province,'" will shortly expire; and whereas it is expedient that the said act passed in the forty-sixth year of his Majesty's reign, should be further continued, and the provisions thereof extended; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the forty-sixth year of his Majesty's reign, and every part thereof, shall be, and the same is hereby continued.

46th Geo. III, c 1, continued.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there shall be granted annually to his Majesty, his heirs and successors, the sum of one hundred pounds currency, out of the provincial treasury, from such monies now remaining or which may hereafter come into the receiver general's hands unappropriated, which said sum of one hundred pounds shall be appropriated and applied for the payment of salaries to the persons hereafter mentioned, in manner following, that is to say; to the sheriffs of the district of Gore and Ottawa, for the time being, the sum of fifty pounds respectively.

£100 currency granted annually, to be appropriated and applied for the payment of salaries to the sheriffs of the districts of Gore and Ottawa, £50 respectively.

III. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty shall be paid by the receiver general, in discharge of such warrant

To be paid in discharge of such warrants as shall be issued by the governor.

To be accounted for through the commissioners of his Majesty's treasury.

This act to continue in force four years, and from thence to the end of the next session of parliament.
(See 2d Geo. IV, c 9.)

or warrants as shall for the purposes aforesaid be from time to time issued, by the governor, lieutenant governor, or person administering the government, and the said receiver general shall account to his Majesty for the same, through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

IV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force four years, and from thence to the end of the then next ensuing session of the provincial parliament.

Chapter IX.

An act to enable the commissioners of gaol delivery and oyer and terminer to proceed, although the court of king's bench be sitting in the Home district, for which they are commissioned.

[Passed April 7, 1817.]

Preamble.

Whereas by construction of law, without special provision to the contrary, the meeting of the court of king's bench in any district, supersedes all commissions of oyer and terminer and gaol delivery; and whereas it may so happen that the business of the spring assize, in the Home district, may not be concluded before the first day of Easter term; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when any session of oyer and terminer and gaol delivery for the Home district shall have been begun to be holden before the first day of any term, that the said session shall continue to be holden and the business thereof finally concluded, notwithstanding the sitting of his Majesty's court of king's bench within the said district; and that all trials and proceedings, as well as judgments, had at such session so continued to be holden, shall be good and effectual to all intents and purposes, as if the said session of the court of king's bench had not been.

When any session of oyer and terminer and gaol delivery for the Home district shall have been begun to be holden before the first day of any term, the said session shall be continued to be holden and the business concluded, notwithstanding the sitting of the court of king's bench.
(See 34th Geo. III, c 2.)

Second Session of the seventh Provincial Parliament.

MET AT YORK, ON THE FIFTH DAY OF FEBRUARY, AND PROROGUED ON THE FIRST DAY OF APRIL FOLLOWING, IN THE FIFTY-EIGHTH YEAR OF THE REIGN OF GEORGE III.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

Anno Domini 1818.

Chapter I.

An act to impose a duty upon persons selling wine, brandy, and other spirituous liquors, by wholesale.

[Passed April 1, 1818.]

Preamble

WHEREAS for the better support of the government of this province, and for promoting the internal improvement of the same, it is expedient to increase the revenue thereof; we, your Majesty's most dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there shall be raised, levied, and collected, and paid to his Majesty, his heirs and successors, to and for the public uses of this province, and the support of the government thereof, the duties hereinafter mentioned, for and upon the respective licenses, to be taken out in the manner and by the persons hereinafter mentioned.

License to be taken out by wholesale venders of wine, brandy, or other spirituous liquors.

II. And be it further enacted by the authority aforesaid, That from and after the first day of June next, and from and after the fifth day of January in each and every year ensuing, there shall be taken out a license by every merchant, shopkeeper, trader, or dealer, who may sell or vend any wines, brandy, or other spirituous liquors, by wholesale; that is to say, three gallons and upwards, and who have not taken out a license to sell, vend, and retail wines, brandy, or other spirituous liquors, for which license there shall be paid, at the time such license shall be taken out, the sum of five pounds of lawful money of this province.

Duty on such license.

By whom to be issued.

III. And be it further enacted by the authority aforesaid, That the license hereinbefore mentioned shall be granted by the governor, lieutenant governor, or person administering the government of this province, through the inspector in each and every district, and for every such license that shall be delivered to the inspector, there shall be paid by the person or persons applying for the same, to the inspector, the sum of two shillings and six pence, current money, for issuing the same, and no more.

Fee to the inspector on issuing the same.

IV. [Repealed by 59th Geo. III, c 17, s 1.]

When inspectors shall account.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every inspector of this province, and each and every of them is and are hereby required to render, within one month after the fifth day of January in each and every year during the continuance of this act, to the inspector general of this province, a just, true, and faithful account, to be verified on oath, of all monies which he or they shall receive under and by virtue of any act of the parliament of this province, and such inspector and inspectors, as aforesaid, shall also pay or cause to be paid into the hands of the receiver general of this province, within two months thereafter, all such monies as he and they shall have so received.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every such inspector, as aforesaid, and each and every of them is and are hereby required to transmit to the inspector general of this province, every three months thereafter, a just, true, and faithful account, to be verified on oath, of all such monies as he and they shall collect and receive under and by virtue of any act of the parliament of this province, and such inspector and inspectors shall, in one month subsequent thereto, pay or cause to be paid into the hands of the receiver general of this province, all such monies as he and they shall have so received.

Penalty for selling spirituous liquors by wholesale without license.

VII. And be it further enacted by the authority aforesaid, That if any merchant, shopkeeper, trader, or dealer in wines, brandy, or other spirituous liquors, who shall not have taken out a license to sell wines, brandy, or other spirituous liquors, by wholesale or retail, shall sell, vend, or expose to sale any wines, brandy, or other spirituous liquors, as aforesaid, without first having obtained a license for that purpose from such inspector, as aforesaid, he shall forfeit and pay the sum of fifteen pounds, to be recovered on the oath of one or more credible witness or witnesses, other than the informer, before any two of his Majesty's justices of the peace, the nearest to the place where the offence may have been committed, to be levied by distress and sale of the offender's goods and chattels, together with all reasonable costs both before and after conviction; and in default of payment of such fine or fines, or in default of such goods and chattels, to be committed to the common gaol of the district, for a term not exceeding four nor less than one calendar month.

How to be recovered.

Imprisonment in default of payment, or goods.

Distribution of penalties.

VIII. And be it further enacted by the authority aforesaid, That the moiety of every pecuniary penalty or satisfaction by this act imposed shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same into the hands of the receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the civil government thereof, to be accounted for to his Majesty, through the lords commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct, and the other moiety thereof to the informer, or person who shall sue for the same.

Informer.

Limitation of complaint. Six months.

IX. Provided also, and be it further enacted by the authority aforesaid, That no information or complaint shall be received under this act, if more than six calendar months have elapsed since the time of offence committed.

Per centage to be retained by inspector.

X. And be it further enacted by the authority aforesaid, That the said inspector shall retain and take at the rate of five per cent. for every hundred pounds he shall so collect, as aforesaid, during the continuance of this act, and all monies so paid by the said inspector into the hands of the receiver general, shall be by him accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Duties how to be accounted for.

Continuance of this act. (See 54th Geo. III, c 10, and 59th, c 17.)

XI. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for two years, and from thence to the end of the then next ensuing session of the provincial parliament.

Chapter II.

An act to repeal part of an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to alter the time of holding the courts of general quarter sessions of the peace, in the London and Johnstown districts."

[Passed April 1, 1818.]

Preamble.

56th Geo. III, c 1, recited.

Whereas by an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to alter the time of holding the courts of general quarter sessions of the peace in the London and Johnstown districts of this province, the time of holding the said courts of general quarter sessions are altered in the said London and Johnstown districts; and whereas it is expedient, as far as relates to the Johnstown district, to repeal the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of the said act as declares that the said courts of general quarter sessions of the peace be holden in the Johnstown district, on the second Tuesday in the months of January, April, July, and October, be, and the same is hereby repealed: Provided always, That this act shall not take effect until the first day of June next.

So much thereof as relates to the district of Johnstown repealed.

This act not to take effect before the first of June next.

Chapter III.

An act to enable Robert Cartwright, son of the late honorable Richard Cartwright, deceased, to surrender certain lands in the town of Kingston to his Majesty, his heirs and successors.

[Private.]

Chapter IV.

An act to regulate the costs in certain cases in the court of king's bench.

[Passed April 1, 1818.]

Preamble. (See 34th Geo. III, c 2 and 3.)

WHEREAS the district courts, established in the several districts of this province, were intended as well to relieve defendants from the charge of answering in the superior court, as to facilitate the suitor; and whereas suits of the proper competence of the said district courts, are frequently brought into the court of king's bench, having concurrent jurisdiction, to the great increase of costs and charges to the parties; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in any suit hereafter to be brought in the court of king's bench, which suit may be of the proper competence of the district court, no more costs shall be taxed against the defendant, than would have been incurred in the district court, in the same action, unless the judge, who tried the cause of such suit or action, shall certify in open court at the trial, that it was a fit cause to be withdrawn from the district court, and commenced in the court of king's bench.

In actions hereafter brought in the king's bench, which the district courts are competent to try, none but district court costs shall be taxed against the defendant, unless the judge certifies, &c.

II. And be it further enacted by the authority aforesaid, That the defendant's costs taxed between client and attorney in such suit not so certified, or so much thereof as shall exceed the costs taxable in the district court in such case, shall be set off, against the plaintiff's costs taxed, to be recovered from defendant.

And so much of defendant's costs taxed against him by his attorney as exceed the costs in the district court, shall be charged to the plaintiff.

Chapter V.

An act to continue, repeal part of, and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act for granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned," and to extend the provisions of the same.

(56th Geo. III, c 34.)

[Passed April 1, 1818.]

Preamble.

WHEREAS an act passed in the fifty-sixth year of the reign of our sovereign lord the King, entitled, "An act for granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned," will shortly expire; and whereas it is expedient to continue and amend the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act with the exception of the first, second, seventh, and eighth clauses thereof, which are hereby repealed, shall be and remain in force for and during the continuance of this act.

56th Geo. III, c 34, continued.

Except the 1st, 2d, 7th, and 8th clauses.

II. And be it further enacted by the authority aforesaid, That there shall be raised, collected, and paid to his Majesty, his heirs and successors, to and for the public uses of this province, and the support of the government thereof, the several and respective duties therein mentioned, for and upon the respective licenses, to be taken out in manner and by the persons hereinafter mentioned; that is to say, from and after the fifth day of April in this and every ensuing year, during the continuance of this act, there shall be taken out a license by every hawker, pedlar, petty chapman, and any trading person or persons; such person or persons having taken the oath of allegiance to his Majesty, going from town to town, or to other men's houses, or who have not become householders by permanent residence in any town or place within this province, by or for the space of one year, previous to the passing of this act, or travelling either on foot, or with a horse or horses, mule or mules, or other beast bearing or drawing burthen, boat or boats, decked vessels or other craft, or otherwise, within this province, carrying to sell, or exposing to sale, any goods, wares, or merchandize; for which license there shall be paid the following sums, at the time such license be taken out: For every man traveller on foot, five pounds current money of this province; for every horse, ass, or mule, or other beast bearing or drawing burthen, an additional sum of five pounds; for every man sailing with a decked vessel, trading and exposing for sale, goods, wares, and merchandize, on board or from the

Duties on licenses to be taken out by hawkers, pedlars, and petty chapmen.

When license to be taken out.

By whom.

Amount of duties thereon.

same, the sum of twenty-five pounds; for every man trading with a boat or other craft, and exposing for sale, goods, wares, and merchandize, for each boat or craft the sum of twenty pounds.

Authority to seize any hawker, pedlar, &c. trading without a license.

Or refusing to produce his license.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace, collector, deputy collector, constable, or peace officer, to seize and detain any such hawker, pedlar, or petty chapman, or other trading persons, as aforesaid, who shall be found trading without a license, contrary to this act, or being found trading, shall refuse or neglect to produce a license according to this act, after being required so to do, in order to his or her being carried, and they are hereby required to carry such person or persons so seized, unless he or they shall produce their respective licenses, before three or more of his Majesty's justices of the peace, the nearest to the place where such offence or offences shall be committed, which said three or more justices of the peace, are hereby authorized and strictly required, either upon the confession of the party offending, or due proof by witness or witnesses, other than the informer, upon oath, which oath they are hereby empowered to administer, that the person or persons so brought before them had so traded as aforesaid without a license, and in case no such license shall be produced by such offender or offenders, before such justices, the said justices by warrant under their hands and seals, directed to a constable or other peace officer, shall cause a sum not exceeding twenty pounds, nor less than five pounds, with reasonable costs, to be forthwith levied by distress and sale of the goods, wares, and merchandize of such offender or offenders, or of the goods with which such offender or offenders shall be found trading, as aforesaid, rendering the overplus (if any there be) to the owner or owners thereof, after deducting the reasonable charges for taking the said distress; and for want of sufficient distress, the offender or offenders shall be sent to the nearest gaol of such district, for a time not exceeding six months, nor less than one month, as such justices of the peace shall think most proper.

Three or more justices on complaint may fine offenders.

Amount of penalty.

Imprisonment in default of distress.

Collectors to account,

and pay over monies.

IV. And be it further enacted by the authority aforesaid, That the collectors acting by virtue of and under the authority of this act, shall, and they are hereby required to, make returns to the inspector general of this province, and transmit all such monies as may come to their hands to the receiver general of this province, in like manner and subject to the same penalties as inspectors and collectors now are by virtue of any law now in force in this province.

Appropriation of penalties.

V. And be it further enacted by the authority aforesaid, That the duties levied, collected, and paid, by virtue of this act, and one moiety of every pecuniary penalty or satisfaction by this act imposed, shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the receiver general, to and for the uses of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury for the time being, in such manner as it shall please his Majesty to direct, and the other moiety of such pecuniary penalty or satisfaction shall belong to the person or persons who shall sue for the same.

Informer.

Continuance of this act.

VI. And be it further enacted by the authority aforesaid, That this act shall continue and be in force four years, and from thence to the end of the then next ensuing session of parliament.

[Continued four years by 4th Geo. IV, c 18: Further continued four years by 9th Geo. IV, c 8.]

Chapter VI.

An act granting to his Majesty a duty on licenses to auctioneers, and on goods, wares, and merchandize, sold by auction.

[Passed April 1, 1818.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to increase the revenue of this province, to meet the increased expenditure of the same, and whereas it would be for the advantage of the said province, if all persons using or exercising the trade or business of an auctioneer, should be obliged to take out a license for that purpose, specifying their names and places of abode respectively, and to grant unto your Majesty a certain rate upon all sales of goods, wares, and merchandize whatsoever, sold by way of auction, as hereinafter mentioned; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year

of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, all and every person or persons who shall exercise the calling or occupation of an auctioneer, shall, and they are hereby required to, take out a license, as aforesaid, on or before the first day of June next, before he, she, or they shall presume hereafter to exercise such calling or occupation of an auctioneer.

Auctioneers required to take out licenses.

When.

II. And be it further enacted by the authority aforesaid, That all and every person or persons who shall exercise the calling or occupation of an auctioneer, shall yield and pay annually, to and for the use of his Majesty, his heirs and successors, for a license to use and exercise the said calling or occupation, the sum of five pounds.

And pay £5 for the same.

III. And be it further enacted by the authority aforesaid, That the licenses hereinbefore mentioned shall be granted by the governor, lieutenant governor, or person administering the government of this province, and for every such license that shall be delivered, there shall be paid by the person or persons applying for the same, to the collector, the sum of five shillings, current money, and no more, for issuing the same.

By whom to be issued.

Fee to the collector.

IV. And be it further enacted by the authority aforesaid, That any person or persons who shall neglect to take out such license, as aforesaid, on or before the fifth day of January hereafter, in each and every year during the continuance of this act, and shall so continue to exercise the said trade or business of an auctioneer, or who shall neglect to exhibit, in a conspicuous manner, at his auction room, his name and trade as such auctioneer, shall, upon the oath of one or more credible witness or witnesses, other than the informer, for each and every of the said negligences or offences, forfeit and pay the sum of twenty pounds, to be recovered before any three or more of his Majesty's justices of the peace, in the district where such offence shall have been charged to have been committed, the party or parties being first summoned to attend, which justices are hereby authorized and required to issue their warrant, and cause the penalty, as aforesaid, with reasonable costs and charges, to be levied by distress and sale of the goods and chattels of such offender, returning the overplus, if any there be, after the deducting the reasonable charges for taking the said distress; and for want of sufficient distress, the offender or offenders shall be sent to the common gaol of the district, for such time not exceeding six months.

Penalty for neglect to take out the license and to exhibit in a conspicuous manner in his auction room, his name and trade as auctioneer.

How to be recovered.

Imprisonment in default of distress.

V. And be it further enacted by the authority aforesaid, That from and after the first day of June next, there shall be raised, levied, collected, and paid in such manner as hereinafter is mentioned, to and for the use of his Majesty, his heirs and successors, to and for the public uses of this province, and the support of the government thereof, for and upon all manner of sales of goods, wares, and merchandize, by way of auction, as aforesaid, in the province of Upper Canada, the respective rates and duties hereinafter expressed, that is to say: the sum of two pounds ten shillings for every hundred pounds, and in the same proportion for every greater or lesser sum of the purchase money arising by sale at public auction of such goods, wares, and merchandize, the said respective rates and duties to be paid by every such auctioneer, out of the monies arising at each and every such sale at auction, as aforesaid.

Duties of 2½ per cent. on goods sold by auction.

To be paid by the auctioneer out of the proceeds of the sale.

VI. And be it further enacted by the authority aforesaid, That each and every person acting, as aforesaid, at every such public sale at auction in any part of this province, shall at the time of receiving such license, as aforesaid, execute a bond, with sufficient sureties, in the sum of five hundred pounds, current money of this province, to his Majesty, his heirs and successors, which security the collectors to be appointed for granting such license, as aforesaid, shall, and they are hereby authorized to take, with condition that he will, within sixty days after every such sale, deliver in an exact and particular account to such person or persons as shall be appointed to deliver out the licenses, as aforesaid, in writing, of the total amount of the money bid at each sale, and of the several articles, lots, or parcels, which shall have been there sold, and the price of each and every such article, lot, or parcel, and at the same time, make payment of all such sum and sums of money as shall be due and payable to his Majesty, in pursuance of and according to the true intent and meaning of this act, which sum or sums of money he is hereby authorized and empowered to retain out of the produce arising by such sale, or deposit made at such sale, or otherwise recover the same by action of debt or on the case, against the person or persons by whom such auctioneer shall be employed, or on whose account such goods, wares, and merchandize shall be so sold; and every person, so acting as auctioneer, or the person who acted as his clerk at such sale, if any, shall make oath to the truth of each and every such account, before the person or persons issuing such license, as aforesaid, or before some one of his Majesty's justices of the peace for the district in which such auctioneer shall reside, which oath, the said person or persons issuing such license, as aforesaid, and such magistrate, is and are hereby authorized and empowered to administer.

Bond to be given by auctioneers, to render an account and pay over the amount of such duties.

Accounts to be sworn to.

Not to extend to sheriff's sales.

Other exceptions.

VII. Provided also, and it is hereby further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge with the said rate or duty any goods, wares, and merchandize, sold at auction under the authority of any sheriff, under sheriff, or constable; and, provided also, That nothing in this act contained shall extend, or be construed to extend, to affect any sale of farming stock, or utensils of husbandry, or household furniture, that have been in use, any thing to the contrary hereof notwithstanding.

It may be made a condition at any sale, that the purchaser shall pay the auction duties.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to restrain any seller by auction, or person acting as auctioneer at any sales by way of auction, from making it a condition of sale, that the pound rate granted by this act, or any certain portion thereof, shall be paid by the purchaser, over and above the price bidden at such sale by auction; and in such case, the person so acting as auctioneer is hereby authorized and required to demand payment of the said duty from such purchaser or purchasers, or such portion thereof as expressed in such condition or agreement, and upon neglect or refusal to pay the same, such bidding shall be null and void to all intents and purposes.

On his failing to pay, his bidding to be void.

Distribution of penalties imposed by this act.

IX. And be it further enacted by the authority aforesaid, That the moiety of every pecuniary penalty or satisfaction by this act imposed, shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the civil government thereof, to be accounted for to his Majesty through the lords commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct; and the other moiety thereof to the informer or person who shall sue for the same.

Informer.

Collectors, how and when to render accounts,

and transmit monies.

X. And be it further enacted by the authority aforesaid, That the collectors acting by virtue of and under the authority of this act, shall, and they are hereby required to, make returns to the inspector general of this province, and transmit all such monies as may come to their hands to the receiver general of this province, in like manner and subject to the same pains and penalties as inspectors and collectors now are by virtue of any law now in force in this province.

Collectors may retain £5 per cent.

XI. And be it further enacted by the authority aforesaid, That the said collector shall retain and take at the rate of five pounds for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this act; and all monies so paid by the said collector into the hands of the receiver general, shall be by him accounted for to his Majesty, his heirs and successors, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Appropriation of monies paid to the receiver general under this act.

Limitation of actions brought for any thing done under this act.

XII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the matter or thing done, and not afterwards.

Continuance of this act.

XIII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of four years, next ensuing the passing thereof, and from thence to the end of the then next ensuing session of parliament.

[Continued for four years, by 4th Geo. IV, c 17: Further continued for four years, by 9th Geo. IV, c 10.]

Chapter VII.

An act to repeal an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied for the encouragement of the cultivation of hemp, within this province."

Chapter VIII.

An act to provide for the registering of deeds, conveyances, wills, and other incumbrances, which may affect any lands, tenements, and hereditaments, the same being executed in the united kingdom of Great Britain and Ireland, or in any of his Majesty's colonies, and to amend an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may affect any lands, tenements, or hereditaments, within this province."

[Passed April 1, 1818.]

Preamble. (35th Geo. III, c 5.)

Whereas it is expedient to amend the provisions of an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act for the public registry of deeds, conveyances,

wills, and other incumbrances, which shall be made or may affect any lands, tenements, or hereditaments, within this province;" and whereas great inconvenience and difficulties have arisen in cases where persons residing in Great Britain and Ireland, or in any colony belonging to his Majesty, who may have had occasion to execute any deed or conveyance, or to have made or published any will, whereby any lands or tenements within this province, may be affected, by reason of the difficulty of registering the same, according to the direction of the said recited act; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from henceforth, whenever any person or persons residing in Great Britain or Ireland, or in any colony belonging to the crown of Great Britain, shall or may have occasion to execute any deed or conveyance, or make or publish any will whereby any lands or tenements within this province may be affected, it shall and may be lawful to and for the parties concerned, to execute a memorial of any such deed, conveyance, or will, or probate of the same, in like manner as is authorized and directed by the said in part recited act.

Memorial to be made of any deed, conveyance, will, &c. executed in Great Britain or Ireland or any British colony.

II. And be it further enacted by the authority aforesaid, That any memorial of any such deed or conveyance, which shall have been or may hereafter be executed or published in any part of Great Britain or Ireland, or in any colony belonging to the crown of Great Britain, shall be entered or registered by the register or his deputy of any county or counties within this province, in case an affidavit shall have been sworn, or shall hereafter be sworn, before the mayor or chief magistrate of any city, borough, or town corporate, in Great Britain or Ireland, or the chief justice or judge of the supreme court of any colony belonging to the crown of Great Britain, and be brought to the said register or his deputy, wherein one of the witnesses to the execution of such deed or conveyance shall have sworn, or shall hereafter swear, he or she saw the same, as also the memorial thereof executed; and in case of wills, one of the witnesses to the memorial of such will, or probate thereof, shall have proved, or shall hereafter prove, the execution of such memorial, the same shall be a sufficient authority to the said register or his deputy, to give the party that brings such deed or conveyance, will, or probate thereof, and the memorial of the same, together with such affidavit, a certificate of the registry of the same, in like manner as if the execution thereof had been proved before the said judge, commissioner, register, or his deputy, as aforesaid.

How such memorial shall be received, proved, and entered.

Certificate of registry.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, in such cases where the witnesses to any deed, conveyance, or instrument, incumbering lands in this province, shall be dead, it shall and may be lawful for the grantee or grantees, his or their heirs, executors or administrators, guardians or trustees, to make proof before the justices in quarter sessions assembled, of the execution of such instrument, and upon certificates signed by the chairman, and witnessed by the clerk of the peace, that the majority of the magistrates present in such sessions were satisfied by such proof, of the due execution of such instrument, it shall and may be lawful for the register of the said county to register a memorial of such instrument, together with the certificate, which registration shall have the same force and effect, as that of a memorial registered according to the provisions of the before recited act, passed in the thirty-fifth year of his Majesty's reign, and no other.

Provision for the registry of deeds, &c. when the witnesses to the same are dead.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in each and every district in this province, in quarter sessions assembled, to receive such evidence upon oath, and that if any person or persons shall at any time forswear him, her, or themselves, before such magistrates, he, she, or they shall incur and be liable to the same penalties as would have been incurred upon conviction for wilful and corrupt perjury, in any evidence given in his Majesty's court of king's bench in this province, in any cause there depending.

How proof of deeds in such cases shall be received.

Perjury.

V. And be it further enacted by the authority aforesaid, That no certificate to be granted as aforesaid, by any such mayor or chief magistrate of any city, borough, or town corporate in Great Britain or Ireland, or of any colony belonging to the crown of Great Britain, shall have any force or effect, unless the seal of such city, borough, or town corporate, shall be affixed thereto.

Certificates of the mayor or chief magistrate of any city, borough, or town corporate, required by this act, not to be evidence without the seal of such city, &c.

Chapter IX.

An act to repeal an act passed in the thirty-fifth year of his Majesty's reign, entitled, "An act to ascertain the eligibility of persons to be returned to the house of assembly," and also to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to repeal and amend part of an act passed in the thirty-fifth year of his Majesty's reign, entitled, 'An act to ascertain the eligibility of persons to be returned to the house of assembly,'" and to make further and more effectual provision for securing the freedom and constitution of the parliament of this province.

[Repealed by 4th Geo. IV, Ch. 3.]

Chapter X.

£694 12s. 11d. granted to defray contingent expenses of the last session.

An act to make good certain monies issued and advanced by his honor, the administrator, pursuant to an address of the commons house of assembly.

Chapter XI.

55th Geo. III, c 2, continued for two years, and from thence to the end of the then next ensuing session of parliament.

An act to continue an act passed in the fifty-fifth year of his Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to supply in certain cases the want of county courts in this province, and to make further provision for proceeding to outlawry in certain cases therein mentioned.'"

[Continued for eight years by 2d Geo. IV, Ch. 9.]

Chapter XII.

An act to remunerate certain commissioners therein mentioned.

[£300 applied to the remuneration of the commissioners appointed to treat with the commissioners of Lower Canada, at Montreal, the 31st May, 1818.]

Chapter XIII.

An act to repeal an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to continue for a limited time the provisional agreement entered into between this province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to duties; also for continuing for a limited time, the several acts of the parliament of this province relative thereto, and also to ratify and confirm the provisional articles of agreement entered into by the respective commissioners of this province and Lower Canada, at Montreal, on the thirty-first day of May, one thousand eight hundred and seventeen, relative to duties, and for carrying the same into effect."

Third Session of the seventh Provincial Parliament.

MET AT YORK, ON THE TWELFTH DAY OF OCTOBER, AND PROROGUED ON THE TWENTY-SEVENTH DAY OF NOVEMBER FOLLOWING, IN THE FIFTY-NINTH YEAR OF THE REIGN OF GEORGE III.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1818.

Chapter I.

An act to regulate the trade by land and inland navigation, between this province and the United States of America.

[Repealed by 59th Geo. III, 2d Session, Ch. 1.]

Chapter II.

An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace, in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses.

[Passed November 27, 1818.]

Whereas it is expedient to repeal part of, and amend the laws now in force, regulating the manner of licensing public houses, and for the retailing of wine, brandy, rum, or any other spirituous liquors; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the third clause of an act of the parliament of this province passed in the thirty-fourth year of his Majesty's reign, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license;" also the second clause of an act passed in the thirty-sixth year of his Majesty's reign, entitled, "An act to amend an act, entitled, 'An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license,'" also the third clause of an act of the parliament of this province passed in the forty-fifth year of his Majesty's reign, entitled, "An act for altering the time of issuing licenses for the keeping of a house or any other place of public entertainment, or for the retailing of wine, brandy, rum, or any other spirituous liquors, or for the having and using of stills for the purpose of distilling spirituous liquors," and for repealing so much of the fifth clause of an act passed in the forty-third year of his Majesty's reign, as relates to the periods of paying into the hands of the receiver general, the monies collected by the inspector of each and every district throughout this province for such licenses, and an act of the parliament of this province passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to repeal part of, and to continue and amend an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act for granting to his Majesty an additional duty on shop and tavern licenses,'" be, and the same are hereby repealed.

Preamble.

34th Geo. III, c 12, s 3, repealed;

also, s 2, 36th Geo. III, c 3;

also, s 3, 45th Geo. III, c 1;

and the whole of 56th Geo. III, c 10, repealed

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in general quarter sessions assembled, in each and every district respectively, in this province, and they are hereby required at their meeting next before the fifth day of January in each and every year, except the present, to adjourn the said court of general quarter sessions to the last Monday in the month of December, in which adjourned sessions the said justices shall have power to limit the number of inns and public houses in their respective districts, and then and there to hear and receive applications from all such persons as desire to take out licenses for opening inns or public houses within their said several districts; and the said justices shall, upon hearing and

At what time and in what manner tavern licenses are to be applied for.

(As to the time of application, repealed. See 4th Geo. IV, c 18.)

receiving any application from any person, praying to have a license granted to him or her, inquire into the life, character, and behavior of the person so applying, and if it shall appear proper and necessary to the said justices, or a majority of them then and there assembled, to grant a certificate, and that the party applying is a sober, honest, and diligent person, and a good subject of our lord the King, the presiding magistrate shall then and there grant him or her a certificate under his hand and seal, which certificate shall enable the party so holding the same to apply for and take out a license, on or before the fifth day of January then next ensuing the date of such certificate, and that the said certificate shall be a proper and sufficient warrant for the inspectors of the several districts respectively to grant, and they are hereby required to grant, to the said person holding the said certificate, such license, on receiving payment of such duties as are imposed by this act, or hereafter may be imposed by law on the same, and that all the rules, regulations, restrictions, penalties, matters, and things which are by any act or acts of the legislature of this province in force, touching and concerning the applying for, allowing, granting, obtaining, or in any wise relating to the said licenses hereinbefore mentioned, except so far as they are varied or changed by this act, shall and are hereby extended to such licenses as aforesaid, any thing herein contained to the contrary notwithstanding.

Character of person applying to be inquired into.

Justices to grant certificates, on which, inspector, on payment of duties, &c. to grant license.

Provisions of former acts to be in force, except as varied by this act.

III. [Repealed by 4th Geo. IV, c 18, s 1.]

Justices empowered to meet as herein provided.

IV. And be it further enacted by the authority aforesaid, That on granting such certificate as aforesaid, it shall and may be lawful for the said justices, and they are hereby required to direct the inspectors of the several districts respectively, to receive from the person taking out any license for keeping such public house or inn, as aforesaid, such sum as they, or the majority of them assembled, as aforesaid, shall adjudge just and proper, according to the situation of such inn: Provided always, That it shall not be lawful for the said justices, or a majority of them, as aforesaid, to order or direct the said inspectors respectively, to receive for any such license, as aforesaid, a greater sum than twelve pounds ten shillings, or a lesser sum than one pound sixteen shillings, sterling, and the additional sum of twenty shillings, currency, now imposed by law, any law to the contrary thereof in any wise notwithstanding.

Justices when they grant certificates, may apportion the duties to be paid for tavern licenses, according to situation, &c.

Which duties only shall be exacted by the inspector,

being in no case more than £12 10s. or less than £1 currency. (See 11th Geo. IV, c 9, s 4.)

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, not having obtained a license for keeping an inn or house of public entertainment, upon a certificate from the justices assembled on the last Monday in December, as aforesaid, for the purpose aforesaid, or from the adjourned quarter sessions in each and every year, during the continuance of this act, being desirous of keeping an inn or public house, to apply for such certificate at any time during the year, to the justices of the district in which he resides, in general quarter sessions assembled, and it shall be lawful for the said justices to inquire into the character and behavior of the person applying, and if it shall appear to them expedient to increase the number of inns or public houses, and the party applying is qualified, as aforesaid, the presiding magistrate shall then and there grant a certificate, in manner and for the purpose, and under such regulations and restrictions, as are hereinbefore mentioned.

Persons may obtain certificates for tavern licenses at any time during the year.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and it is hereby required, that the magistrates, at the time of granting such certificate, as aforesaid, shall make and frame rules and regulations for the observance of the several innkeepers in their respective districts, which rules and regulations the said innkeepers are to be bound by their recognizances to abide by; a copy of which rules and regulations, for the information of travellers, to be fixed in some conspicuous place in every house so licensed within the province.

Magistrates shall frame rules and regulations for the conduct of tavern keepers.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the clerk of the peace in each and every district of this province, and he is hereby required to transmit quarterly to the inspector general of this province, a detailed statement of all orders of sessions, relative to duties to be taken by the said district inspector for any license granted under the authority of this act.

Clerk of the peace to transmit quarterly accounts to the inspector general, of duties to be taken by the inspectors for tavern licenses under orders of sessions.

VIII. And be it further enacted by the authority aforesaid, That each of the said inspectors shall account for the monies in the same manner, and pay in the same to the receiver general at the same time he is now obliged to pay over all public monies which come to his hands, and in default of such account or payment, shall be liable to the penalties imposed by any law now in force requiring such account and payment.

How the duties collected under this act, are to be paid over and accounted for.

IX. And be it further enacted by the authority aforesaid, That this act shall continue in force for two years, and from thence to the end of the then next ensuing session of the provincial parliament, and no longer.

Continuance of this act. (Continued for two years, by 2d Geo. IV, c 18.)

[This act expired in 1829: Revived in part in 1830, by Geo. IV, c 9.]

Chapter III.

An act for the better division of the county of Glengarry into townships.

[Passed November 27, 1818.]

Preamble.

WHEREAS from the great extent of the township of Lancaster, in the county of Glengarry, in the Eastern district of this province, and the great population therein, the inhabitants of the said township experience many inconveniences, in particular in attending town meetings; and whereas it has become expedient to divide the said township, and to constitute and form a new township out of certain parts thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the first or front nine concessions of the said township of Lancaster shall form and constitute the township of Lancaster.

The front or first nine concessions of Lancaster to form hereafter the township of Lancaster.

II. And be it further enacted by the authority aforesaid, That the north or rear nine concessions of the aforesaid township of Lancaster shall form and constitute the township of Lochiel.

And the nine concessions in rear, to form the township of Lochiel

III. And be it further enacted by the authority aforesaid, That the said township of Lancaster, and the said township of Lochiel respectively, shall be under the same regulations, and entitled to the same privileges as any other townships within this province: Provided always, and it is hereby enacted by the authority aforesaid, That such division shall not invalidate the legality of any existing commission, granted for the exercise of any authority or jurisdiction within the said townships, or to make void or otherwise affect any grant of land or other legal proceedings, within the limits of the said townships, any law or usage to the contrary notwithstanding.

These two townships shall have the same regulations, &c. as others.

This act not to invalidate any existing commission, or to affect any grant of land or other legal proceedings.

(See 38th Geo. III, c 5.)

Chapter IV.

An act to empower the commissioners of the peace for the Eastern district, in their court of general quarter sessions assembled, to establish and regulate the time for holding a market in the town of Cornwall, in the said district.

[Passed November 27, 1818.]

Preamble.

WHEREAS it is expedient for the convenience of the inhabitants of the Eastern district, that a market should be established at Cornwall, in the said district, and that the times for holding such market should be ascertained; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, a market shall be established and kept in the town of Cornwall, upon the lot or lots in said town which are reserved by the executive government for that purpose.

A market established in the town of Cornwall

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the peace in the Eastern district, in their court of general quarter sessions assembled, and they are hereby authorized and empowered to fix upon and to appoint such days and hours for the purpose of selling butcher's meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market days and other regulations to be made by the justices in quarter sessions.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Fines to be imposed.

IV. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said district, and at the doors of the church and court house of the said town of Cornwall, and that such orders, rules, and regulations, shall not be in force, until three weeks after such publication.

Publication of orders and regulations.

V. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations, so made by the said commissioners, such person shall

Mode of collecting fines and receiving penalties.

for every such transgression forfeit the sum which in every such order, rule, and regulation, shall be specified, to be recovered by information before any one commissioner of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, the other moiety shall be paid into the hands of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty through the commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct.

To whom paid and how accounted for.

Chapter V.

An act to appropriate a certain sum of money for the purposes therein mentioned.

[£750 granted for opening and amending roads in certain new settlements in the districts of Johnstown and Newcastle.]

Chapter VI.

An act to continue the laws now in force for granting an additional duty on shop licenses.

[Passed November 27, 1818.]

Most gracious Sovereign:

Preamble.

Whereas an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to grant to his Majesty an additional duty on shop and tavern licenses," is about expiring; and whereas it is expedient to continue the additional duty on licenses to shop keepers, for retailing wine, brandy, and other spirituous liquors; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in addition to the sum of one pound and sixteen shillings sterling, and the additional sum of twenty shillings currency, directed and required to be paid by law before the passing of the said act of the fifty-fourth year of his Majesty's reign, upon every license hereafter to be granted by the governor, lieutenant governor, or person administering the government of this province, to shop keepers, for retailing wine, brandy, and other spirituous liquors, within this province, which shall still be and continue to be levied, collected, and paid, as it hitherto has been levied, collected, and paid, by the several acts of this province in force for that purpose, there shall from and after the passing of this act, be raised and levied, collected and paid, under the same restrictions and penalties as are in the said acts contained, unto his Majesty's receiver general of this province, to and for the uses of his Majesty, his heirs and successors, and to and for the uses of this province, to be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner as his Majesty, his heirs and successors, shall direct, the further sum of five pounds currency.

64th Geo. III, c 10, recited.

(See 59th Geo. III, c 2.)

The additional duty of £5 to be continued.

How to be paid and accounted for.

II. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for five years, and from thence to the end of the then next ensuing session of parliament.

Continuance.

(Continued by 4th Geo. IV, c 9.)

Chapter VII.

An act granting to his Majesty a sum of money for certain purposes therein mentioned.

[£18,795 5s. sterling, appropriated as hereinafter mentioned; also, £5,815 5s. appropriated to the service of the year 1819.]

Chapter VIII.

An act further to extend the provisions of an act passed in the forty-fifth year of his Majesty's reign, entitled, "An act to make provision for the further appointment of parish and town officers throughout this province."

[Passed November 27, 1818.]

Preamble

Whereas by an act passed in the forty-fifth year of his Majesty's reign, entitled, "An act to make provisions for the further appointment of parish and town officers throughout

this province," it is enacted, that the number of overseers of highways and roads shall not exceed twelve; and whereas that number is in many townships in this province, found from experience not to be sufficient; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful from and after the passing of this act, for the inhabitant householders assembled under and by virtue of the said act of the forty-fifth year of his Majesty's reign, in their town meetings, to choose and nominate under and agreeably to the provisions of the aforesaid act, in addition to what they are now authorized to choose, when and where as it is found necessary, not more than three persons [a] to serve the office of overseers of highways for such parish, town, or township, any law to the contrary notwithstanding.

(45th Geo. III, c 6.)

How overseers of highways may hereafter be chosen, in addition to the twelve now authorized by law for any township.

(See 33d Geo. III, c 2.)

[a] Thirty may be now chosen. See 11th Geo. IV, c 7.

Chapter IX.

An act to make good certain monies issued by his honor Mr. Administrator Smith, in pursuance of an address of the commons house of assembly.

£693 7s. 7d. applied to make good the same sum advanced on an address.

Chapter X.

An act to authorize the inquiry and trial of crimes and offences committed within this province, without the limits of any described township or county, to be had in any district thereof.

[Passed November 27, 1818.]

Whereas by an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act for the better division of this province," large tracts of country are comprehended in the several districts of this province, which are not within the limits of any township or county therein; and whereas crimes and offences have been committed, and may hereafter be committed, in such tracts of country, which it might be inconvenient to try in the particular district wherein the same may have been committed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all crimes and offences, committed in any of the said tracts of country or parts of this province, not being within the limits of any described county or township, may be inquired of and tried within any district of this province, and may and shall be laid and charged to have been committed within the jurisdiction of the court which shall try the same, and such court may and shall proceed thereon to trial, judgment, and execution, or other punishment for such crime or offence, in the same manner, as if such crime or offence had been really committed within the district where such trial may be had, any law, usage, or custom, to the contrary notwithstanding.

Preamble.

38th Geo. III, c 5, recited.

Hereafter offences committed in unorganized parts of this province may be tried in any district thereof.

II. Provided always, That when and so soon as any new county or counties, town or township, shall be laid out, described, and established, in any of the tracts of country aforesaid, and shall be so declared by law or by proclamation, under the hand and seal of the governor, lieutenant governor, or person administering the government of this province for the time being, by and with the advice and consent of his Majesty's executive council, all crimes and offences committed within the limits of any such new county or counties, township or townships, shall be inquired of and tried, in the district or districts wherein such new county or counties, township or townships, shall be respectively comprehended, in like manner as such crimes or offences would have been inquired of and tried, if this present act had not been made or passed.

When such unorganized parts of the province shall be formed into townships, the provisions of this act shall not apply to them

Chapter XI.

An act to prevent certain meetings within this province.

[Repealed by 60th Geo. III, Ch. 4.]

Chapter XII.

An act for vesting in commissioners the estates of certain traitors, and also the estates of persons declared aliens, by an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon."

[Passed November 27, 1818.]

Preamble.

54th Geo. III, c 9, recited.

(See 2d Geo. IV, c 6; 4th Geo. IV, c 29; 9th Geo. IV, c 1.)

Royal instructions respecting the forfeited estate.

Whereas by the operation of an act of the parliament of this province passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty," and by inquisitions duly taken and returned, according to the provisions of the said act, his Majesty has become seized of lands in this province, of considerable value, which it is expedient should be sold, that the claims of all bona fide creditors, and persons having any just lien or security upon the same, may be paid and satisfied, and the remaining proceeds thereof applied agreeably to the gracious instruction of his royal highness the Prince Regent, acting in the name and on the behalf of his Majesty, communicated through his honor Samuel Smith, esquire, late administrator of the government of this province, towards compensating the losses which his Majesty's faithful subjects of this province have sustained by the invasion of the enemy, or otherwise, in consequence of the war, lately terminated between his Majesty and the United States of America; and whereas, also, during the late war with the United States of America, a number of his Majesty's subjects in this province, contrary to their duty of allegiance, were wickedly and traitorously adhering to the enemies of his Majesty, or did levy war against his Majesty, or were guilty of other high treasons, and it being in like manner signified to be the gracious intention of his royal highness the Prince Regent, that the estates, real and personal, of such persons as have been or shall be duly attainted, as guilty of high treason during the said war with the United States of America, should be likewise applied towards compensating the losses which his Majesty's faithful subjects of this province have sustained by the invasion of the enemy, or otherwise, in consequence of the said war; therefore, in order to carry the said gracious intentions into effect, and also that due provision may be made for the satisfaction of all just and lawful claims, which any of his Majesty's dutiful and loyal subjects may have to, upon, or out of the estates of such rebels and traitors; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of this province, from time to time, by commission under the great seal of this province, to authorize and empower such and so many persons as he shall think fit, to be commissioners and trustees, in whom all and every the real estates that now are, or hereafter may become vested in his Majesty, by the operation of the said act of the parliament of this province passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty," and the proceedings that have been had or may take place thereupon, and also, all and every the estates, both real and personal, that have become vested, or may hereafter become vested in his Majesty, by the attainder of any person or persons convicted of or for any high treason, committed during the late war between his Majesty and the United States of America, shall be vested in the manner, and for the ends and purposes hereinafter mentioned.

Governor to appoint commissioners in whom the forfeited estates, real and personal, shall be vested.

II. And to the end that all the estates of the said traitors, of what nature soever, within this province, which by the attainder of any person or persons of any high treason, by him or them committed during the late war between his Majesty and the United States of America, shall have been or may hereafter become legally forfeited to his Majesty, and also all the real estates which, by the said act of the parliament of this province, passed

in the fifty-fourth year of his Majesty's reign, and by the proceedings that have been or may be hereafter had thereupon, have or hereafter may become vested in his Majesty, may be the better known, described, and ascertained, and that the rents, issues, profits, and produce thereof may be recovered and brought in for the use of his Majesty, to be applied in the manner hereinbefore expressed, and that due examination may be taken, and satisfaction made of all just and lawful claims to, upon, or out of the said estates, or any of them; be it further enacted by the authority aforesaid, That the clerk of the crown for this province shall, within three months after the passing of this act, deliver to the commissioners to be appointed under this act, an extract, certified under the seal of the court of king's bench of this province, of all inquisitions heretofore made and taken under the provisions of the said act of this province, passed in the fifty-fourth year of his Majesty's reign, whereby any real estate or estates have been vested in his Majesty, and also a certified extract, under the seal of the said court, of all inquisitions whereby any real or personal estate, of any kind whatever, have been returned, as forfeited to his Majesty, by the attainder of any person or persons, of any high treason committed during the war lately terminated between his Majesty and the United States of America, in which extracts of the inquisitions taken under the said act passed in the fifty-fourth year of his Majesty's reign, shall be stated the names, additions, and late places of abode, of the persons inquired of by the said inquisitions, and the real estates which by such inquisitions are vested in his Majesty, as the same are described in the said inquisitions respectively, together with the date of the said inquisitions, and the names of the commissioners by whom they were respectively taken; and in the extracts of the inquisitions upon attainders of any person or persons for high treason, as hereinbefore mentioned, shall be stated the names, additions, and late places of abode, of the persons attainted, the species of treason of which, and the respective times, places, and courts, when and where they were so attainted, and also, the real estates, chattels, real or personal debts, goods, and effects whatsoever, which in the said inquisitions are found to be forfeited by such attainder; and that the said clerk of the crown for the time being shall, within thirty days after any inquisition shall be hereafter returned into the court of king's bench, under the provisions of the said act of the fifty-fourth year of his Majesty's reign, whereby any real estate shall become vested in his Majesty, or after any inquisition shall be returned into the court of king's bench, whereby any real or personal estate shall be found vested in his Majesty, by the attainder of any person or persons for any high treason, committed during the existence of the late war between his Majesty and the United States of America, make out and deliver to the said commissioners like extracts of the same respectively, all which extracts or certified lists, the said commissioners shall enter into a book, to be provided and kept by them for that purpose.

Certified extracts of inquisitions to be furnished to the commissioners by the clerk of the crown;

which extract to be entered by the commissioners.

III. And be it further enacted by the authority aforesaid, That an extract from that book, signed by any two or more of the said commissioners, shall be taken and held as sufficient evidence of the matters therein certified, in all courts of justice within this province, as far as may concern the execution of this act, as fully as if the records of such attainder or inquisition were produced in such courts.

An extract of such entry, signed by any two or more commissioners to be evidence in courts of justice.

IV. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them for the time being, are hereby authorized, empowered, and required, to inquire into all such estates, both real and personal, within this province, as are or may be vested in his Majesty by such attainder as aforesaid, or by inquisition returned under the authority of the said act passed in the fifty-fourth year of his Majesty's reign, and to cause all and every the rents, issues, and profits, of the said real estates, until sale thereof, to be effectually levied and paid into the hands of a special receiver, to be appointed by the governor, lieutenant governor, or person administering the government of this province for the time being, for the purposes of this act, and to levy, raise, secure, and cause to be sold, all such goods, debts, and personal chattels and estates, within this province, as are or may be vested in his Majesty, in the manner hereinbefore mentioned, and to sell the said real estates, after the claims relating to such estates respectively shall be determined, or otherwise dispose of the same, in the manner hereinafter provided, and out of the rents or produce of the said estates, real or personal, to cause payment or satisfaction to be made of such sums of money as shall be due to any claimants upon the same, and in the execution of the premises, the said commissioners shall and may proceed, in virtue of the powers hereby granted to them, in a summary way, without the formalities practised or observed in courts of justice.

General duties of commissioners under this act.

Mode of proceeding.

V. And to the end that all and every of the said estates and interest hereby vested or to be vested in the said commissioners may be duly published, so as all persons having interest therein may have notice thereof, in such manner as that they may enter their claims upon the same, in manner hereinafter provided; be it enacted by the authority aforesaid, That the said commissioners shall cause the register or books herein appointed to be kept of the names of all persons attainted of high treason, committed during the

Register of forfeited estates kept by commissioners, to be open to public inspection.

time aforesaid, and of all real and personal estates and interests by this act vested or to be vested in the said commissioners, or an authentic copy or duplicate of such books, to be kept by a proper officer, who shall make the same open and patent to the inspection of all persons who shall demand the same, between the hours of ten and two, of any lawful day, without any fee or reward, and in the said books shall be expressed the dates when the entries of the several estates, real or personal, that shall be there entered, were made, and the said commissioners, or the majority of them, shall also transmit to the special receiver, for the time being, an authentic copy of the said register or books.

Duplicates of entries of real estates forfeited, shall be transmitted to the clerks of the peace in the district where such real estates lie.

VI. And be it further enacted by the authority aforesaid, That when any real estate shall be entered in the said register, the said commissioners shall, from time to time, within the space of one month after such entry, transmit or cause to be transmitted an authentic copy or duplicate of every such entry to the clerk of the peace of the district within which the said real estate is situated, and every such clerk of the peace shall, and is hereby required within seven days after he shall receive such duplicate or copy, to cause the same or a copy thereof to be affixed on the door of the place where the general quarter sessions of the peace are usually held for such district, and to cause the same to be inserted in a book to be provided and kept by him for that purpose, all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and two, without fee or reward.

Notice to be given of such entries or registers.

VII. And that no person or persons whomsoever, having any estate, right, title, or interest in law or equity, into or out of any of the said estates, real or personal, vested or to be vested in the said commissioners by this act, may be in any wise prejudiced thereby; be it enacted by the authority aforesaid, That all and every person and persons whatsoever, bodies politic or corporate, other than and except all such persons forfeiting the same, and the heirs, executors, administrators, and assigns, of every of them, and all and every person and persons having or claiming any thing in the premises or any part thereof, to the use of, or in trust for any such persons, or their or any of their heirs, executors, administrators, having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, rent, debt, benefit, charge, or incumbrance whatsoever, in law or equity, in, to, or out of, or upon any lands, messuages, tenements, and hereditaments whatsoever, or to any real or personal estate, or any other the premises whatsoever, vested or to be vested in the said commissioners by this act, by or under any settlement, conveyance, judgment, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting or which was binding on the persons attainted or to be attainted, or on the persons found or to be found aliens by any inquisition taken and returned according to the above recited act of the parliament of this province, passed in the fifty-fourth year of his Majesty's reign, and which might have affected the same estate, before the respective days and times whereon the same was vested in his Majesty, and also all and every person and persons, bodies politic and corporate, pretending to have right or title to any estate which shall have been vested or shall hereafter be vested in the said commissioners, and who shall pretend that none of the persons registered in the books of the said commissioners, as attainted of high treason, or as found to be aliens, was seized or possessed of, or interested in or entitled unto such estates, in his, her, or their own right, or to his, her, or their own use, nor any other person in trust for them or any of them, as in the inquisitions concerning the same are respectively returned, or that they have right or title to such estate, shall, within the space of six months, to be reckoned from and after the date of the entry that shall be made in the registry book of the said commissioners, of any personal estate, and in case of real estate, within eight months of the entry in the register to be kept for the district where such estate lies, in manner hereinbefore directed, of the estate or interest in, to, or out of which such claims and demands are to be made respectively, enter all their respective claims and demands before the said commissioners, in such manner as hereinbefore mentioned, or in default thereof, every such estate, right, title, interest, use, possession, reversion, remainder, annuity, rent, debt, charge, and incumbrance into, or out of, or upon the said premises, or any part thereof, shall be and is hereby declared to be null and void, to all intents and purposes whatsoever, and the estate or estates so, as aforesaid, liable unto or charged therewith, shall from thence be freed, acquitted, and discharged of and from the same; and all and every such claims and demands of infants shall and may be made by their fathers and guardians, or any other persons in their behalf, and all claims of femmes covertes by their husbands, or any other persons on their behalf, and all claims of madmen, idiots, or lunatics, by such person or persons under whose care or custody they are or shall be at the time of entering such claims, and that all such claims shall be made and tendered in writing to the said commissioners, and signed by the party or parties making the same, or such other person or persons on his, her, or their behalf, as aforesaid, or signed by the attornies or agents of the party or parties claiming, and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same, and every claimant shall

In what manner claims to or out of the forfeited estates, are to be made.

Time of making claim.

If claims not made within the terms limited, the estate to be forever discharged thereof

How claims of infants, lunatics, femmes covertes, &c. to be made.

Claim to be in writing.

therein particularly express what estate, right, title, interest, use, possession, reversion, remainder, annuity, rent, debt, benefit, charge, or incumbrance he or she demand or claim, into, or out of, or upon any part of the premises, and by and under what gift, grant, settlement, conveyance, security, title, or incumbrance, he or she do claim the same, and if such party claiming hath demands, or claims any estate, right, title, or interest, in or to any part of the premises, by virtue of any incumbrance for any debt or sum of money whatsoever, such party shall also in his claim set forth such incumbrance, and the dates and contents thereof, and the witnesses thereto, and if the same be recorded, when and where the same was entered on record, and whether such debt and sum of money was and is really due and remains wholly unpaid and unsatisfied, and what part and how much thereof has been really and truly satisfied, by money paid or by any other ways and means whatsoever, and every such claim shall be transcribed by order of the said commissioners, or the majority of them, and entered in books to be provided and fairly kept by them for that purpose, and the said commissioners, or the majority of them, are hereby required and empowered to proceed in a summary way, without abiding the course of any roll, to hear and determine all such claims; and every decree of the said commissioners, or the majority of them, shall be final and binding upon all parties concerned, in case thirty days shall elapse without any proceedings being had for appealing from the same to a special commission of appeal, to be composed of the chief justice and judges of the court of king's bench in this province, and it shall be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint the chief justice and the judges of the court of king's bench for the time being, commissioners of appeal, with power to hear and determine all appeals from the decisions, judgments, and decrees of the commissioners first above referred to.

How commissioners are to proceed on such claims.

Commissioners' decree to be final unless appealed from within thirty days.
Commissioners of appeal.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them, shall, and they are hereby empowered and required, in a summary way, without the formality of proceedings in the courts of law or equity, to proceed by and upon the testimony of witnesses upon oath, examination of persons claiming, or otherwise interested, upon their oaths, inspection, and examination of deeds of writings and records, or by all or any of the said ways and means, or otherwise, or according to the circumstances of the case, as soon as conveniently may be, to hear and determine, and adjudge all and every claim and claims which shall be entered within the times aforesaid; and that every party claiming shall, if required by the said commissioners, or by or on behalf of his Majesty's attorney or solicitor general of this province, upon oath, answer to the truth of his or her claim, and to such proper interrogatories as the commissioners shall think fitting for the clearing thereof, and upon oath, produce before the said court, at the hearing of such claim, all such deeds, writings, and evidences, as are in his custody or power, any ways concerning the said claim or the subject matter thereof.

Examination of claims by commissioners.

Evidence to be produced.
Oath of claimants.

IX. And to the end that due care may be taken of the interest of his Majesty in respect of such claims as shall be offered, as aforesaid, it is hereby enacted by the authority aforesaid, That his Majesty's attorney general of this province, or in his absence, the solicitor general, shall, and they are hereby empowered and required to, provide for making proper answers and defence on behalf of his Majesty, to all such claims as shall be offered, as aforesaid, and for reversing, affirming, and amending the decrees that shall be passed upon such claims, as they shall see cause.

His Majesty's attorney and solicitor general to defend on behalf of his Majesty.

X. And be it further enacted by the authority aforesaid, That where the claim so to be determined, as aforesaid, to be just and lawful, shall contain a demand of any sum or sums of money, any wise affecting any of the said estates, real or personal, then and in such case, the said commissioners, or the majority of them, shall, and are hereby expressly empowered and required to, issue out debentures or certificates to claimants, for the respective sum or sums which shall be determined to be due and payable to them severally, by the decrees of the said commissioners, which debentures or certificates, with legal interest, shall be paid without any deduction, fee, or reward, by the aforesaid special receiver, out of such rents, profits, and proceeds, as shall be paid into his hands from the respective estates, upon which the said claims are allowed, so that such claims shall in no case exceed the rents, profits, and proceeds, received by the said special receiver from and on account of the estate in respect of which the said claim is made.

In what manner the sums decreed to claimants shall be paid.

XI. And be it further enacted by the authority aforesaid, That when the said claim shall contain a demand of any lands, tenements, or other real estates whatsoever, or any interest therein, and shall be adjudged and decreed by the said commissioners to be just and legal, then, and in that case, the said commissioners, or the majority of them, are hereby authorized to order the sheriff of the district where the same shall lie, to cause possession to be delivered to such claimant or claimants, his, her, or their heirs, executors, administrators, or successors, or to whom they or any of them shall appoint, and all and every such claimant or claimants, his, her, or their heirs, executors, administrators, or suc-

Sheriff to put claimants in possession of real estates decreed to them

cessors, shall hold and enjoy the same, or such estate and interest therein, respectively, as shall be adjudged, determined, or decreed, as aforesaid.

Estates when to be vested in the commissioners.

XII. And be it further enacted by the authority aforesaid, That all and every the estate and interests which shall be entered in the register to be kept by the said commissioners, according to the directions of this act, to or upon which no claim shall be entered within the time and in the manner hereinafter prescribed, shall be deemed and taken, against all persons and to all intents and purposes, to be vested in the said commissioners in virtue of this act, and such estates and interests as shall be so entered in the said register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in the said commissioners, subject only to such burthen, diminution, or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwise.

Commissioners to sell forfeited estates by auction.

XIII. And to the intent that the said real and personal estates may be disposed of, and the value thereof applied as herein is directed, be it further enacted by the authority aforesaid, That the said commissioners shall, as soon as convenient, use their utmost endeavors to secure all such goods and personal chattels as appear by the said extracts, or otherwise, to be vested in his Majesty, in such places, and in the custody of such persons as shall be thought most proper by the said commissioners, for preventing the perishing, or any loss or embezzlement thereof; and the said commissioners, or the majority of them, are hereby authorized and required to sell all and singular the real estate, and also the goods and chattels, vested or to be vested in them by this act, according to the best of their skill and judgment; and for that purpose, having caused public notice to be given for the space of ninety days, at least, of the time and where they intend to begin to expose to sale any part or parcel thereof, and of the several particulars then and there to be sold, they shall sell the same by public auction to such person or persons as shall bid most for the same, and immediately upon every such sale or contract, shall cause an entry to be made in their book, of all and every the real and personal estate so sold, and of the buyers' names and places of abode, and the prices paid for the same respectively; and upon payment of the purchase money to the said commissioners, or as soon after as conveniently may be, the said commissioners shall deliver to the respective purchasers the goods and chattels, and execute deeds of bargain and sale for such real estates as shall be sold in manner aforesaid, to the respective purchasers thereof, which said deeds of bargain and sale are hereby required to be registered, as other conveyances by deed of bargain and sale of lands in this province; and in case any person or persons, being the highest bidder at any such auction, shall make default in payment of the monies, according to the terms mentioned at the said auction, he, she, or they shall forfeit one third of the sums for which the said real estates or goods and chattels, respectively, were sold, to be levied under a warrant, under the hands and seals of the majority of the said commissioners, and the said commissioners, or the majority of them, may and shall proceed to a new sale of all and every such real estate, or goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof had been before made.

Persons having entered into forfeited estates, or enjoyed the same without lawful title, shall account for the profits thereof to the commissioners,

XIV. And be it further enacted by the authority aforesaid, That all and every person and persons, who, since the committing of any act by reason of which any estate has become or may hereafter become vested in his Majesty, either by attainder, or any high treason committed during the late war between his Majesty and the United States of America, or under the provisions of the hereinbefore recited act of the parliament of this province, passed in the fifty-fourth year of his Majesty's reign, have entered into or upon the said estate or any part thereof, and held and enjoyed the same without any lawful title thereunto, shall be responsible for all and every the profits of the same premises, during the time of his, her, or their occupation thereof, and shall answer and pay the value thereof, to be decreed upon evidence by the said commissioners, or the majority of them, to the said special receiver, at such days or times as shall be appointed by the said commissioners, or the majority of them; or in default thereof, shall forfeit double the value of the same profits by him or them received, to be levied by the said commissioners, or the majority of them, by warrant under their hands and seals, and paid into the hands of the special receiver, to be applied as the other monies to be paid to him in pursuance of this act.

or in default pay double value, to be levied, &c.

Days of meeting of commissioners, who may send for persons, papers, &c.

XV. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them, shall and may meet on the first and third Mondays of every month, and may meet, act, and proceed at such other days and times as they may think proper, with or without adjournment, and shall and may send their precept or precepts for any person whatsoever to appear before them, and for all such books, papers, and writings, as they shall think necessary for their information in any matter or thing relating to this act, under the same penalties and conditions as witnesses subpœnaed in civil causes, in the court of king's bench, and shall and may detain in their custody such books, papers, and

writings, so long as they shall have occasion for the same, and then return such books, papers, and writings, to the persons to whom they respectively belong, and shall and may administer oaths for the better discovery of the truth of the inquiries by them to be made, to any person or persons therein concerned, or to any other person or persons whatsoever, and all sheriffs, bailiffs, constables, and other officers whatsoever, are hereby required to obey and execute such orders and precepts as shall be sent to them, or any of them, by the said commissioners, or the majority of them, as they will answer the contrary at their utmost perils; and if any officer or officers shall neglect or refuse to give obedience to the precepts and orders of the said commissioners, or the majority of them, for the due execution of this act, then, and in every such case, it shall and may be lawful to and for the said commissioners, or the majority of them, to impose upon any such officer or officers a fine not exceeding fifty pounds, sterling, for any one offence, and to commit such officer or officers till such fine shall be paid unto the receiver general of this province, to and for the uses of his Majesty, his heirs and successors, for the public uses of this province, and for the support of the government thereof, to be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury for the time being, in such manner as it shall please his Majesty to direct.

and administer oaths.

Penalty on sheriffs or other officers not obeying the precepts of the commissioners.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them, shall, and they are hereby authorized, from time to time, to appoint and employ clerks or other necessary officers for the execution of this act, which said clerks or other officers respectively, are hereby required faithfully to execute and perform the trust in them respectively reposed, without taking any thing for such their service, other than such fees, salaries, or rewards, as the said commissioners, or the majority of them, shall think fit and direct in that behalf; and every such clerk or other officer, before he enters on the execution of his employment, shall take an oath for his true and faithful demeanor, in all things relating to the trusts reposed in him by the said commissioners, and that he will not directly nor indirectly take or receive any fee or reward, or accept the promise of any fee or reward, for any thing whatsoever to be done by him in the execution of the said trusts, except what shall be settled or allowed by the said commissioners, or the majority of them, and that he will not, directly or indirectly, have any part, share, or interest, or make any benefit by any discoveries of any forfeited or forfeitable estates or interests whatsoever, intended to be vested in the said commissioners, in pursuance of this act, or conceal, or cause, or procure to be concealed, the same or any part thereof.

Appointment of clerks, &c. by the commissioners.

Fees.

Oath to be taken by clerks, &c.

XVII. And be it further enacted by the authority aforesaid, That there shall and may be paid to such person or persons as the said commissioners, or the majority of them, shall nominate, upon account for payment of salaries of inferior officers employed under them, and for incident charges in and for the performance of the several trusts by this act committed to the said commissioners, such sums of money as the said commissioners, or the majority of them, judge to be necessary and reasonable in that behalf, out of such monies as shall, from time to time, be or remain in the hands of the said special receiver for the time being, by virtue of any of the clauses, matters, or things, in this act contained, and the said special receiver is hereby authorized and required to pay the same out of such monies, upon vouchers or authorities signed for that purpose by the said commissioners, or the majority of them.

Provision for the remuneration of inferior officers, by the commissioners.

XVIII. And be it further enacted by the authority aforesaid, That an appeal shall lie to the commissioners of appeal in this province, from the judgment and decree of the said commissioners, upon any claim that shall be brought before them in pursuance of this act, and that the appellant or appellants from any such judgment or decree shall, within twenty days from the giving or passing of the same, present to the said commissioners, or the majority of them, his, her, or their exception or exceptions to the said judgment or decree, which exception or exceptions shall be in writing, and signed by the party or parties appealing, or his, her, or their attorney, and shall be entered by the said commissioners in a book to be kept by them for that purpose, a transcript of which exceptions, signed by the clerk of the said commission of appeal for the time being, that the said commissioners of appeal may proceed, as soon after as may be convenient, to consider the said judgment or decree, and to reverse or affirm the same, as they shall judge thereupon; and if the appellant or appellants do not appear personally, or by his or their attorney, to prosecute such appeal within the next term after the said transcript shall have been filed by the clerk of the commissioners, the said commissioners are hereby required to hear the argument on such appeal, ex-parte, and to decide thereupon according to their judgment on the matters contained in the said transcript, and the judgment of the commissioners on such appeal shall be final and conclusive.

Proceedings in appeal.

XIX. And be it further enacted by the authority aforesaid, That his Majesty's attorney and solicitor general of this province shall and may make out their contingent accounts

Attorney and solicitor general's accounts how

to be audited and discharged.

against the government of this province, for all services rendered by them on behalf of his Majesty, in respect of the estates hereby vested or to be vested in the said commissioners, which accounts being duly sworn to, shall be inspected and audited by the said commissioners, or the majority of them, following as nearly as may be the usual allowance of fees made to those officers respectively, for services of a similar nature; and the amounts of such accounts, so audited, shall be paid by the said special receiver, for the time being, under the authority of the said commissioners, or the majority of them, out of such monies as shall come into his hands in pursuance of this act.

Oath to be taken by the commissioners, and security given.

XX. And be it further enacted by the authority aforesaid, That the commissioners to be appointed under this act shall, before entering upon the duties of their office, take an oath to execute, faithfully and impartially, with all possible despatch, according to the best of their ability, the several duties imposed upon them by this act, which oath shall be taken and subscribed before the executive council of this province, and shall enter into a bond, under the penalty of one thousand pounds, to pay over into the hands of the said special receiver, all such sums of money as shall be paid to them, in pursuance of this act, within one month after they shall receive the same respectively; and that each of the said commissioners, acting in pursuance of this act, shall be entitled to receive a sum

Remuneration.

not exceeding one pound per day, for every day he shall be so employed in executing the provisions of this act, which sums shall be paid to them respectively by the said special receiver annually, out of such monies as shall come into his hands in pursuance of this act, upon the warrant of the governor, lieutenant governor, or person administering the government of this province.

Oath of special receiver.

XXI. And be it further enacted by the authority aforesaid, That the special receiver to be appointed under this act, for the time being, shall, before entering upon the duties of his office, take an oath to execute faithfully the duties imposed upon him by this act, which oath shall be taken and subscribed before the executive council of this province, and shall enter into a bond, with a penalty of four thousand pounds, with two sureties in

Security.

the sum of two thousand pounds each, to pay over and duly account for all such sums of money as he shall receive in pursuance of this act; and that the said special receiver, for the time being, shall and may retain in his hands two pounds ten shillings, for every

Remuneration.

hundred pounds to be by him received and paid in pursuance of this act, as a remuneration for services therein, and that the balance remaining in his hands after the payment of all and every of the certificates, debentures, accounts, charges, salaries, and deductions, mentioned or provided in this act, shall be paid by the said special receiver, in discharge of such warrants as the governor, lieutenant governor, or person administering the government of this province, by and with the advice of the executive council thereof, shall from time to time issue in favor of any person or persons, for any sum or sums of money to be paid them towards compensating the losses which he, she, or they have sustained by the invasion of the enemy or otherwise, in consequence of the late war with the United States of America.

Appropriation of proceeds of the forfeited estates, after payment of all accounts, charges, and deductions.

Chapter XIII.

An act to repeal an act passed in the fifty-fifth year of his Majesty's reign, entitled, "An act to license practitioners in physic and surgery throughout this province," and to make further provision for licensing such practitioners.

(Amended by 8th Geo. IV, c. 3.)

[Passed November 27, 1818.]

Preamble.

Whereas the provisions of an act of the parliament of this province, passed in the fifty-fifth year of his Majesty's reign, entitled, "An act to license practitioners in physic and surgery throughout this province," have been found to be impracticable; be it

55th Geo. III, c. 5, repealed.

enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the above recited act be, and the same is hereby repealed.

Medical board to be appointed for examination of candidates for licenses to practise.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to constitute and appoint, under his hand and seal at arms, five or more persons legally authorized to practise physic, surgery, or midwifery, in this province, to be a board, whereof any three to be a quorum, to hear and examine all persons desirous to apply for a license, to practise physic, surgery, and midwifery, or either of them, within this province, and being satisfied by such examination that any person is duly qualified to practise physic,

surgery, and midwifery, or either, to certify the same, under the hands and seals of two or more of such board, whereupon the governor, lieutenant governor, or person administering the government, being satisfied of the loyalty, integrity, and good morals of such applicant, may, under his hand and seal at arms, grant to him a license to practise physic, surgery, and midwifery, or either, conformable to such certificate: Provided always, That nothing in this act shall extend to prevent any female from practising midwifery in this province, or to require such female to take out such license as aforesaid: Provided also,—

Certificate of the board.

License.

Exceptions.

III. [Repealed by 8th Geo. IV, c 3, s 1.]

Penalty for practising physic, &c. without license.
How recovered and applied.
Provision in favor of resident practitioners before 1st January, 1812.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such board, to ask, demand, and receive, for every such certificate from the person claiming the same, the sum of three pounds ten shillings, and that it shall also be lawful for the private secretary of the governor, lieutenant governor, or person administering the government, to ask, demand, and receive for such license, of and from the person receiving the same, the sum of twenty shillings.

Fees on certificates;

and on licenses.

V. [Repealed by 59th Geo. III, 2d session, c 2, s 1.]

Chapter XIV.

An act to repeal an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, "An ordinance concerning land surveyors, and the admeasurement of lands," and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act to ascertain and establish on a permanent footing the boundary lines of the different townships in this province," and further to regulate the manner in which lands are hereafter to be surveyed.

[Passed November 27, 1818.]

Whereas an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, "An ordinance concerning land surveyors, and the admeasurement of land," is in many instances, as far as the same relates to this province, found to be inapplicable; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said ordinance, so far as it relates to or affects this province, be, and the same is hereby repealed.

Preamble.

Ordinance of Quebec respecting land surveyors, repealed.

II. And whereas it is necessary to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act to ascertain and establish on a permanent footing the boundary lines of the different townships of this province," be it enacted by the authority aforesaid, That all boundary lines of townships, all concession lines, governing points, and all boundaries, posts, or monuments, which have been placed or planted at the front angles of any lots or parcels of land, in the first survey, intended to determine the width of such lots or parcels of land, provided such survey has been performed under the authority of the executive government of the late province of Quebec, or under the authority of the executive government of this province, shall be, and the same are hereby declared to be, the true and unalterable boundaries of all and every of such townships, concessions, and lots, respectively; and that every lot or parcel of land respectively, whether it shall upon admeasurement be found to contain the exact width, or more or less than what may be expressed in any letters patent, grant, or other instrument, in respect of such boundaries or lines mentioned and expressed, shall embrace the whole width contained between the front posts, monuments, or boundaries, planted or placed at the front angles of any such lot or parcel of land as aforesaid, in such original survey as aforesaid, and no more nor less, and every half or quarter of such lot or parcel, its proportion, any thing in such patent or instrument to the contrary thereof in any wise notwithstanding.

(38th Geo. III, c 1.)

What are declared to be unalterable boundaries of townships, concessions, and lots.

III. And be it further enacted by the authority aforesaid, That the boundary line of each and every township, on that side from which the lots are numbered, shall be, and

Course of division and side line.

(As regards the township of Cramahe, see 4th Geo. IV, c 35; as regards part of Fredericksburgh, see 7th Geo. IV, c 16: Lancaster, see 10th Geo. IV, c 13: 13th concession of Townsend, see 7th Geo. IV, c 15.)

the same is hereby declared to be, the course or courses of the respective division or side lines throughout the several townships and concessions of this province respectively, and all surveyors shall, and are hereby required to, run all division or side lines, which they may be called upon by the owner or owner of any lands to survey, to correspond with and be parallel to the respective town lines, from whence the lots are numbered as aforesaid.

How surveyors to proceed in running the side lines or limits between lots.

IV. And be it further enacted by the authority aforesaid, That every licensed surveyor, when and as often as he is employed to run any side line or limit, between lots or lines required to go the same course of the side lines or limits between lots in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such concession, on that boundary of the township from which the lots are numbered, and run such line or lines, as aforesaid, truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be the true course of such lines, in the several townships of this province.

Qualification of surveyors.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person shall act as a surveyor of lands in this province, until he shall have been duly examined by the surveyor general or deputy surveyor general thereof, as to his fitness and capacity, and shall have obtained a license from, and be appointed to act as such by, the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall have entered into a bond, with two sufficient

Bond to be given,

sureties, in the sum of five hundred pounds, to his Majesty, his heirs and successors, for the due performance of his office, and shall have taken and subscribed the oath of allegiance, and the following oath, before the surveyor general or deputy surveyor general of this province:

and oath taken by them.

"I, A. B., do solemnly swear that I will well and truly discharge the duty of a surveyor of lands, agreeably to the law, without favor, affection, or partiality, when and as often as I may be required thereto by any person or persons, or by the rule or order of any court of justice, and which I will faithfully, and without unnecessary delay, submit to the party requiring the same, or the court directing my duty; also a plan of survey, if required. So help me God."

Exception in favor of persons now authorized

Provided always, That this act shall not extend, or be construed to extend, to prevent any person or persons from acting as a surveyor of lands in this province, who is now authorized to act as such by virtue of a license from the governor, lieutenant governor, or person administering the government of this province.

Surveyor general or deputy surveyor general to examine applicants, and administer oaths.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general or deputy surveyor general of this province, to examine applicants to survey, and if found competent, to grant certificates to that effect, and to administer the foregoing oaths, which oaths shall be deposited in the surveyor general's office.

License to be granted to surveyors.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to grant licenses to such persons as are well recommended, on their producing satisfactory certificates from the surveyor general or deputy surveyor general of this province, of their competent knowledge of the theory and practice of surveying in all its branches, to survey in this province during their good behavior.

Chain bearers to be sworn.

VIII. And be it further enacted by the authority aforesaid, That each and every chain bearer shall take an oath to act as such, justly and exactly, according to the best of his judgment and abilities, and to render a true account thereof to the surveyor by whom he may have been appointed to such duty, which oath the surveyor employing such chain bearer is hereby authorized and required to administer.

What shall be taken to be the front of each concession.

IX. And be it further enacted by the authority aforesaid, That the front of each concession, lot, or parcel of land, shall be considered to be, and the same is hereby declared to be, that end or boundary of such concession, lot, or parcel of land, which is nearest to the boundary of the respective townships from which the several concessions thereof are numbered.

How the side lines between lots shall be ascertained in cases where a patent has issued, embracing several lots.

X. And be it further enacted by the authority aforesaid, That in all cases when any letters patent of grant, or other instrument, has issued for several lots or parcels of land, in concessions adjoining each other, the side lines or limits between lots or parcels of land therein mentioned and expressed, shall commence at the front angles of every such lot or parcel of land respectively, and run agreeably to the courses of the respective townships, as hereinbefore enacted, and shall not continue on in a direct line through several concessions, unless such line or lines, when run truly parallel to such governing boundaries of such townships, as aforesaid, shall intersect the corresponding post or monument at front of such concession next in rear.

How surveyors are to proceed, when the original posts or monuments are lost.

XI. And be it further enacted by the authority aforesaid, That in all cases when any licensed surveyor shall be employed to run any side line, or limit between lots, and the original post or monument from which such line should commence cannot be found, every such surveyor shall, in every such case, obtain the best evidence that the nature of the case will admit of, respecting such limit; but if such limit cannot in such manner be nearly ascertained, then such surveyor shall proceed to measure the true distance between the nearest undisputed posts, limits, or monuments, into such number of lots as the same contained in the original survey of such township, having due respect to any allowance for road or roads, common or commons, as were contained in such original survey, and such limit, so found, shall be taken to be, and the same is hereby declared to be, the true limit in every such case, if accurately obtained, any law or usage to the contrary thereof in any wise notwithstanding.

What proceedings shall be had when actions of ejectment are brought for land improperly occupied in consequence of erroneous surveys.

XII. And be it further enacted by the authority aforesaid, That if any action of ejectment shall be brought against any person or persons, who after these lines have been established by virtue of this act, shall be found, in consequence of unskilful surveyors, to have improved on land not his, her, or their own, it shall and may be lawful for the judge of assize, before whom such action is tried, to direct the jury to assess such damages for the defendant or defendants for any loss he, she, or they may sustain in consequence of any improvement made before such action is commenced, and also assess the value of the land to be recovered, and if a verdict shall be found for the plaintiff or plaintiffs, no writ of possession shall issue, until such plaintiff or plaintiffs have tendered or paid the amount of such damages, as aforesaid, or shall release the said land to the defendant, provided the said defendant shall pay or tender to the plaintiff the value of the land so assessed, before the fourth day of the ensuing term.

(See 32d Geo. III, c 8, and 56th, c 2, and 20.)

Chapter XV.

An act further to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "An act to extend the provisions of an act passed in the second session of the first provincial parliament of Upper Canada," entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the further solemnization of marriage within the same."

(38th Geo. III, c 5.)

[Passed November 27, 1818.]

Preamble.

WHEREAS it is expedient to extend the benefit of an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to confirm and make valid certain marriages heretofore contracted in the country now comprised within the province of Upper Canada, and to provide for the future solemnization of marriage within the same," to such persons who have neglected to avail themselves of the enactment in the second section of said act, in preserving the testimony of such marriage, and the birth of their children, within three years from the passing thereof; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in order to enable such person or persons who have neglected to avail themselves of the benefit of the said enactment, to preserve the testimony of such marriage, and to effectuate the same, it shall and may be lawful, at any time within three years after the passing of this act, for any magistrate of the district where such parties may have contracted matrimony, declared valid by the said recited act, passed in the thirty-third year of his Majesty's reign, to administer to either of the parties surviving, husband or wife, the following oath:

(33d Geo. III, c 5.)

(See 38th Geo. III, c 4.)

(See 1st Wil. IV, c 1.)

Persons having neglected to avail themselves of the provisions of 33d Geo. III, c 5, may within three years preserve the testimony of their marriage, and effectuate the same, by complying with the provisions of this act.

Oath.

"I, A. B., do solemnly swear in the presence of Almighty GOD, that I did publicly intermarry with C. D. on or about the day of and that there is now living issue of the said marriage [as the case may be] I. B., born on the day of M. B., born on the day of ."

Which form of attestation shall be subscribed by the parties, if living, or by the surviving husband or wife, and certified under the hand and seal of the magistrate administering the said oath, who shall be entitled to demand and receive one shilling for such certificate; and that it shall and may be lawful for the clerk of the peace of the district, to enter and record, and he is hereby required, upon the payment of two shillings, to enter and record such attestation duly certified as aforesaid, in a book or register to be by him kept for that

Certificate, and fee for same.

purpose, and that such register or any attested copy thereof, which copy the said clerk is hereby required to make out, and on the payment of the sum of two shillings, to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such marriage and the birth of such children, in all his Majesty's courts of law and equity, any thing in the said recited act of the thirty-third year of his Majesty's reign contained, to the contrary notwithstanding.

Evidence of the marriage.

Chapter XVI.

(See 2d Geo. IV, c 15.) *An act to alter and amend the laws now in force, for levying and collecting light house and tonnage duties, and to relieve vessels propelled by steam from paying the said duty on the space occupied by the engine, machinery, and fuel.*

[Passed November 27, 1818.]

Preamble.

(43d Geo. III, c 2.)

Whereas by an act passed in the forty-third year of his Majesty's reign, entitled, "An act to explain and amend an act passed in the forty-first year of his Majesty's reign, entitled, 'An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods, wares, and merchandize, brought into this province from the United States of America, as are now paid on goods, wares, and merchandize, imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods, wares, and merchandize, coming from the United States of America into this province, and also to establish a fund for the erection and repairing of light houses,'" it is enacted, that the sum of three pence per ton shall be demanded for every vessel, boat, raft, or other craft, of the burthen of ten tons and upwards, that may enter certain ports on lake Ontario, for light house and tonnage duty; and whereas it is inexpedient that such tonnage and light house duty should hereafter be enforced and collected at any port where there is no light house erected, or that such tonnage and light house duty should be paid on any vessel propelled by steam, on the space occupied by the engine, machinery and wood; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the usual space occupied by the engine and machinery, with the requisite stowage of wood, be taken and considered to occupy one third part of such vessel, and be deducted from her full and actual admeasurement, nor shall the said vessel be liable to pay light house or tonnage duty on any more than two third parts of her actual admeasurement, any law or usage to the contrary thereof in any wise notwithstanding.

Steamboats or vessels only to pay light house or tonnage duty on two thirds of their actual admeasurement, the remaining one third to be deducted for the machinery and fuel.

II. And whereas it is expedient to alter and amend the laws now in force, as far as relates to levying and collecting tonnage and light house duty, be it therefore enacted by the authority aforesaid, That no vessel, boat, raft, or other craft, of the burthen of ten tons and upwards, that shall enter any port within this province, shall be liable to pay any light house duty, at any port where there shall be no light house erected, any law or usage to the contrary notwithstanding.

No light house duty to be paid at any port where there shall be no light house erected

Chapter XVII.

An act to amend the laws now in force for granting wholesale licenses.

[Passed November 27, 1818.]

Preamble.

Whereas it is expedient to repeal part of and extend the provisions of an act passed in the fifty-eighth year of his Majesty's reign, entitled, "An act to impose a duty upon persons selling wine, brandy, and other spirituous liquors, by wholesale;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fourth clause of the said recited act be, and the same is, hereby repealed.

58th Geo. III, c 1, recited, and the 4th clause repealed.

II. And be it further enacted by the authority aforesaid, That nothing in the said recited act shall extend, or be construed to extend, to prohibit any person or persons from expo-

Nothing in that act shall prevent persons from vending, in the usual

sing for sale and vending in the usual manner, such liquors as they obtain from the distillation of grain raised upon their own farms, or to prohibit any person who shall have taken out, or who may hereafter take out, a license for the distillation of spirituous liquors, from selling such liquors, as he shall have distilled, without taking out the license required by this act.

manner liquors distilled from grain raised on their own farms, or persons who have taken out licenses to distil, from selling the liquors they may distil, without any license under this act.

Chapter XVIII.

An act for granting to his Majesty a sum of money for the survey of the waters of the Saint Lawrence, and for other purposes therein mentioned.

[REPEALED BY 2D GEO. IV, CH. 2.—£2000 granted to his Majesty, to be expended in procuring surveys of the St Lawrence, and estimates for improvements in the navigation.]

Chapter XIX.

An act to remunerate certain persons therein mentioned.

[£287 12s. 7d. granted to his Majesty, for sundry disbursements in the public service: To James Durand, esquire; to Allan M'Lean, esquire; to William Fairfield, esquire; to John Cumming, esquire; to John Ryder; to the honorable Thomas Clark.]

Fourth Session of the seventh Provincial Parliament.

MET AT YORK, ON THE SEVENTH DAY OF JUNE, AND PROROGUED ON THE TWELFTH DAY OF JULY FOLLOWING, IN THE FIFTY-NINTH YEAR OF THE REIGN OF GEORGE III.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1819.

Chapter I.

An act to repeal part of the laws now in force, imposing duties on goods, wares, and merchandize, imported into this province from the United States of America, and to make further regulations for the trade between this province and the said United States of America, by land and inland navigation.

[EXPIRED.]

Chapter II.

An act to repeal part of and to amend an act passed in the fifty-ninth year of his Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fifth year of his Majesty's reign, entitled, 'An act to license practitioners in physic and surgery throughout this province,' and to make further provision for licensing such practitioners."

[Passed July 12, 1819.]

Preamble.

59th Geo. III, c 13, recited.

WHEREAS by the fifth clause of an act of the parliament of this province, passed in the fifty-ninth year of his Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fifth year of his Majesty's reign, entitled, 'An act to license practitioners in physic and surgery, throughout this province,' and to make further provision for licensing such practitioners," the board constituted and appointed by virtue of and under the authority thereof is required to be held at York, on the first Monday in January and July in each year; and whereas much delay and inconvenience may arise from a limitation of the sittings of the said board to those periods; and whereas it is expedient to make further provision for the constitution and organization of the said board; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fifth clause of the said recited act of the fifty-ninth year of his Majesty's reign be, and the same is, hereby repealed.

5th clause repealed.

Secretary of the board to be appointed.

His duty.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said board, or a majority of the members composing the same, to appoint, from time to time, a fit and proper person to be secretary of the said board, which secretary shall attend the meetings of the said board, and keep a record of the proceedings of the same in a book or books to be by him provided for that purpose, together with all such matters and things as to the said board shall appertain.

Board to sit at four periods in the year.

Sitting not to exceed a week.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said board shall be kept and held in the town of York in the Home district four times in each year, viz: on the first Monday in January, April, July, and October respectively, and may be continued by adjournment from day to day until the business before the board is finished: Provided, That no one quarterly sitting shall be so continued by adjournment beyond the Saturday of the week in which such sitting shall commence.

Notice of application for license to be given to the secretary.

IV. And be it further enacted by the authority aforesaid, That every person desirous of being examined by the said board, touching his qualifications for the practice of physic, surgery, and midwifery, or either of them, shall, and he is hereby required to, give due

notice thereof to the secretary aforesaid, in writing, setting forth the branch or branches of medical practice that he wishes to be examined in, and shall pay to the secretary aforesaid the sum of ten shillings, as his fee for receiving and entering the same, and a further sum of ten shillings as his fee, upon receiving the certificate of the board.

Fees to the secretary.

Chapter III.

An act to give effect and validity to deeds executed by married women in the united kingdom of Great Britain and Ireland, or in any of his Majesty's colonies, and to repeal part of and amend an act passed in the forty-third year of his Majesty's reign, entitled, "An act to enable married women having real estate, to alien and convey the same."

(Amended by 2d Geo. IV, c 14. See 1st Wil. IV, c 3.)

[Passed July 12, 1819.]

WHEREAS there is by law no provision enabling married women resident abroad, and owning real estate in this province, to alien the same; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful to and for any married woman, having real estate in this province, and being above the age of twenty-one years, with the knowledge and consent of, and by any deed or deeds jointly with her husband, to alien, depart with, and convey any real estate whereof she may be seized within this province, to such use or uses as to her and her said husband shall seem meet, which conveyance shall be as valid and effectual in law, to all intents and purposes, as if she were sole, any law or usage to the contrary notwithstanding.

Preamble.

Married women enabled to alienate their real estate by deed executed jointly with their husbands.

II. Provided nevertheless, and it is hereby declared, That nothing in such deed contained shall have any force or effect to bar such married woman or her said husband, or her heirs, during the continuance of her coverture, or after the dissolution thereof, or shall be held to have any force or effect whatsoever, unless such married woman, if resident in Upper Canada, shall appear before any judge, or other person, mentioned and described in a certain act passed in the parliament of this province, in the forty-third year of his Majesty's reign, entitled, "An act to enable married women, having real estate, more conveniently to alien and convey the same," or unless such married woman, being resident of Great Britain or Ireland, or any colony belonging to the crown of Great Britain, shall appear before the mayor or chief magistrate of any city, borough, or town corporate, in Great Britain or Ireland, or the chief justice or any one of the judges of the supreme court in any colony belonging to the crown of Great Britain, and be examined by such mayor or chief magistrate, or chief justice or judge, touching her consent to alien and depart with such real estate, and shall freely and voluntarily, and without coercion, give her consent before such mayor or chief magistrate, or chief justice or judge as aforesaid, to alien and depart with such estate.

Examination and consent necessary to render such deed effectual.

If femme covert resident in the province.

If resident in Great Britain or Ireland, or any British colony.

III. And be it further enacted by the authority aforesaid, That in case it shall appear to such mayor or chief magistrate, chief justice or judge, that such married woman doth freely and voluntarily consent to depart with, alien, and convey her said real estate, without coercion on the part of her husband or any other person, it shall and may be lawful for such mayor or chief magistrate, chief justice or judge, to cause a certificate thereof to be endorsed on the deed so executed by her and her said husband as aforesaid, which certificate shall state the day on which such examination is taken, and shall be signed by the mayor or chief magistrate, chief justice or judge, before whom the same shall be taken; and forasmuch as by the second section of the said recited act of the forty-third year of the reign of his Majesty, the examination of any married woman touching her consent to alien, depart with, and convey any real estate in this province, shall take place within six months from the time of the execution of any deed or conveyance, the same being found inconvenient and impracticable in many cases; it is hereby enacted, that so much of the said second section of the said act, as enacts that such examination shall take place within six months from the time of the execution of any deed or conveyance, as therein stated, shall be, and the same is hereby repealed.

Certificate to be given of such examination and consent.

Provision of 43d Geo. III, c 5, requiring examination to be within six months, repealed

IV. And be it further enacted by the authority aforesaid, That all examinations of such married women, and certificate of such deeds as before mentioned, which may be taken and made, as by the said several recited acts are mentioned, shall be valid in law, if the said examination and certificate shall be taken and made within twelve months from the date of the execution of any such deed or conveyance.

Twelve months allowed from the execution of the conveyance.

Certificate of mayor or chief magistrate of any borough or town corporate or colony, to have the seal of such city, &c. affixed.

V. And be it further enacted by the authority aforesaid, That no certificate to be granted as aforesaid by any such mayor or chief magistrate of any borough or town corporate in Great Britain or Ireland, or of any colony belonging to the crown of Great Britain, shall have any force or effect, unless the seal of such city, borough, or town corporate, shall be affixed thereto.

Chapter IV.

An act to repeal part of and to amend the laws now in force for establishing public schools in the several districts of this province, and to extend the provisions of the same.

[Passed July 12, 1819.]

Most gracious Sovereign:

Preamble.

Whereas it hath been found expedient to repeal part of and to amend an act passed in the forty-seventh year of his Majesty's reign, entitled, "An act to establish public schools in each and every district of this province, and to extend the provisions of the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That provision be made by law for the establishing of a public school in the district of Gore.

47th Geo. III, c 6, recited.

A district school established in the district of Gore.

£100 per annum appropriated to pay the salary of the teacher.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and unappropriated, there be granted annually to his Majesty, his heirs and successors, the sum of one hundred pounds, which sum of one hundred pounds shall be appropriated and applied, and disposed of in paying the salary of the teacher of the said school; which said sum of one hundred pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct.

Trustees to be appointed.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of this province, to appoint trustees and a teacher in the said district of Gore, under the like provisions as are contained in the said act of the forty-seventh year of his Majesty's reign, entitled, "An act to establish public schools in each and every district of this province."

Annual public examination to be held in every district school.

IV. And be it further enacted by the authority aforesaid, That the trustees of each and every district school within this province, shall direct a public examination of their respective schools to be held previous to the usual annual vacation, at which they or a majority of them shall assist, and it is hereby required that such public examination shall be holden every year at the time aforesaid.

Annual reports to be made by the trustees of district schools to the lieutenant governor,

V. And be it further enacted by the authority aforesaid, That the trustees for the respective district schools as aforesaid, in each and every district in this province, shall, and they are hereby required, once in every year, after the public examination as aforesaid, to report to the governor, lieutenant governor, or person administering the government of this province, the state of the said schools, the number of scholars, the state of education, with the different branches taught in the said school, the number of scholars who have completed their education, together with all other matters and things that may tend to cherish the prosperity of the said schools, or that may in any wise benefit the same, that the said report may be laid before the legislature at its first meeting, for their inspection.

to be laid before the legislature.

Ten poor children to be educated at each school, gratis.

VI. And be it further enacted by the authority aforesaid, That in order to extend the benefit of a liberal education to promising children of the poorer inhabitants, the trustees of each and every school have the power of sending scholars, not exceeding ten in number, to be taught gratis, at the respective district schools.

How such scholars are to be selected.

VII. Provided always, and be it further enacted by the authority aforesaid, That the said scholars, so to be taught as aforesaid, shall once in every four years be drawn by lot, in manner following, viz: the trustees for the common schools now or hereafter to be established by virtue of any act of the parliament of this province, shall, and they are

hereby authorized to, return the name or names of one or more, not exceeding four from each common school, of the most promising scholars as aforesaid, of their respective schools, to the trustees of the district schools for the district in which they shall respectively reside, which trustees shall, and they are hereby required, at a special meeting to be openly held for that purpose, inscribe each and every name so returned to them on a separate and distinct slip of paper, being all as nearly as possible of the same size, which slip of paper shall be put into a box or glass, to be provided for that purpose, and at such meeting as aforesaid, the same shall in the presence of the said trustees, be openly drawn by some disinterested person, and each and every scholar, so chosen as aforesaid, shall be entitled to receive his education gratuitously at the said district school, and the teacher thereof shall, and he is hereby required to, educate such scholar as aforesaid.

Vacancies filled up.

VIII. And be it further enacted by the authority aforesaid, That in case any vacancy shall ensue in consequence of the refusal or decease, or from any other cause whatever of any scholar or scholars drafted as aforesaid, to be taught in the district school, it shall and may be lawful for the trustees of the common school, from which such scholar or scholars shall have been drafted, to make a second ballot to fill up the vacancy.

Parts of 47th Geo. III, c 6, repealed.

IX. And be it further enacted by the authority aforesaid, That so much of the third clause of the said act, entitled, "An act to establish public schools for each and every district in this province," as relates to the public schools in the district of London and Johnstown, be, and the same is hereby repealed.

Where the public schools shall be kept in the districts of Johnstown, Gore, and London.

X. And be it further enacted by the authority aforesaid, That the public school for the district of London shall be opened and kept in the town of Vittoria, in the township of Charlotteville; and the public school for the district of Johnstown shall be opened and kept in the village of Brockville, in the township of Elizabethtown; that the public school for the district of Gore shall be opened and kept at the town of Hamilton in the district of Gore.

Teachers to be appointed hereafter, shall have no more than £50 per annum, unless they have more than ten scholars.

XI. Provided always, and be it further enacted by the authority aforesaid, That to every teacher hereafter to be appointed, there shall be only fifty pounds paid, unless the average number of scholars exceeds ten.

Form of certificate to be given by trustees.

XII. And be it further enacted by the authority aforesaid, That the certificates required from the trustees, by the twelfth clause of the said act passed in the forty-seventh year of his Majesty's reign, shall declare that, "at a public meeting of the trustees of the district school, upon due notice given for that purpose, a majority of the trustees being present, we certify, &c., &c."

Chapter V.

An act for establishing a police in the town of Niagara, in the district of Niagara, and for other purposes therein mentioned.

(Continued and amended by 4th Geo. IV, c 34, except 2d clause.)

[Passed July 12, 1819.]

Preamble.

WHEREAS it is expedient to provide for the regulation of the police of the town of Niagara, in the Niagara district of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall be lawful for the magistrates assembled in quarter sessions for the said district, or the majority of them, to make, ordain, constitute, and publish, such prudential rules and regulations as they may deem expedient, relative to building a market house, paving, lighting, keeping in repair, and improving the streets of the said town, regulating the assize of bread, slaughter houses, nuisances, and also relative to the inspection of weights, measures, firemen, and fire companies: Provided always, That nothing herein contained shall extend, or be construed to extend, to the regulating or ascertaining the price of any commodities or articles of provision, other than bread, that may be offered for sale: Provided also that such rules and regulations be not contrary to or inconsistent with the laws and statutes of this province.

Magistrates of the district of Niagara authorized to make certain rules and regulations.

Not regulating the price of any provision but bread,

and not being repugnant to the laws of this province.

Magistrates may raise by assessment any sum not exceeding £100 annually for certain purposes.

Extracts to be furnished by the clerk of the peace.

II. [Repealed by 4th Geo. IV, c 34.]

How such assessments shall be raised and applied.

III. And be it further enacted by the authority aforesaid, That such assessment as aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said town, and subject to such rules and regulations as may be made by the magistrates in quarter sessions for the said district, for the purpose of raising, collecting, and paying any sum collected to the treasurer of the said district, which said sum shall be applied from time to time, in such manner for the purposes aforesaid, as the magistrates in quarter sessions assembled, or the majority of them, shall direct and appoint.

Fines may be imposed by the magistrates.

How collected and applied.

IV. And be it further enacted by the authority aforesaid, That the magistrates in general quarter sessions of the peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit, and provide such reasonable fines upon the offenders against such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence, to be recovered before any commissioner of the peace of the said town, upon the oath of one credible witness, and levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the treasurer of the said district, for the uses of the said town.

Rules to be published.

V. And be it further enacted by the authority aforesaid, That every such rule and regulation, so made as aforesaid, before it shall have effect, shall be posted up in three or more public places in the said town of Niagara.

Fees.

VI. And be it further enacted by the authority aforesaid, That the magistrates, as aforesaid, shall, and they are hereby authorized to, order the same fees to be allowed and paid to the treasurer, collector, and clerk of the peace, for the extra duties imposed by this act, as are paid to the said officers under any assessment law of this province.

Continuance of this act. (See 4th Geo. IV, c 34.)

VII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for four years and no longer.

Chapter VI.

An act granting to his Majesty an additional duty on stills used for the distillation of spirituous liquors for sale, and for ascertaining the manner in which certain wooden stills shall be gauged in this province.

[Passed July 12, 1819.]

Most gracious Sovereign:

Preamble.

Whereas the laws now in force, imposing a duty on the distillation of spirituous liquors, are evaded by a new and improved method of distillation by steam; and whereas it is expedient that such distillers should equally contribute to the support of the civil government of this province; and whereas it is expedient that the said duty should be increased; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, have freely and voluntarily resolved to give and grant to your Majesty an additional duty on stills used for distillation in this province; and we do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the fifth day of January next, in addition to the duty of one shilling and three pence per gallon now raised, levied, collected, and paid yearly and every year, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, to and for the public uses of this province, and towards the support of the civil government thereof, of and from all persons having and using a still or stills for the purpose of distilling spirituous liquors for sale, the sum of one shilling and three pence, lawful money of this province, for every gallon which the body of such still or stills shall or may be capable of containing in manner hereinafter mentioned.

Additional duty of 1s. 3d. per gallon granted on stills, from 5th January next.

Levied in the same manner as the existing duties on stills.

II. And be it further enacted by the authority aforesaid, That the said duty hereby granted to his Majesty, shall be raised, levied, collected, and paid, in the same manner and under the same penalties and restrictions, as are imposed by any former act of this province, imposing a duty on stills used for the purpose of distilling spirituous liquors.

Wooden stills. (See 4th Geo. IV, c 18.)

III. And be it further enacted by the authority aforesaid, That each and every wooden still now or hereafter during the continuance of this act, used or to be used as a boiler or receiver for the beer or wash for the distillation of spirituous liquors for sale, shall be gauged, and the duty paid on the whole number of gallons such still, as aforesaid, may be capable of containing.

IV. And be it further enacted by the authority aforesaid, That the due application of the said duty to be raised, levied, and collected, shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty shall please to direct.

Duties how to be accounted for.

V. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for any inspector or inspectors to charge any additional fee for issuing any license under the provisions of this act, or to retain to his or their own use more than five per cent. for collecting and paying over the duties hereby directed to be paid, any law, usage, or custom, to the contrary notwithstanding.

Inspectors not to charge any additional fee.

Nor to have more than five per cent. on collection.

VI. And be it further enacted by the authority aforesaid, That this act shall remain and continue in force for the space of two years from the fifth day of January next, and from thence to the end of the then next ensuing session of parliament.

Continuance of this act. (See 4th Geo. IV, c 13.)

Chapter VII.

An act to repeal the several laws now in force, relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province.

(Made perpetual by 6th Geo. IV, c 7.) (See 9th Geo. IV, c 3.)

[Passed July 12, 1819.]

WHEREAS it is expedient to make provision for the more equal and general assessment of lands and other rateable property throughout this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first Monday in January, which will be in the year of our Lord one thousand eight hundred and twenty, the several acts now in force in the province relative to rates and assessments; that is to say, an act passed in the fifty-first year of the reign of his present Majesty, entitled, "An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, 'An act to repeal the several acts now in force in this province, relative to rates and assessments, and also to particularize the property, real and personal, which, during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same,'" and also, a certain other act passed in the fifty-fifth year of his present Majesty's reign, entitled, "An act to continue and amend an act passed in the fifty-first year of his Majesty's reign, entitled, 'An act to repeal an act passed in the forty-seventh year of his Majesty's reign, entitled, 'An act to repeal the several laws now in force in this province, relative to rates and assessments, and also to particularize the property, real and personal, which, during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same,'" shall be, and the same are hereby repealed.

Preamble.

51st Geo. III, c 8, and 55th, c 5, repealed.

II. And be it further enacted by the authority aforesaid, That the following property, real and personal, shall, after the said first Monday in January, one thousand eight hundred and twenty, and for every subsequent year during the continuance of this act, be deemed rateable property throughout this province, and shall be rated at the rate and valuation herein set forth; that is to say, every acre of arable, pasture, or meadow land, twenty shillings; every acre of uncultivated land, four shillings; every town lot, situated in the towns hereinafter mentioned; to wit, York, Kingston, Niagara, and Queenston, fifty pounds; Cornwall, Sandwich, Johnstown, and Belleville, twenty-five pounds; every town lot on which a dwelling house is erected in the town of Brockville, being composed of the front half of lots number ten, eleven, twelve, and thirteen, in the first concession of the township of Elizabethtown, in the district of Johnstown, thirty pounds; every town lot on which a dwelling house is erected in the town of Bath, being composed of the front or south half of lots number nine, ten, and eleven, in the first concession of the township of Ernestown, in the Midland district, twenty pounds; every house built with timber squared or hewed on two sides, of one story in height, and not two stories, with not more than two fire places, twenty pounds; for every additional fire place, four pounds; every dwelling house built of squared or flatted timber on two sides, of two stories in height, with not more than two fire places, thirty pounds; and for every additional fire place, eight pounds; every framed house under two stories in height, with not more than two fire places, thirty-five pounds; and for every additional fire place, five pounds; every

What shall be deemed rateable property after first Monday in January, 1820.

Valuation.

brick or stone house, of one story in height, and not more than two fire places, forty pounds; and for every additional fire place, ten pounds; every framed, brick, or stone house, of two stories in height, and not more than two fire places, sixty pounds; every additional fire place, ten pounds; every grist mill, wrought by water, with one pair of stones, one hundred and fifty pounds; every additional pair, fifty pounds; every saw mill, one hundred pounds; every merchant's shop, two hundred pounds; every store house, owned or occupied for the receiving and forwarding goods, wares, or merchandize, for hire or gain, two hundred pounds; every stone horse kept for the purpose of covering mares for hire or gain, one hundred and ninety-nine pounds: Provided also, That if any person shall bring into any township in this province any horse, as aforesaid, after the assessment roll shall have been made up for such township, it shall and may be lawful for the collector of such township, and he is hereby required to demand and receive of any such person, the rate for such horse, as aforesaid, unless the owner can satisfy such collector that the rate for such horse has been returned or paid for that year, and in case of a refusal of payment, to proceed to the recovery of such rate by distress and sale of such horse, as aforesaid; every horse of the age of three years and upwards, eight pounds; oxen, of the age of four years and upwards, per head, four pounds; milch cows, per head, three pounds; horned cattle, from the age of two years to four years, per head, twenty shillings; every close carriage with four wheels, kept for pleasure, one hundred pounds; every phæton or other open carriage with four wheels, kept for pleasure only, twenty-five pounds; every curricle, gig, or other carriage, with two wheels, kept for pleasure only, twenty pounds; every waggon kept for pleasure, fifteen pounds: Provided always, That every stove erected and used in a room where there shall be no fire place, be deemed and considered as a fire place: Provided also, That nothing herein contained shall extend, or be construed to extend, to any property, goods, or effects, matters, or things, herein mentioned or enumerated, which shall belong to or be in the actual possession or occupation of his Majesty, his heirs or successors, except the crown and clergy reserves actually leased to individuals, which shall be liable to the same rates and assessments as other lands hereinbefore mentioned.

Stone horse.

Carriages.

Stoves.

Exceptions of property of the King.

III. And be it further enacted by the authority aforesaid, That the persons nominated and chosen assessors in each and every parish, township, reputed township, or place, shall, during the continuance of this act, have power and authority, and they are hereby authorized and empowered, and required, to demand and receive of and from each and every rateable inhabitant resident within the parish, township, or place, for which they shall be so nominated and chosen, a list of all the rateable personal property in his, her, or their possession, in the province, and of all the lands or other real estate in his, her, or their possession within the said parish, township, or place, specifying the number of the lot or lots and the concession or concessions in which the same is or are situated, or otherwise particularly describing the same, and also the number of acres cultivated or uncultivated in each lot or parcel of land, which list shall be taken annually during the continuance of this act, between the first Monday in February and the sitting of the quarter sessions of the peace, then next ensuing, and the said assessor shall make a return of all the rateable inhabitants, with a true list of all their rateable property, specifying the particulars above mentioned, and shall in like manner insert their own rateable property therein, at the foot of which they shall subscribe their names, and after putting a copy thereof in some public and conspicuous place in the township in which the same shall be made, shall return the same to the clerk of the peace, to be laid before the court of quarter sessions.

Lists to be taken by assessors.

Particular specification of land.

What lands subject to rates.

IV. And be it further enacted by the authority aforesaid, That all lands shall be considered as rateable property, which are holden in fee simple, or promise of a fee simple by land board certificate, order of council, or certificate of any governor of Canada, or by lease.

Town lots divided.

V. And be it further enacted by the authority aforesaid, That each lot, piece, or parcel of land in any of the before recited towns, other or less than a town lot on the original plan of such town, held by lease or otherwise, on which a building shall be erected, shall be likewise taken and considered to be a town lot.

Compensation to assessors.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such assessors, yearly and every year, during the continuance of this act, to demand and receive of and from the treasurer of the district, a sum of money, not exceeding four pounds for every hundred pounds contributed and raised in and by their respective townships, reputed townships, or places, for the year they shall serve that office, and so in proportion for any greater or less sum and sums, and the treasurer of each and every district is hereby authorized and required to pay such assessor as aforesaid.

Assessments to be imposed and apportioned by quarter sessions.

VII. And be it further enacted by the authority aforesaid, That the several courts of quarter sessions are hereby authorized, empowered, and required, after having ascertained the sum of money required to be raised for defraying the public expenses of the district, to divide and apportion the same upon each and every person in the said rate rolls named,

and liable to pay rates as aforesaid, so that every person shall be assessed in just proportion to the list of his, her, or their rateable property, real and personal, according to the rates hereinbefore specified, and having ascertained the quota, dividend, or sum of money for which each and every person shall be so assessed for the current year, they shall direct the clerk of the peace to transmit forthwith a certified copy of such assessment roll, so rated and ascertained as aforesaid, to each and every collector within the district, and the said clerk of the peace shall be entitled to ask, and the treasurer is hereby required to pay him, the sum of thirty shillings on each assessment roll, so by the said clerk apportioned and transmitted as aforesaid, and such copy certified by the clerk of the peace as aforesaid, shall be to each and every collector sufficient authority for collecting the proportions or dividends within their respective townships, reputed townships, or places: Provided always, That the sum levied shall in no one year exceed one penny in the pound on the sum herein specified, on the valuation at which each species of the property before mentioned shall be rated and assessed.

Assessment rolls.

Clerk of the peace.

Limitation of assessment to one penny in the pound.

VIII. And be it further enacted by the authority aforesaid, That no new assessment shall be made until it shall appear to the justices at their respective general quarter sessions, or the greater part of them, then and there assembled, by the accounts of their treasurer, or otherwise, that one half of the money collected by virtue of the preceding rate, together with the whole of the monies collected under and by virtue of any act or acts now or hereafter to be in force in this province, shall have been expended for the public uses of the district.

Restrictions preventing new assessment except in certain cases.

IX. And be it further enacted by the authority aforesaid, That if any person appointed or to be appointed a parish or town officer, under the authority of any of the acts of the parliament of this province, in force for that purpose, shall neglect or refuse to perform the duty imposed upon them and each of them, by the provisions herein contained, in manner and form as herein specified and declared, or if any person or persons liable to the payment of the rates by this act imposed, shall neglect or refuse to deliver in a true list of his or her rateable property, real and personal, to the assessors, in manner and form herein specified, or shall wilfully misstate such rateable property, every such person or persons shall forfeit and pay a sum of money, not less than two pounds, nor more than five pounds, for the first neglect or refusal, and ten pounds for the second, to be levied by distress and sale of the offender's goods and chattels; and upon complaint of such neglect, before two or more of his Majesty's justices of the peace, for the division where the offence is charged, they shall hear and determine the same, and upon sufficient proof being made of such wilful neglect, refusal, or misstatement, shall issue such warrant as aforesaid, unless such fine shall be immediately satisfied, and such sum of money, when collected, shall be paid into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, and towards the support of the civil government of this province, to be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as it shall please his Majesty to direct, and the justices before whom such conviction shall or may have taken place, shall certify the same to the clerk of the peace for the district or county where the offence was committed, who shall, and he is hereby required to, insert the rateable property so withheld or misstated on the assessment list of the township wherein the offender was resident at the time.

Punishment of officers neglecting or refusing to perform duties imposed on them by this act,

and on persons not delivering true lists to assessors.

Fine.

How levied.

Accounted for.

X. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said collector, the said collector shall, and is hereby required to, levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of his Majesty's justices of the peace, and to render the overplus, if any there shall be, over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

In case of refusal to pay rate, the same to be levied by distress.

Overplus.

XI. And be it further enacted by the authority aforesaid, That the collector may deduct at the rate of five pounds for every hundred pounds, and no more, as a full compensation for his service in collecting, any law to the contrary notwithstanding, and that the treasurer shall give a receipt for all money paid to him by any collector, which receipt shall be to such collector a sufficient acquittance.

Compensation to collectors.

Money received by them to be paid to the treasurer.

XII. And be it further enacted by the authority aforesaid, That his Majesty's surveyor general of this province, for the time being, shall, on or before the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty, furnish the treasurer of each and every district thereof, with a list or schedule of the lots in every town, township, or reputed township, of his respective district, as the same are designated by numbers and concessions, or otherwise, upon the original plan thereof, in which list it shall be specified, in columns opposite to each lot respectively, to whom the said lot, or any and what part thereof, has been described as granted by his Majesty, and whether the same, or any and what part thereof, be yet ungranted, and also what lots are reserved as

Schedules of granted and leased lands to be furnished by surveyor general.

crown or clergy reserves, or for other public purposes, and to whom such reserves, or any and what part thereof, have been leased by his Majesty, and shall on or before the first day of July in every year thereafter, transmit to the treasurer of such district respectively, a schedule of all such lots or parcels of land, specifying the number of acres or other less quantity of land in each, as have been granted or set to lease by his Majesty, since the last schedule by him furnished, as before directed.

All lands included in such schedules as granted or leased, shall be liable to assessments whether occupied or not.

XIII. And be it further enacted by the authority aforesaid, That all lands described in the said schedule as having been granted or let to lease by his Majesty, shall from the time they are returned in the said schedule, be assessed and charged to the payment of the rates or taxes imposed by this act, in the respective districts in which they are situated, and not elsewhere, whether the same be occupied at the time of assessment or not; and the treasurer of each and every district of this province is hereby authorized and empowered to receive from any person or persons paying the same, the rates or taxes for and in respect of all such lands as are not returned on the assessment roll of any township or place, and that in case any lands charged to the said rates or taxes, shall be unoccupied and no distress can be found on the same at the time such rates or taxes shall be payable, it shall and may be lawful for the collector for the time being of the township or place in which such lands are situated, at any time thereafter, to enter upon the said lands, when there shall be any distress thereupon to be found, and having obtained a warrant for that purpose from any of his Majesty's justices of the peace, to levy from the occupier of such tract or parcel of land, the amount of all rates and taxes in arrear, by distress and sale, as they might have done upon the same lands if in the occupation of such persons, at the time the rates and taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such taxes in arrear, such collector shall pay the overplus, if any there be, to the person or persons occupying the premises on which such distress was made.

How rates to be collected in respect of lands not returned on assessment lists.

Distress.

Treasurer of each district to keep an account against the lands in his district, charging the rates hereby imposed.

XIV. And be it further enacted by the authority aforesaid, That the treasurer of each and every district of this province shall keep an account for every parish, town, township, reputed township, or place within his district, according to the list or schedule furnished by the surveyor general, as before mentioned, in which account he shall particularly enumerate every lot or parcel of land in the said parish, township, or place, describing the same as in the said schedule, and shall charge the same with, or credit it for the amount of the taxes and rates payable or paid in respect thereof, for each and every year; and that the said books or accounts shall be produced by the said treasurer, for the inspection of the justices at the court of general quarter sessions held in his district respectively, in each and every year, and shall be kept open for the inspection of all persons desiring to see the same, between the hours of ten and three, on every first and third Monday in each month, and the treasurer is hereby authorized to demand for every such search and inspection, one shilling and three pence, and no more.

Inspection of accounts.

Fee for search.

Rates to accumulate by an increased proportion, if suffered to remain in arrear beyond certain periods.

(As to the sale of land for arrears of taxes, see 6th Geo. IV, c 7, and 9th Geo. IV, c 3.)

XV. And be it further enacted by the authority aforesaid, That when the rates and assessments upon any lot, piece, or parcel of land, shall be suffered to remain in arrear and unpaid for the space of three years, the rates and assessments so in arrear shall be increased in the proportion of one third, and if suffered to remain five years in arrear, the whole shall be increased in the proportion of one half, and if suffered to remain eight years in arrear, the amount of such arrear shall be doubled, and the said rates and assessments shall be charged thenceforward in double the amount that would grow due according to the existing rate or assessment, and such rates so increased respectively, shall be charged against the lands in the accounts of the treasurer herein directed to be kept, and shall be levied in the manner hereinbefore provided.

Townships not authorized to hold town meetings.

XVI. And be it further enacted by the authority aforesaid, That persons residing in townships or places not authorized to hold town meetings, shall be considered, for the purposes of this act, as inhabitants of the township adjacent thereto which shall contain the smallest number of inhabitants, and shall be assessed accordingly.

Aggregate account to be transmitted to the lieutenant governor by the clerks of the peace.

XVII. And be it further enacted by the authority aforesaid, That the clerk of the peace in each and every district in this province shall, and is hereby required to, transmit before the end of the month of January in each and every year, to the governor, lieutenant governor, or person administering the government, an aggregate account of the said assessment, in order that the same may be laid before the legislative council and house of assembly, which shall contain a true and full statement of every species of property in respect of which such assessment was made, and the clerks of the peace respectively are hereby authorized to demand, and the treasurer of each district is hereby respectively required to pay each of the said clerks of the peace, for their trouble in making up such aggregate account, the sum of thirty shillings.

Remuneration to the clerks of the peace.

Treasurer how to be appointed.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices, at their respective general quarter sessions assembled, or the greater part of them then and there assembled, to nominate and appoint a proper person,

being resident within the district, to be treasurer of the said district, which treasurer shall give sufficient security in such sum as shall be approved of by the said justices at their respective general quarter sessions then and there assembled, to be accountable for the several sums of money which shall be respectively paid to him in pursuance of this act, and to pay such sum or sums of money as shall be ordered to be paid by the justices in their general quarter sessions, and also for the true and faithful execution of the trust reposed in him; and all and every such sum or sums of money as shall be paid into his hands, by virtue of and in pursuance of this act, shall be deemed and taken to be the public stock of the district, and the said treasurer sha l and is hereby required to pay so much of the money in his hands to such person or persons as the said justices, at their respective general quarter sessions, or the greater part of them then and there assembled, shall by their order direct and appoint, for the purposes therein recited, and for any other uses and purposes to which the public stock of the said district is or shall be applicable by law, reserving at all and every time or times, to and for his own use, as a reward for his labor and expense, the sum of four pounds for every hundred pounds, that shall or may be paid into his hands, under the authority of this act, for the purposes aforesaid.

Security.

Duty.

Remuneration.

XIX. And be it further enacted by the authority aforesaid, That the said treasurer shall, and is hereby required to, keep books of entries of the several sums respectively received and paid by him, in pursuance of this or any other act now or hereafter in force in this province, and also to deliver in a true and exact account, upon oath, which oath any one of the justices, at their respective general quarter sessions, is hereby authorized to administer, of all and every sum or sums of money respectively received and paid by him, distinguishing the particular uses to which such sum or sums of money have been applied, to the justices at every general quarter sessions to be holden for the district, and shall lay before the justices of such sessions the proper vouchers for the same, and also transmit once in each and every year a certified copy thereof, on oath, to the governor, lieutenant governor, or person administering the government, in order that the same may be laid before the legislative council and house of assembly, and the discharges of the said justices of the peace, or the greater part of them, by their orders made at their general quarter sessions, to such treasurer, shall be taken and allowed as a good and sufficient acquittance to the full amount thereof.

Treasurer's accounts.

Certified copy of the same to be transmitted to the lieutenant governor.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices of the peace, at their general quarter sessions, or the greater part of them, from time to time, to continue such treasurer in his office, so long as they shall see convenient, and to remove him at their pleasure, and appoint any other proper person in his place.

Treasurer removable from office at the pleasure of the justices.

XXI. And be it further enacted by the authority aforesaid, That the following fees, and no more, shall be taken for every distress levied under this act: for every warrant of distress, two shillings and six pence; for every mile travelling to execute the same, four pence; and for every selling and making return, two shillings.

Fees on distress.

XXII. And be it further enacted by the authority aforesaid, That for every schedule for each township, furnished by the surveyor general of this province, according to the provisions of this act, on or before the first day of July, one thousand eight hundred and twenty, he shall be entitled to receive from and out of the rates and duties now or hereafter to be raised, levied, and collected, to and for the uses of this province, the sum of twenty shillings for each and every such schedule, and for every supplementary schedule thereafter, furnished as directed by this act, the sum of two shillings and six pence, to be paid by the receiver general of this province, in discharge of such warrant or warrants as the governor, lieutenant governor, or person administering the government of this province, shall issue, and shall be accounted for to the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as it shall please his Majesty to direct.

Compensation to surveyor general for the duties imposed on him by this act.

(See 2d Geo. IV, c 16.)

XXIII. } [Repealed by 6th Geo. IV, c 7.]
XXIV. }

Continuance of this act. Form of assessment roll.

Chapter VIII.

An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province.

(Amended by 4th Geo. IV, c 9. See also 4th Geo. IV, c 10.)

[Passed July 12, 1819.]

WHEREAS it is expedient to amend the laws now in force for providing for the laying out, amending, and keeping in repair, the public highways and roads in this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assem-

Preamble.

bled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first Monday in the month of March, which will be in the year of our Lord one thousand eight hundred and twenty, the thirtieth clause of an act of the parliament of this province, passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," and so much of an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to repeal and amend part of an act passed in the fiftieth year of his Majesty's reign, entitled, 'An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose,'" as enacts "that any person liable to perform the duty imposed by the before recited act may compound for such duty, if he or she may think fit, by paying to the overseer the sum of ten shillings, for each cart, waggon, team, and driver, for each day, and every person liable to perform such labor may compound for the same, if he or she shall think fit, by paying to the overseers the sum of five shillings, for and in lieu of such day's duty or labor respectively," at the time and in the manner directed by the aforesaid act, shall be, and the same are, hereby repealed.

After first Monday in March, 1820, the 30th clause of 50th Geo. III, c 1, and certain parts of 56th Geo. III, c 41, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the first Monday in March, which will be in the year of our Lord one thousand eight hundred and twenty, every person included or inserted in or upon the assessment roll of any township, reputed township, or place, shall, in proportion to the estimate of his real and personal property stated on the said roll, be held liable to work on the highways and roads in each and every year as follows, (that is to say,) if his property be not rated at more than twenty-five pounds, then his proportion of statute labor on the highways shall be two days; if at more than twenty-five pounds, and not more than fifty pounds, three days; if at more than fifty pounds, and not more than seventy-five pounds, four days; if at more than seventy-five pounds, and not more than one hundred pounds, five days; if at more than one hundred pounds, and not more than one hundred and fifty pounds, six days; if at more than one hundred and fifty pounds, and not more than two hundred pounds, seven days; if at more than two hundred pounds, and not more than two hundred and fifty pounds, eight days; if at more than two hundred and fifty pounds, and not more than three hundred pounds, nine days; if at more than three hundred pounds, and not more than three hundred and fifty pounds, ten days; if at more than three hundred and fifty pounds, and not more than four hundred pounds, eleven days; if at more than four hundred pounds, and not more than five hundred pounds, twelve days; and for every hundred pounds above the sum of five hundred pounds, till it amounts to one thousand pounds, one day; and for every two hundred pounds above the sum of one thousand pounds, till it amounts to two thousand pounds, one day; and for every three hundred pounds above the sum of two thousand pounds, till it amounts to three thousand five hundred pounds, one day; and for every five hundred pounds above the sum of three thousand five hundred pounds, one day: Provided always, That every person possessed of a waggon, cart, or team of horses, oxen, or beasts of burthen or draft used to draw the same, shall be liable to work on the highways not less than three days, any thing herein contained to the contrary in any wise notwithstanding.

After first Monday in March, 1820, what persons are to perform labor on the highways, and in what proportion.

III. And be it further enacted by the authority aforesaid, That from and after the first Monday in the month of March, which will be in the year of our Lord one thousand eight hundred and twenty, every lot or parcel of land in this province, subject to be rated and assessed, but which by reason of its remaining unoccupied, or for other cause, may not be included in the assessment roll of the township, reputed township, or place, wherein the same is situated, shall nevertheless be rated and assessed at one eighth of a penny per acre, annually, towards defraying the expense of laying out, amending, and keeping in repair, the public highways and roads in such township, reputed township, or place, to be levied by distress and sale, in case of non-payment, in the same manner by the collectors in the different districts respectively, as the other rates and assessments shall and may be levied and collected by virtue of the laws then in force for that purpose.

Lands subject to be assessed, but not included in the assessment roll of any township, to be rated at one eighth of a penny per acre, for amending the roads.

IV. And be it further enacted by the authority aforesaid, That the treasurer of each and every district in this province is hereby authorized and empowered to receive from any person or persons paying the same, the rates or taxes by this act imposed, for or in respect of all such lands as are not returned on the assessment roll of any township or place, and that in case any lands charged with such rates and taxes shall be unoccupied, and no distress can be found thereon at the time such rates or taxes shall be payable, it shall and may be lawful for the collector, for the time being, of the township or place in

Treasurer to receive such rate, and if not paid, and the land unoccupied, the rates may be levied by distress at any time after, when occupied.

which such lands are situated, at any time thereafter, to enter upon the said lands, when there shall be any distress thereupon to be found in the actual possession of the owner or occupier thereof, and having obtained a warrant for that purpose from any of his Majesty's justices of the peace, to levy the amount of such rates and taxes in arrear, by distress and sale, as they might have done upon the same lands, if in the occupation of such persons at the time the rates and taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such rates and taxes in arrear, such collector shall pay the overplus, if any there be, to the person or persons occupying the premises on which such distress was made.

Distress.

V. And be it further enacted by the authority aforesaid, That when the rates and assessments chargeable upon any lot, piece, or parcel of land, by virtue of this act, shall be in arrear and unpaid for the space of three years, the said rates and assessments, so in arrear, shall be increased in the proportion of one third, and if suffered to remain five years in arrear, the whole shall be increased in the proportion of one half, and if suffered to remain eight years in arrear, the amount of such arrears shall be doubled, and the said rates and assessments shall be charged thenceforward in double the amount that would grow due according to the existing rate or assessment, and such rates, so increased respectively, shall be charged against the lands in the accounts of the treasurer herein directed to be kept, and shall be levied in the manner hereinbefore provided.

Rates to accumulate by increased proportions if suffered to remain in arrear.

VI. [Repealed by 4th Geo. IV, c 10, s 1.]

Statute labor may be compounded for.
Rates of composition.

VII. And be it further enacted by the authority aforesaid, That the treasurer of each and every district of this province, in the account which he is required to keep, for every parish, township, reputed township, or place, according to the provisions of a certain act passed in the present session of the parliament of this province, entitled, "An act to repeal the several laws now in force relative to raising, levying, and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province," shall charge each lot or parcel of land with, or credit for the amount of taxes and rates hereby imposed, as well as of those accruing under the last mentioned act, and that the said books or accounts shall be produced to the justices, and shall be subject to public inspection in the same manner as is provided by the said act, except that no more than one fee for search shall be exacted by the treasurer for inspection of both heads of rates or assessments at the same time.

Treasurer to charge lands in his district with the rates hereby imposed.

Books to be open.

Fee for search.

VIII. And be it further enacted by the authority aforesaid, That the collectors throughout this province shall pay over the monies by them received or levied at any time under this act, to the treasurers of their respective districts, in the manner provided by an act of the parliament of this province, passed in the fifty-third year of his Majesty's reign, entitled, "An act to alter and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, 'An act for the better regulation of parish and town officers throughout this province,'" and shall be entitled to deduct at the rate of five pounds for every hundred pounds, and no more, as a compensation for their services in collecting and paying over, and the treasurer shall give a receipt for all money paid to him by any collector.

Collectors to pay over money to the treasurer.

Compensation to collectors.

IX. And be it further enacted by the authority aforesaid, That for every distress levied under this act, the following fees, and no more, shall be taken: For the warrant of distress, two shillings and six pence; for every mile travelling to execute the same, four pence; and for every selling and making return, two shillings.

Fees on warrant of distress, &c.

Compensation to the treasurer.
Monies to be paid over by him to the overseers of the highways.

X. [Repealed by 4th Geo. IV, c 10, s 13.]

Overseers to render account on oath.

XI. And be it further enacted by the authority aforesaid, That the overseers of highways shall, in the accounts which they are required by the said act passed in the fiftieth year of his Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," to keep, produce, and verify on oath, account for all sums of money received and expended by them under this act, and shall be liable to be punished for misapplying, or refusing or neglecting to apply or account for such monies, in the same manner as is provided by the last mentioned act, with respect to the monies therein appointed to be received and accounted for by the said overseers, and that any rates or taxes paid to the overseers, and not applied by them during their year, shall be paid over by the justices receiving the same, to the overseers for the next ensuing year, to be by them applied in like manner, as hereinbefore directed.

Money not expended by overseers shall be paid over to their successors.

XII. And be it further enacted by the authority aforesaid, That if any overseer, in verifying his accounts, shall swear falsely, he shall, upon conviction thereof, suffer all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable; and whereas it is provided by a certain act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to repeal and amend part of an act passed in the fiftieth year of

Perjury.

(See 56th Geo. III, c 39)

his Majesty's reign, entitled, 'An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," that every male inhabitant, from the age of twenty-one years to fifty, not rated on the assessment for any town, township, or place, within this province, shall be compelled to work on the highways three days in every year, within the township, town, or place, he may reside in, under the same penalty as is imposed by any act on persons rated on the assessment list; and whereas in some instances the operation of the said provision may be found too severe; be it therefore enacted by the authority aforesaid,

Power given to the magistrates in certain cases to exempt from statute labor on the highways.

That from and after the passing of this act, persons gaining their livelihood by the wages of daily labor, and possessing no rateable property, or not being assessed at more than twenty-five pounds, who, by reason of age, sickness, or numerous family, or misfortune, may be in poor and indigent circumstances, and also persons emigrating to this province with intent to become permanent settlers and landholders therein, and not having resided six months in the province, may apply to the justices at any special or petty sessions, held for the district wherein such person shall reside, and the said justices, having first given notice to the overseer to appear on the part of the township or place to which such person may belong, shall examine and inquire into the situation and circumstances of the person making such application, and if it shall appear to the satisfaction of such justices, or the majority of them there assembled, that such person is really poor and indigent, and a deserving object of such relief, or that he has emigrated to this province with intent to become a permanent settler and landholder therein, and has not resided six months in the province, the said justices may, in their discretion, exempt such person respectively from the performance of such statute duty upon the highways, and from all composition money in lieu thereof.

This act not to vary or annul any provision except as herein expressly enacted.

XIII. And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to vary, repeal, or annul any clause, matter, or thing, in the said acts contained, further than is herein expressly declared and enacted.

Continuance of this act.

XIV. [Repealed by 4th Geo. IV, c 9, s 14.]

Chapter IX.

An act to repeal and amend certain parts of an act passed in the thirty-fourth year of his Majesty's reign, entitled, "An act to establish a court for the cognizance of small causes in each and every district of this province;" and also, of an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act to extend the jurisdiction and regulate the proceedings of the district courts and court of requests."

[Repealed by 2d Geo. IV, Ch. 2.]

Chapter X.

An act for granting to his Majesty a sum of money in aid of the funds for defraying the expenses of the administration of justice, and support of the civil government of this province.

[Passed July 12, 1819.]

Most gracious Sovereign:

Preamble.

Whereas your Majesty's faithful commons have voluntarily and freely resolved to grant to your Majesty a supply to defray certain charges for the administration of justice, and support of the civil government of this province; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general, and unappropriated, there be appropriated the sum of four thousand eight hundred and fifteen pounds, sterling, which said sum of four thousand eight hundred and fifteen pounds, sterling, shall be applied in aid of the funds already appropriated by an act of the parliament of Great Britain, passed in the fourteenth year of his Majesty's reign, entitled, "An act to establish a fund towards further

£4815, sterling, granted to his Majesty, in aid of the funds already appropriated towards defraying the charges of the civil government, &c.

defraying the charges of the administration of justice, and support of the civil government within the province of Quebec, in America," towards the following services for the year one thousand eight hundred and twenty:

For the administration of justice; the lieutenant governor's office; the receiver general's office; the surveyor general's office; the executive council office; the crown office; the attorney general's office: the secretary's office; the register of the province; the inspector general's office; pensions to wounded militia officers; repairs and contingencies of the government house; government printer; casual and other expenses.

And shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall, for that purpose, be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct. How to be paid and accounted for.

II. Provided always, and be it further enacted by the authority aforesaid, That an account in detail of all monies paid under the authority of this act, be transmitted to be laid before the commons house of assembly, at the then next ensuing session of parliament, and, Provided also, That so much of the said sum as may remain unexpended, shall be subject to the future disposition of parliament. Account of expenditure to be submitted to parliament.

Chapter XI.

An act to amend and repeal part of an act passed in the fifty-seventh year of his Majesty's reign, entitled, "An act to establish a market in the town of Niagara, in the Niagara district."

[Passed July 12, 1819.]

WHEREAS certain parts of an act passed in the fifty-seventh year of his Majesty's reign, entitled, "An act to establish a market in the town of Niagara, in the Niagara district," are now inapplicable, it is therefore expedient to amend and repeal the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the fifth, sixth, and seventh clauses of the aforesaid act, be, and the same are hereby repealed. Preamble. 5th, 6th, and 7th clauses of 57th Geo. III, repealed.

II. And be it further enacted by the authority aforesaid, That the said market house shall be built and erected at such place in the town of Niagara, as the magistrates for the district of Niagara, in their general quarter sessions of the peace, or the majority of them, may direct. Market house to be built where the justices shall appoint.

Chapter XII.

An act to repeal part of and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province."

[Passed July 12, 1819.]

WHEREAS there is now no provision by law for assembling a court martial, unless when the militia of this province shall be called out on actual service, by reason whereof, it may happen that persons against whom charges may have been preferred before a court of inquiry, may have no opportunity of making their defence against such charges, before a court competent to receive such evidence upon oath, in their behalf; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the twenty-fifth clause of an act passed in the forty-eighth year of his Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," shall be, and the same is hereby repealed. Preamble. 25th clause of 48th Geo. III, c 1, repealed.

General court martial may be granted at the prayer of the party, though no part of the militia shall be called out on actual service.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, in all cases where a general court martial shall be prayed for by any officer, against whom any charges have been, or may be preferred, when any part of the militia of this province shall not be called out on actual service, the governor, lieutenant governor, or person administering the government, may direct a general court martial to be held, to be assembled in the same manner, and under the same provisions, and to proceed in the same manner as provided by law in time of actual service: Provided always,

How such court shall proceed.

nevertheless, That if any such officer shall be found guilty by any general court martial, duly assembled, when any part of the militia of the said province shall not be called on actual service, such court martial shall and may inflict on him such penalty, proportioned

What punishment they may inflict.

to the offence, as the said court shall judge proper, either by censure or suspension, or depriving him of his commission, and degrading him from his rank, and no other.

43th Geo. III, c 1, to remain in full force.

III. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to repeal or vary any of the provisions of the said recited act, excepting so far as the same is expressly repealed in this act, but that the said act, and every clause, matter, and thing, therein contained, except the said twenty-fifth clause, shall be, and the same is hereby declared to be, in full force and effect.

Chapter XIII.

An act to grant to his Majesty a sum of money, to enable him to pay the salary of the inspector general of public provincial accounts in this province.

[Passed July 12, 1819.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to provide a fund to enable your Majesty to pay the salary of the inspector general of public provincial accounts of this province, we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and in the hands of the receiver general, unappropriated, there be granted to

£365 sterling to be applied annually to pay the salary of the inspector general.

his Majesty, his heirs and successors, the sum of three hundred and sixty-five pounds, sterling, annually, which sum of three hundred and sixty-five pounds, sterling, shall be appropriated, applied, and disposed of, in payment of the salary of the said inspector general.

Payable after 1st January, 1820.

II. And be it further enacted by the authority aforesaid, That the said sum of three hundred and sixty-five pounds, sterling, shall become payable from and after the first day of January, one thousand eight hundred and twenty.

How to be accounted for

III. And be it further enacted by the authority aforesaid, That the said sum of three hundred and sixty-five pounds, sterling, shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, by the receiver general of this province, through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XIV.

An act granting to his Majesty a sum of money to provide for the accommodation of the legislative council and house of assembly.

[Passed July 12, 1819.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to provide for the accommodation of the legislative council and house of assembly of this province, we beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year

of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there be granted to your Majesty, your heirs and successors, from and out of the rates and duties now or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, the sum of one thousand five hundred pounds, which sum of one thousand five hundred pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, to the persons appointed, as hereinafter directed, to be applied by them towards erecting and putting up proper buildings for the accommodation of the provincial legislature, and shall be accounted for through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct.

£1500 applied towards erecting buildings for the legislature.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint two commissioners for the purpose of carrying into effect the provisions of this act.

Commissioners to be appointed.

Chapter XV.

An act to incorporate certain persons under the style and title of the president, directors, and company, of the bank of Kingston.

(Forfeited by non-user, being limited to January 1, 1821.)

Chapter XVI.

An act for appropriating a sum of money to defray the expense of procuring plans and elevations of public buildings, and for copies of the journals which were destroyed by the enemy.

[Passed July 12, 1819.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas in pursuance of a joint address of the legislative council and commons house of assembly of this province, certain plans and elevations for public buildings were procured by the provincial agent; and whereas it is expedient to appropriate a sum of money to defray the expenses of the said plans and elevations; and whereas a sum of money is required to defray the expense of procuring copies of the journals of the legislative council and assembly, which were burned by the enemy during the late war; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted to his Majesty, his heirs and successors, the sum of five hundred and twelve pounds one shilling, sterling, to be issued out of the funds now remaining, or hereafter to come into the hands of the receiver general, unappropriated, which said sum of five hundred and twelve pounds one shilling, shall be disposed of, appropriated, and applied by the provincial agent, as follows, viz. one hundred and fifty-seven pounds ten shillings, sterling, to defray the expense of procuring certain plans and elevations for public buildings, procured by the provincial agent, and three hundred and fifty-four pounds eleven shillings, sterling, to defray the expenses of procuring copies of the journals of the legislative council and assembly, which said sum of five hundred and twelve pounds one shilling, sterling, shall be paid in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for by the receiver general of this province, through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

£512 1s. sterling, to be paid to the provincial agent, to defray the expense of procuring plans of public buildings,

and copies of the journals of parliament destroyed by the enemy.

Chapter XVII.

An act to repeal part of an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to continue and amend an act passed in the fifty-second year of his Majesty's reign, entitled, 'An act to prevent damage to travellers on the highways in this province.'"

[Passed July 12, 1819.]

Preamble.

Whereas an act passed in the fifty-second year of his Majesty's reign, entitled, "An act to prevent damage to travellers on the highways in this province," and continued and amended by an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to continue and amend an act passed in the fifty-second year of his Majesty's reign, entitled, 'An act to prevent damage to travellers on the highways in this province,'" will shortly expire; and whereas it is expedient to make the said recited acts permanent laws of this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the last clause of the said last recited act be, and the same is, hereby repealed.

4th clause 56th Geo. III, c 11, repealed, by which this act is continued.

Chapter XVIII.

An act to continue and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to revive and continue an act passed in the fifty-second year of his Majesty's reign, entitled, an act to continue and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, an act to afford relief to those persons who may be entitled to claim lands, in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefit of the said act, and to continue part of the same."

[Passed July 12, 1819.]

Preamble.

Whereas an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to revive and continue an act passed in the fifty-second year of his Majesty's reign, entitled, an act to continue and amend an act passed in the forty-eighth year of his Majesty's reign, entitled, an act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, an act to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the nominees of the crown, in cases where no patent hath issued for such lands, and further to extend the benefit of the said act, and to continue part of the same," will shortly expire; and whereas it is expedient to continue and amend the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the fifty-sixth year of his Majesty's reign be, and the same is hereby continued; and that the assignee or assignees of the nominee or nominees of the crown to lands in this province, who is or are dead, or who have left this province, before the passing of this act, may bring their claims for such lands in the same manner that the assignee or assignees of the nominee or nominees of the crown were authorized to do, by the second clause of the before recited act of the forty-eighth year of the reign of his present Majesty.

56th Geo. III, c 22, continued.

Its provisions extended

Fees to clerk of the commission. (See 4th Geo. IV, c 7, and 10th Geo. IV, c 4.)

II. And be it further enacted by the authority aforesaid, That the following fees shall be taken and received by the clerk of the commission: for filing each petition, five shillings; on hearing the claim, five shillings; for each certificate of allowance thereof, five shillings.

Chapter XIX.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of the address of the commons house of assembly, at the last session of parliament.

[£576 2s. 10d. applied to make good so much advanced by his excellency the lieutenant governor, in pursuance of an address, to defray the contingent expenses of the two houses of parliament.]

Chapter XX.

An act to afford relief to Abner Chapin.

Chapter XXI.

An act for the relief of John Wagstaff, of Niagara, in the district of Niagara, tinsmith.

Chapter XXII.

An act to continue an act passed in the forty-second year of his Majesty's reign, entitled, "An act to enable the governor, lieutenant governor, or person administering the government of this province, to appoint one or more additional port or ports, place or places of entry, within this province, and to appoint one or more collectors at the same respectively."

42d Geo. III, c 4, continued for four years.

Chapter XXIII.

An act further to continue an act passed in the thirty-third year of his Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province."

33d Geo. III, c 12, continued for four years, and thence to the end of the then next ensuing session of parliament.

[Continued for eight years by 4th Geo. IV, Ch. 2.]

Fifth Session of the seventh Provincial Parliament.

MET AT YORK, ON THE TWENTY-FIRST DAY OF FEBRUARY, AND PROROGUED ON THE SEVENTH DAY OF MARCH FOLLOWING, IN THE SIXTIETH YEAR OF THE REIGN OF GEORGE III.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1820.

Chapter I.

An act to regulate the commercial intercourse between this province and the United States of America by land and inland navigation.

[Repealed by 2d Geo. IV, Ch. 1.]

Chapter II.

(See 58th Geo. III, c 9.)

An act to provide for increasing the representation of the commons of this province, in the house of assembly.

[Passed March 7, 1820.]

Preamble.

Whereas from the rapid increase of the population in this province, the representation thereof in the commons house of assembly is deemed too limited; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the several laws now in force as regulates the number of representatives to serve in the provincial parliament, be and the same is hereby repealed.

Counties containing one thousand inhabitants to be represented by one member.

When they contain four thousand inhabitants, by two members. Certain towns, when they contain one thousand souls, shall be represented by one member.

II. And be it further enacted by the authority aforesaid, That from and after the end of the present parliament, each and every county now formed or organized, or which shall or may hereafter be formed or organized, the population of which shall amount to one thousand souls, shall be represented in the provincial parliament by one member, and when the population of such county or counties, as aforesaid, shall amount to four thousand souls, the said county or counties shall be represented by two members; and that each and every town, in which the quarter sessions for the district are or may by law be holden, and in which there shall be one thousand souls, shall be represented by one member.

Provisions for ascertaining the number of inhabitants.

III. And be it further enacted by the authority aforesaid, That the population required to be contained in each and every town or county for the purposes aforesaid, shall be ascertained by the returns of the several town clerks of the number of souls in the several towns or townships of this province, certified copies of which returns the clerk of the peace of the district in which such town, township, or county shall or may be situated, is hereby required to transmit to the office of the governor, lieutenant governor, or person administering the government of this province.

Whenever an university shall be established in this province, it shall be represented by one member.

IV. And be it further enacted by the authority aforesaid, That whenever an university shall be organized, and in operation as a seminary of learning in this province, and in conformity to the rules and statutes of similar institutions in Great Britain, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province for the time being, to declare by proclamation the tract of land appendant to such university, and whereupon the same is situated, to be a town or township, by such name as to him shall seem meet, and that such town or township, so constituted, shall be represented by one member: Provided always, nevertheless, That no person shall be permitted to vote at any such election for a member to represent the said university in parliament, who besides the qualification now by law required, shall not also be entitled to vote in the convocation of the said university.

By whom such member may be elected.

Governor to issue writs of election, as provided by 31st Geo. III, c 3 s 18.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue writs of election for members to serve in the commons house of assembly for such counties and towns, as aforesaid, and for the said university, in like manner as is provided by the eighteenth clause of an act passed in the thirty-first year of his Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province.'"

This act not to lessen the number of members now to be returned for any county, &c.

Nor to make it necessary to issue any new writs of election on account of any increase of inhabitants since the last election.

VI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to lessen the number of members now returned for any county or counties under the authority of any law heretofore in force in this province, or to make necessary the issuing of any new writ of election, during the continuance of any parliament, by reason of the increase of inhabitants in any town or county since the then last preceding general election.

Counties containing less than 1000 souls to be attached to the next adjoining county having the smallest number of inhabitants.

VII. And be it further enacted by the authority aforesaid, That when any county now formed, or hereafter to be formed, shall contain less than one thousand souls, the said county or counties shall be attached to the next adjoining county of the district in which there shall be the smallest number of souls.

Inhabitants of towns to be distinguished from those of counties in the returns.

VIII. And be it further enacted by the authority aforesaid, That the number of souls residing in any town, as aforesaid, shall be ascertained and distinguished in the return of the town clerk of the township in which such town shall be situated, from the number of souls of such township.

No person qualified to vote in a town shall be allowed to vote for the county in respect of the same property.

IX. And be it further enacted by the authority aforesaid, That no person qualified to vote in any town, as aforesaid, shall be allowed to vote in the county in which such town is situated, upon the same freehold which may qualify him to vote for a member to represent the said town.

Inhabitants of towns sending a member not to be included among the inhabitants of counties, for the purposes of this act.

X. And be it further enacted by the authority aforesaid, That the number of souls contained in any town which may hereafter elect a member, as aforesaid, shall not be considered as a part of the number of souls required to give the county in which such town shall be situated, two members.

Chapter III.

An act granting to his Majesty a sum of money to make good certain monies issued and advanced by his excellency the lieutenant governor, pursuant to an address of the house of assembly, during its last session.

[TEMPORARY.]

Chapter IV.

An act to repeal an act passed in the fifty-ninth year of his Majesty's reign, entitled, "An act to prevent certain meetings within this province."

[Passed March 7, 1820.]

Preamble.

WHEREAS it is inexpedient to continue an act passed in the fifty-ninth year of his Majesty's reign, entitled, "An act to prevent certain meetings within this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the aforesaid act, and every matter and thing therein contained, shall be, and the same is hereby repealed.

59th Geo. III, session 1st, c 11, repealed.

Chapter V.

An act to amend and extend the provisions of an act passed in the forty-first year of his Majesty's reign, entitled, "An act to authorize the governor, lieutenant governor, or person administering the government, to appoint inspectors of flour, pot and pearl ashes, within this province."

[Passed March 7, 1820.]

Pamble.

41: Geo. III, c 7, amded.

Whereas it is expedient to amend and extend the provisions of an act passed in the forty-first year of his Majesty's reign, entitled, "An act to authorize the governor, lieutenant governor, or person administering the government of this province, to appoint inspectors of flour, pot and pearl ashes, within this province;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of September next, every miller, or manufacturer of flour for sale, within this province, shall provide brands or marking irons for the purpose of branding and marking flour packed in barrels, on which brands or marking irons shall be expressed the name of the mills the flour was packed in, with the words "Upper Canada," the nett weight and tare in figures, and also the words superfine, fine, or fine middlings, as the case may be.

Flou packed in barrels, to be branded.

Flour tbe merchantable, and well packed.

II. And be it further enacted by the authority aforesaid, That all wheat flour manufactured and packed in casks, and branded as aforesaid, at any mill in this province, by the owner of such flour, shall be by such miller or manufacturer made merchantable and of due fineness, and shall be honestly and well packed in good and sufficient casks, made of staves well seasoned, and bound with ten hoops, and the tare marked on the said cask, together with the nett of flour contained in such cask, each cask to contain one hundred and ninety-six pounds.

Each cas to contain 196 lbs.

Flour to bmarked according toits quality, under a pealty.

III. And be it further enacted by the authority aforesaid, That on any miller or manufacturer being required to make flour intended to be of the first quality, on each cask shall be branded superfine; and on each cask of flour intended to be of the second quality shall be branded the word fine; and on each cask of flour intended to be of the third quality shall be branded the words fine middlings, under the penalty of ten shillings for each cask: Provided always, That nothing herein contained shall extend, or be construed to extend, to compel any miller or manufacturer of flour to brand any casks of flour, unless he shall be satisfied that the flour is of the quality that it is required to be branded or marked as aforesaid.

To be liable to inspection.

Expense of inspection.

IV. And be it further enacted by the authority aforesaid, That all flour packed in casks and branded as aforesaid, and exposed for sale in any of the county towns or villages in this province, shall be liable to inspection at the election of any purchaser, and the expense of such inspection shall be paid equally by the purchaser and seller, each one half.

Punishment for putting a false tare on any flour cask.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall put a false or wrong tare on any cask of flour, to defraud any purchaser, the person so offending shall forfeit for every such cask so falsely tared, as aforesaid, the sum of ten shillings.

Penalty for counterfeiting brands, or puting other flour into casks properly branded.

VI. And be it further enacted by the authority aforesaid, That any person or persons who shall counterfeit any of the aforesaid brand marks, or brand the same on any cask of flour, or shall empty any cask of flour branded as aforesaid, in order to put therein other flour for sale, without first cutting out the said brand marks, the person or persons so offending shall for every such offence forfeit and pay the sum of twenty shillings.

Inspectors to weigh casks of flour, &c

Penalty if found light.

VII. And be it further enacted by the authority aforesaid, That it shall be the duty of the inspectors, from time to time, to weigh such casks of flour as he or they shall suspect to be light, and if found not to contain the just and true weight, to mark or brand the same on the head with the word "light;" and for every cask of flour so marked, "light," the manufacturer thereof shall forfeit and pay the sum of ten shillings.

Inspector to mark flour inspected by him,

and to alter the mark denoting its quality, if incorrect.

VIII. And be it further enacted by the authority aforesaid, That on all casks of flour inspected by any of the inspectors aforesaid, the inspector shall brand the initial letters of his christian name, and his sirname, at full length, together with the name of the district or place where the same is inspected.

IX. And be it further enacted by the authority aforesaid, That in all cases where the brands describing the quality of flour shall not in the judgment of the said inspector be branded according to its respective kinds and qualities, he shall alter the same, so as to describe the real quality, according to the true intent and meaning of this act.

X. And be it further enacted by the authority aforesaid, That no person appointed, or hereafter to be appointed, inspector of flour, shall deal in, buy, barter, or exchange, any flour by him inspected, under pain of the commission under which he acts, being null and void, except such flour as may be necessary for the consumption of his own family. Inspectors of flour not to deal in flour.

XI. And be it further enacted by the authority aforesaid, That all fines, forfeitures, and penalties, by this act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon and be examined, heard, and determined by any one or more of his Majesty's justices of the peace, acting in the district where the offence shall have been committed, and in order thereto, it shall and may be lawful to and for any one of his Majesty's justices of the peace within the district where the offence has been committed, to summon any person or persons to appear before such justices, as aforesaid, and they are fully authorized and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such complaint, and thereupon to proceed to give judgment; the one moiety of all fines and forfeitures, when recovered, shall be paid into the hands of the receiver general, for the use of his Majesty, his heirs and successors, towards the support of the government of this province, and shall be accounted for to his Majesty through the commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct, and the other moiety to the person who shall sue for the same. How fines, &c. should be recovered. and accounted for.

Chapter VI.

An act to provide for the remuneration of John Beikie, esquire, for services rendered to this province.

[PRIVATE.—Granting him £200, for his services as clerk to the commissioners, under the 4th Geo. III, c 2.]

Chapter VII.

An act to amend and continue, under certain modifications, an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools." (See 4th Geo. IV, c 8)

[Passed March 7, 1820.]

WHEREAS it is expedient, for the encouragement of education, to continue under certain modifications an act passed in the fifty-sixth year of his Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act of the fifty-sixth year of his Majesty's reign, except the first, tenth, twelfth, and so much of the thirteenth clause, as fixes the salary to be paid to any common school to twenty-five pounds, which is hereby repealed, be and the same is hereby continued. Preamble. 56th Geo. III, c 36, continued, with certain exceptions.

II. And be it further enacted by the authority aforesaid, That for the establishment of common schools in each and every district of this province, there shall be annually paid, during the continuance of this act, the sum of two thousand five hundred pounds, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of parliament, to and for the uses of this province, of which said sum of two thousand five hundred pounds, there shall be paid annually to the Home district, two hundred and fifty pounds; to the district of Newcastle, two hundred and fifty pounds; to the Midland district, two hundred and fifty pounds; to the Johnstown district, two hundred and fifty pounds; to the Eastern district, two hundred and fifty pounds; to the district of London, two hundred and fifty pounds; to the district of Gore, two hundred and fifty pounds; to the Niagara district, [a] two hundred and fifty pounds; to the Western district, two hundred and fifty pounds; to the district of Ottawa, two hundred and fifty pounds. £2,500 to be paid annually, in aid of common schools. Distribution.

[a] As to the district of Niagara, see 4th Geo. IV, c 36.

III. And be it further enacted by the authority aforesaid, That the monies granted by this act shall be equally portioned to the teachers of the several common schools in each and every district of this province, to be paid to the teachers yearly or half yearly, as may be directed by the said trustees: Provided, nevertheless, That nothing herein contained Sums to be equally divided among the teachers of the respective districts.

None to receive more than £12 10s. per annum.

shall extend, or be construed to extend, to authorize the payment of a greater sum than twelve pounds ten shillings to the several teachers of the said schools.

The board of trustees in each district may appoint a clerk, who may be paid a sum not exceeding £5 annually.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the board of education, in each and every district, to nominate and appoint a clerk to the said board, and direct the treasurer of the district to pay him annually out of the monies in his hands for the purposes of this act, a sum not exceeding five pounds.

No warrant to issue to any district treasurer, till the sums heretofore paid have been accounted for.

V. And be it further enacted by the authority aforesaid, That any thing in the said act of the fifty-sixth year of his Majesty's reign notwithstanding, it shall not be lawful for the governor, lieutenant governor, or person administering the government, to issue any further warrant on the receiver general, under the provisions of the said act, to any district treasurer, until a faithful account shall be rendered, authenticated by proper vouchers and attested by the oath of the respective treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account of their respective districts.

Disposition of balances in the hands of district treasurers.

(Compensation to the treasurer. See 2d Geo. IV, c 24.)

VI. And be it further enacted by the authority aforesaid, That when any balances shall remain in the hands of the treasurer of any district, beyond the payment of the lawful requisitions, orders, or certificates, of the trustees respectively, after the first day of July next, it shall and may be lawful for the said treasurer to retain so much thereof, as is directed to be paid by this act, in any one year, to the district of which he is treasurer, to carry into effect the provisions of this act, and the balance thereof pay over to his Majesty's receiver general, for the public uses of this province, on or before the said first day of July.

How the monies hereby granted are to be paid and accounted for.

VII. And be it further enacted by the authority aforesaid, That the money hereby granted to his Majesty, shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purpose herein set forth be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for by the receiver general of this province to his Majesty, his heirs and successors, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Continuance of this act.

VIII. [Repealed by 4th Geo. IV, c 8.]

Two Acts,

PASSED BY BOTH HOUSES OF THE LEGISLATURE, IN THE FOURTH SESSION OF THE SEVENTH PROVINCIAL PARLIAMENT, WHICH BEING RESERVED FOR THE SIGNIFICATION OF HIS MAJESTY'S PLEASURE THEREON, HAVE SINCE RECEIVED THE ROYAL ASSENT.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1819.

CHAPTER XXIV.

An act to incorporate sundry persons under the style and title of the president, directors and company of the bank of Upper Canada.

(Amended by 2d Geo. IV, c 7.)

[The royal assent to this act was promulgated by proclamation, bearing date April twenty-first, in the year of our Lord one thousand eight hundred and twenty-one, and second of his Majesty's reign.]

Preamble.

WHEREAS the establishment of a bank in the province of Upper Canada will conduce to the prosperity and advantage of commerce and agriculture in the said province; and whereas William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin, and others, by their petitions presented to the legislature, have prayed for the privilege of being incorporated; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin, and all such persons as hereafter shall become stockholders of the said bank, shall be, and hereby are, ordained, constituted, and declared to be, from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and forty-eight, a body corporate and politic, in fact and in name, of the president, directors and company of the bank of Upper Canada, and that by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the same name of the president, directors and company of the bank of Upper Canada, shall be in law capable of purchasing, holding, and conveying, any estate, real or personal, for the use of the said corporation.

Petition of certain persons to be incorporated.

Incorporation of a bank under the name of the bank of Upper Canada

II. And be it further enacted by the authority aforesaid, That a share in the stock of the said bank shall be twelve pounds ten shillings, or the equivalent thereof in specie, and the number of shares shall not exceed sixteen thousand, and that books of subscription shall be opened at the same time in the towns of Kingston, Niagara, York, Brockville, Amherstburgh, Ancaster, Vittoria, Hamilton, in the district of Newcastle, and Cornwall, in the Eastern district, within two months after the passing of this act, by such person or persons, and under such regulations, as the majority of the said petitioners shall direct.

Amount of each share.

Number of shares.

Books of subscription where and when to be opened.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to subscribe and hold in the capital stock of the said bank, for and on behalf of this province, any number of shares therein, not exceeding two thousand, the amount whereof the said governor, lieutenant governor, or person administering the government of this province for the time being, is hereby authorized, by a warrant or warrants under his hand and seal, directed to the receiver general of this province for the time being, to take out of the unappropriated monies which now remain

The government authorized to subscribe two thousand shares.

(The 2d and 3d sections amended. See 4th Geo. IV, c 11.)

or hereafter may remain in the hands of the said receiver general, for the future disposition of the parliament of this province.

No person to take in the first instance more than eighty shares.

IV. And be it further enacted by the authority aforesaid, That it shall be lawful for any person, his Majesty's subjects or foreigners, to subscribe for such and so many shares as he, she, or they may think fit, not however exceeding in the first instance eighty; and that the shares respectively subscribed shall be payable in gold or silver, that is to say; ten per centum to be ready as a deposit at the time of subscribing, to be called for by the directors hereafter appointed by virtue of this act, as soon as they may deem expedient, and the remainder shall be payable in such instalments as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: Provided no instalment shall exceed ten per centum upon the capital stock, or be called for or become payable in less than sixty days after public notice shall have been given in the Upper Canada Gazette and Kingston Chronicle, to that effect: Provided always, That if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay to the said directors the instalment due upon any share or shares held by him, her, or them, at the time required by law so to do, such stockholder or stockholders, as aforesaid, shall forfeit such shares, as aforesaid, with the amount previously paid thereon, and the said share or shares may be sold by the said directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the bank.

Ten per cent. may be required as an immediate deposit. Remainder payable by instalments.

Notice of calling in instalments.

Forfeiture in case subscription not paid when required.

How shares may be made up.

V. Provided also, and it is further enacted by the authority aforesaid, That if the whole number of shares shall not be subscribed within two months after the said books of subscription shall be opened, then and in such case it shall be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions, and, Provided further, That if the total amount of subscriptions within the period aforesaid shall exceed the capital stock limited by this act, then and in such case the shares of each subscriber or subscribers above ten shares, shall, as nearly as may be, be proportionably reduced until that the total number of shares be brought down to the limits above said, and, Provided nevertheless, That the said limitation in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase after the said bank shall have commenced its operations.

Shares may be required to any amount by purchase, after bank is in operation.

Stock not to exceed £200,000.

VI. And be it further enacted by the authority aforesaid, That the whole amount of the stock estate and property which the said corporation shall be authorized to hold, including the capital stock or shares before mentioned, shall never exceed in value two hundred thousand pounds.

Directors when to be elected.

(See 2d Geo. IV, c 7.)

In what manner.

(See 4th Geo. IV, c 11.)

When the bank shall be opened.

Notice of meeting of subscribers.

VII. And be it further enacted by the authority aforesaid, That as soon as the sum of fifty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting at some place to be named at the seat of the government of this province, for the purpose of proceeding to the election of the number of directors hereinafter mentioned, and such election shall then and there be made by a majority of shares, voted in manner hereinafter prescribed, in respect of the annual elections of directors, and the persons then and there chosen shall be the first directors, and be capable of serving until the expiration of the first Monday in June in the year of our Lord one thousand eight hundred and twenty-one; and the directors so chosen shall, as soon as the deposit amounting to twenty thousand pounds subscribed, as aforesaid, shall be paid to the said directors, commence the business and operations of the said bank: Provided always, That no such meeting of the said subscribers shall take place until a notice is published in all the public newspapers of this province, at the distance of not less than thirty days from the time of such notification.

Directors.

President.

Qualifications of directors.

Election of directors.

VIII. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by fifteen directors, one of whom to be the president, who, excepting as is hereinbefore provided for, shall hold their offices for one year; which directors shall be stockholders, and shall be subjects of his Majesty, residing in this province, and be elected on the first Monday in June in every year, at such time of the day, and at such place at the seat of government, as a majority of the directors for the time being shall appoint, and public notice shall be given by the said directors in the different newspapers printed within the province, of such time and place, not more than sixty nor less than thirty days previous to the time of holding the said election, and the said election shall be held and made by such of the said stockholders of the said bank, as shall attend for that purpose in their own proper persons, or by proxy; and all elections for directors shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any election shall be the directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than fifteen shall by plurality of votes appear to be chosen as directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to

ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of fifteen; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be their president, and four of the directors which shall be chosen at any year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than ten of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes, shall be considered void, and such other of the stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid; and the president for the time being shall always be eligible to the office of director, but stockholders, not residing within the province, shall be ineligible, and if any director shall move out of the said province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the directors, by death, resignation, or removal from the said province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is hereinbefore directed respecting annual elections, at such time and place at the seat of government as the remainder of the directors, or the major part of them, shall appoint: Provided always, That no person shall be eligible to be a director who shall not be a stockholder to the amount of at least twenty shares.

Vacancies how to be supplied.

Directors to have at least twenty shares.

IX. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Corporation not to be dissolved by non-election of directors on the proper day.

X. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say, at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten; stockholders actually resident within the province of Upper Canada, and none others, may vote in election by proxy: Provided always, That no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Who are to vote.

XI. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener, if thereunto required by a majority of the votes of the stockholders, to be given agreeable to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits, if any, after deducting losses and dividends.

Half yearly dividends of profits to be made.

Accounts to be rendered of debts, losses, &c.

XII. And be it further enacted by the authority aforesaid, That the directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects, of the said corporation, and touching the duties and conduct of the officers, clerks, and servants employed therein, and all such other matters as appertain to the business of a bank; and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet, provided that such rules and regulations be not repugnant to the laws of this province.

Directors may make rules,

appoint and pay clerks and servants.

XIII. And be it further enacted by the authority aforesaid, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the monies then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed, and actually paid into the bank, and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate

Debts never to exceed three times the amount of monies actually paid into the bank.

In case of excess, directors in whose time it shall happen shall be personally liable.

Exceptions.

notice of the fact, and of their absence or dissent, to the stockholders, at a general meeting which they shall have power to call for that purpose.

The bank to issue no bill under five shillings.

XIV. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said corporation to issue any note or bill under the value of five shillings, of lawful money of the province of Upper Canada.

To hold no lands, except as herein mentioned.

XV. And be it further enacted by the authority aforesaid, That the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts, and further the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, or merchandize, or commodities whatsoever: Provided, That nothing herein contained shall any wise be construed to hinder the said corporation from dealing in bonds, bills of exchange, or promissory notes, or in buying or selling bullion, gold, or silver.

Not to deal in merchandize.

Exception.

Shares may be transferred.

XVI. And be it further enacted by the authority aforesaid, That the shares of the said capital stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing the same: Provided always, That such transfer be entered or registered in a book or books to be kept for that purpose by the directors.

Bills obligatory and of credit, under seal of the bank, made assignable.

XVII. And be it further enacted by the authority aforesaid, That the bills obligatory and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills or notes negotiable.

Cashier and clerk to give security.

XVIII. And be it further enacted by the authority aforesaid, That every cashier and clerk, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the directors, with condition for the faithful discharge of his duty.

No greater interest than six per cent.

XIX. And be it further enacted by the authority aforesaid, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Directors to have no emolument, except the president.

Seven to form a board.

XX. And be it further enacted by the authority aforesaid, That the directors, excepting the president, shall not be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in the case of sickness or absence, in which case, the directors present may choose a chairman for the said meeting.

Bank to be established at the seat of government of this province.

XXI. And be it further enacted by the authority aforesaid, That the said bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased, or leased, and the business thereof at all times hereafter transacted, at such place at the seat of the government of this province as the directors, or the majority of them may appoint: Provided always, as soon as it may be deemed expedient, branches of the said bank, and offices of deposit and discount may be authorized by the said directors, or the majority of them, in any other part of the said province, under such rules and regulations as the said directors, or the major part of them, may think proper, not repugnant to the general rules of the said corporation.

Branch banks may be authorized by the directors.

When bank refuses payment of their bills, its proceedings shall be closed till payment is resumed.

XXII. And be it further enacted by the authority aforesaid, That if at any time after the passing of this act, the said president, directors and company should refuse, on demand being made at their banking house, or any branch or branches hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this province, their said bills, notes, or other evidences of debt, issued by the said company, the said president, directors and company shall, on pain of forfeiture of their charter, wholly discontinue and close their said banking operations, either by way of discount or otherwise, until such time as the president, directors and company shall resume the redemption of their bills, notes, or other evidences of debt, in specie or other lawful money of this province.

XXIII. And be it further enacted by the authority aforesaid, That it shall and may be the duty of the president and cashier of the said bank for the time being, to make a return under oath to the provincial parliament, once in each year, if required either by the legislative council or house of assembly, which return shall contain a full and true account of the funds and property of the said bank, the amount of its capital stock subscribed and paid, the amount of debts due to and from the said bank, the amount of the bills and notes emitted by the said bank in circulation, and the amount of specie in the said bank, at the time of making such return.

Annual returns, if required to be made to the legislature, by the president and cashier.

XXIV. And be it further enacted by the authority aforesaid, That this act be, and is hereby declared to be, a public act, and that the same may be construed as such in his Majesty's courts in this province.

This act to be deemed a public act.

XXV. And be it further enacted by the authority aforesaid, That this present act of incorporation shall in no wise be forfeited by any non-user, at any time before the first day of January one thousand eight hundred and twenty-two.

Non-user before first January, 1822, not to occasion forfeiture of charter.

CHAPTER XXV.

An act to prevent the abatement of any action against a joint obligor, contractor, or partner, on account of the other joint parties not being made defendants.

[The royal assent to this act was promulgated by proclamation, bearing date April twenty-first, in the year of our Lord one thousand eight hundred and twenty-one, and second of his Majesty's reign.]

WHEREAS by law, the several defendants named in any civil suit or action, must be personally served with process; and whereas by law, if any joint obligor, contractor, or partner, be sued in any action without naming the other joint obligors, contractors, or partners, the defendant may plead the same in abatement of such action, to the great delay of justice in such cases, where one or more joint obligors, contractors, or partners, reside out of the jurisdiction of the courts of this province, and cannot be served with process; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in any action to be brought in this province against any joint obligor, contractor, or partner, the action shall not abate for or on account of any joint obligor, contractor, or partner, not being made defendant, unless the party pleading such matter in abatement shall shew to the court that such joint obligor, contractor, or partner, is living within the jurisdiction of the court, so to be served with its process, conformably to law.

Preamble.

No action to abate by reason that any one or more of several joint contractors are not made defendants, unless the party pleading in abatement shall shew that the joint contractor not named is within the jurisdiction of the court.

II. And be it further enacted by the authority aforesaid, That the joint obligation, contract, or promise, may be given in evidence against any one or more of the joint obligors, contractors, or partners, and have the same force and effect as to any judgment or execution thereon, as if the same was the sole obligation, contract, or promise, of the defendant, any law, usage, or custom, to the contrary notwithstanding.

Joint obligation, contract, or promise may be given in evidence against any one or more of the joint contractors, partners, &c. as if it were a sole obligation.

III. And be it further enacted by the authority aforesaid, That for satisfaction of any judgment against one or more of several joint obligors, contractors, or partners, no execution shall issue until the bond, obligation, or other written evidence on which judgment shall be had, be first filed with the record of the said judgment.

No execution to issue upon a judgment against one of several joint obligors, until the joint bond, contract, &c. be filed in court.

First Session of the eighth Provincial Parliament.

MET AT YORK, ON THE THIRTY-FIRST DAY OF JANUARY, AND PROROGUED ON THE FOURTEENTH DAY OF FEBRUARY FOLLOWING, IN THE SECOND YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1821.

Chapter I.

An act to repeal an act passed in the first year of his Majesty's reign, entitled, "An act to regulate the commercial intercourse between this province and the United States of America, by land and inland navigation," and further to regulate the trade between this province and the United States of America, by land and inland navigation.

[EXPIRED. SEE 4TH GEO. IV, CH. 1.]

Chapter II.

An act to make provision for the improvement of the internal navigation of this province.

[Passed April 14, 1821.]

(Amended by 2d Geo. IV, c 1: Further amended by 4th Geo. IV, c 9.)

59th Geo. III, session 2, c 18, recited.

WHEREAS an act was passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act granting to his Majesty a sum of money for the survey of the waters of the St. Lawrence, and for other purposes therein mentioned;" and whereas it is expedient to provide means for ascertaining the practicability of improving the internal communications of the province by inland navigation; and also for procuring plans and estimates of the expense necessary to be incurred for that purpose, and also to repeal the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said first recited act shall be, and the same is hereby repealed.

and repealed.

The governor, &c. may appoint five commissioners, (two with the president to be a quorum,) to explore, survey, and level the most practicable routes for canals between lake Erie and the eastern extremity of the province.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint five commissioners, two of whom with the president to be a quorum, for the purpose of exploring, surveying, and levelling the most practicable routes, for opening a communication by canals and locks between lake Erie and the eastern boundary of this province.

The commissioners to appoint a president and secretary.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall choose one of their number to be president of their board, and shall appoint a fit person to be secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable; and the president of the said board of commissioners shall have power to call a meeting of the same, whenever in his opinion the public interests require it; and the said board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good; and further the said commissioners shall have power to employ such and so many agents, engineers, surveyors, draftsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this act, and to allow and pay the said agents, engineers, surveyors, draftsmen, and other persons, for their respective services, such sum or sums as may be adequate and reasonable.

Meetings to be called by the president.

Adjournments to be at the discretion of the board.

Commissioners may employ agents, engineers, surveyors, &c. and pay them.

Duties of the commissioners.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners, as soon as may be after the passing of this act, to cause those parts of this province which may lie upon or be contiguous to the probable courses and ranges of the said canals, to be explored and examined for the purpose of fixing and determining the most eligible and proper routes for the same; and to cause all necessary surveys and levels to be taken, and accurate maps, field books, and drafts thereof, to be made, and

further to adopt and recommend proper plans for the construction of and formation of the said canals, and of the locks, dams, embankments, tunnels, and aqueducts, which may be necessary for the completion of the same; and to cause all necessary plans, drafts, and models thereof, to be executed under their direction, and also to devise ways and means for completing the said canals.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which will be necessary for completing the said canals, according to the plan or plans adopted and recommended by them for the construction or formation of the same; and to cause the said calculations and estimates, and all surveys, maps, field books, plans, drafts, and models authorized and directed by this act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this act, to be transmitted to the governor, lieutenant governor, or person administering the government of this province, to be laid before the provincial parliament, within twenty days after the session which will be in the year of our Lord one thousand eight hundred and twenty-two.

Plans and estimates to be made, which together with all maps, field books, &c. &c. the commissioners shall transmit to the governor &c. accompanied by a report of all their proceedings, to be laid before the provincial parliament within twenty days after their session in 1822.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, during the continuance of this act, to issue his warrant to the receiver general, in favor of the said commissioners, for such sum or sums of money, not exceeding in the whole the sum of two thousand pounds, currency, to enable them to pay the necessary expenses to be incurred in carrying into effect the provisions of this act, which sum or sums of money shall be paid out of any monies now in the hands of, or which may hereafter come into the hands of, the receiver general, and unappropriated, and shall be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That an account in detail of all monies paid under the authority of this act, be transmitted to be laid before the commons house of assembly, at the then next ensuing session of parliament, and, Provided also, that so much of the said sum as shall remain unexpended shall be subject to the future disposition of parliament.

(See 4th Geo. IV, c 9.)

Governor to issue his warrant in favor of the commissioners, for such sums of money not exceeding in the whole £2000, as shall be required to defray the expenses of carrying this act into effect, to be accounted for to the lords commissioners of his Majesty's treasury.

Account in detail to be laid before the house of assembly at their next session, and the amount unexpended to be subject to the future disposition of parliament.

VII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the space of three years, and no longer.

Continuance of this act. (Continued by 4th Geo. IV, c 15.)

Chapter III.

An act to repeal part of an act passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act for the better division of this province," and to make further provision for the division of the same into counties and districts.

[Passed April 14, 1821.]

Whereas it is expedient to provide by law for the better division of the several townships in this province into counties and districts; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the twenty-third section of an act of the parliament of this province, passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act for the better division of this province," be, and the same is hereby repealed.

Preamble.

23d section of 38th Geo. III, repealed.

II. And be it further enacted by the authority aforesaid, That a tract of land in the Eastern district, adjoining to the townships of Charlottenburgh and Kenyon, lately owned by the St. Regis Indians, shall be attached to the said townships in the following manner, that is to say; so much of the said tract as adjoins the township of Charlottenburgh shall constitute and form a part of the said township; and that the remainder of the said tract shall constitute and form a part of the township of Kenyon.

A certain tract in the Eastern district attached to the townships of Charlottenburgh and Kenyon.

III. [Repealed by 4th Geo. IV, c 5.]

County of Carlton.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, and he is hereby authorized to declare by proclamation, as soon as he may think fit, the said county of Carlton to be a separate district, by such name as to the governor, lieutenant governor, or person administering the government of this province,

The governor authorized as soon as he may think fit, to declare by proclamation, the county of Carlton to be a separate district, under

certain restrictions and modifications.

(See 2d Geo. IV, c 2.)

may seem meet: Provided also, That nothing in this act contained shall be construed to affect the jurisdiction of his Majesty's court of king's bench in this province, or to make it necessary or lawful to issue any commission of oyer and terminer and general gaol delivery, and commission of assize and nisi prius, for the said district, or to affect the jurisdiction of the courts of general quarter sessions of the peace, or district court, within the present limits of the district of Johnstown, until provision be made by law to that effect.

Certain new townships in the Midland district attached to the county of Frontenac;
to the county of Lennox and Addington;
to the county of Hastings.

V. And be it further enacted by the authority aforesaid, That the following townships in the Midland district shall be attached to, and be incorporated with the counties hereinafter mentioned, in the manner following, that is to say; the townships of Oso, Olden, and Kennebec, to the county of Frontenac; the township of Kaledar, to the counties of Lennox and Addington; and the townships of Elzever, Madoc, and Marmora, to the county of Hastings.

New townships in the district of Newcastle to be attached to the county of Northumberland;
to the county of Durham.

VI. And be it further enacted by the authority aforesaid, That the unattached townships in the Newcastle district shall be incorporated in manner aforesaid, with the counties in the said district, as follows, that is to say; the townships of Asphodel, Otanabee, Monaghan, and Smith, to be attached to the county of Northumberland, and the townships of Cavan, Manvers, Cartwright, Emily, Ops, and Mariposa, to the county of Durham.

New townships in the Home district to be attached to

the east riding of the county of York;

to the west riding.

VII. And be it further enacted by the authority aforesaid, That the unattached townships in the Home district shall be incorporated in manner aforesaid with the counties in the said Home district as follows, that is to say; the townships of Reach, Brock, Scott, and Georgiana, shall be attached to the east riding of the county of York; and that hereafter the following townships, to wit, Chinguacousy, Caledon, Albion, and the gore of Toronto, be added to the west riding of York; and that the following townships shall constitute and form the county of Simcoe, namely; West Gwillimbury, Tecumseth, Adjala, Mono, Amaranth, Luther, Proton, Melancthon, Mulmar, Tosorontio, Essa, Innisfil, Oro, Vespra, Sunnidale, Flos, Medonta, Aurelia, Merlin, Osprey, Artemisia, Alba, Java, Tina, Tay, Euphrasy, Zero, Matchedash, Thora, Mara, and Ramah.

County of Simcoe, how constituted.

County of Simcoe may be declared by the governor to be a separate district, under the same restrictions as the county of Carlton.

VIII. Provided, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, and he is herbey authorized to declare by proclamation, the said county of Simcoe to be a separate district, by such name as to the governor, lieutenant governor, or person administering the government of this province, may seem meet, under the same provisions, limitations, and restrictions, as are hereinbefore provided for the county of Carlton.

New townships attached to the county of Halton.

IX. And be it further enacted by the authority aforesaid, That the following townships, to wit, Esquesing, Erin, Nasagaweya, Eramosa, Garafraxa, and the church land, be annexed to the county of Halton.

Certain gores of lands attached to the townships of Beverly and Dumfries respectively.

X. And be it further enacted by the authority aforesaid, That the gore of land in the district of Gore, lying between the townships of Beverly and Dumfries, be attached to the township of Beverly, and the gore lying between Dumfries and Dundas street, be attached to Dumfries.

The gore attached to Burford to form a new township, called the township of Oakland, which with Nissouri and Zora shall be added to the county of Oxford.
New townships attached to the county of Middlesex.
Certain gores of land attached to the townships of Norwich and Dorchester respectively.

XI. And be it further enacted by the authority aforesaid, That the gore of land attached to the township of Burford, be formed into a separate township, by the name of the township of Oakland, and that the said township of Oakland and the townships of Nissouri and Zora, be added to the county of Oxford, and that hereafter the townships of Moza, Ecfrid, Carradoc, and Lobo, be added to the county of Middlesex, also that a gore of land on the east side of the township of Norwich, be attached to that township, and a gore of land on the east of the township of Dorchester, be attached to the said township.

Certain new townships attached to the county of Kent.

XII. And be it further enacted by the authority aforesaid, That the following new tonwships in the Western district be attached to the county of Kent, namely, the townships of Zone, Dawn, Sombra, and Saint Clair.

Chapter IV.

An act to repeal an act passed in the fifty-fifth year of his late Majesty's reign, entitled, "An act to explain and amend an act passed in the fifty-third year of his Majesty's reign, entitled, 'An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service,'" and also an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to repeal part of, and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same," and an act passed in the fifty-seventh year of his late Majesty's reign, entitled, "An act to repeal part of and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act to repeal part of and alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same,' and to make provision for granting pensions to persons disabled in the service, and to the widows and children of persons who may have been killed in the service, or who may have died while in captivity with the enemy, during the late war with the United States of America."

[Passed April 14, 1821.]

Preamble. 56th Geo. III, c 17, recited.

Whereas by a certain act of the parliament of this province, passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to repeal part of and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same," the classes of militia pensioners were greatly increased, so that the public revenue has been found wholly unable to bear the charge thereby incurred; and whereas the said act being limited in its duration is now about to expire, and it is become necessary to confine the militia pensions, with the exceptions hereinafter mentioned, to the objects provided for by the laws of this province passed during the late war, and to provide for such investigation of the claims of the different pensioners, as may prevent further loss to the revenue, from any misrepresentation or deceit which may have been practised; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the act of the parliament of this province passed in the fifty-fifth year of the reign of his late Majesty King George the Third, entitled, "An act to explain and amend an act passed in the fifty-third year of his Majesty's reign, entitled, 'An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service,'" and also the act of the parliament of this province passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to repeal part of and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same," and also the act of the parliament of this province passed in the fifty-seventh year of his said late Majesty's reign, entitled, "An act to repeal part of and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act to repeal part of and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same,'" shall be, and the same are hereby repealed.

55th Geo III, c 6, 56th Geo. III, c 17, and 57th Geo. III, c 5, repealed.

All pensions to cease which are not authorized by 53d Geo. III, c 4.

II. And be it further enacted by the authority aforesaid, That the pensions of all and every person and persons, who have been placed on the militia pension list of this province, under the provisions of any act of the parliament thereof, passed since the fifty-third year of the reign of his said late Majesty, and who could not by a certain act of the parliament of this province passed in the said fifty-third year of his said late Majesty's reign, entitled, "An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service," have been entitled to be placed upon the pension list of this province, shall cease, and be no further payable after the period of the payment of the same respectively, that shall arrive next after the passing of this act: Provided always, nevertheless, That the widows now on the pension list, whose husbands died in captivity with the enemy during the late war, shall and may continue to receive their pensions in the same manner as if their husbands had been killed in action with the enemy.

Exception of such pensions as are now paid to widows whose husbands died in captivity with the enemy.

All applications to be placed on the pension list must be made within twelve months from the passing of this act.

III. And be it further enacted by the authority aforesaid, That no person shall be placed upon the militia pension list of this province by reason of any claim now existing, unless such person shall make his application within twelve months from the passing of this act, and that the pension of any person who may be placed upon the pension list of this province, by reason of any such claim, shall be payable, and take date, only from the time of his application.

Inspectors of militia pensioners appointed, two of whom are to attend in each district, for the purpose of examining all such as claim pensions on the ground of incapacity for hard labor.

Period of visitation.

Places at which the inspectors are to attend

Notice of their sittings.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint any two or more members of the medical board of this province, for the time being, to be inspectors of militia pensioners, now placed, or hereafter to be placed, on the pension list of this province, on the ground of incapacity to earn their living by hard labor in consequence of wounds or casual injuries received on service during the late war, and that two of the inspectors so appointed shall between the first day of May and the first day of November, next after the passing of this act, attend on two successive days at Cornwall, Brockville, Kingston, Hamilton, in the district of Newcastle, Hamilton, in the district of Gore, Niagara, Vittoria, and Sandwich, for the purpose of inspecting such of the said pensioners as shall present themselves for their inspection, and that notice of the time and place of the sitting of such inspectors, at each of the said places respectively, shall be published at least two months before such sitting in the Upper Canada Gazette, and also put up at least four weeks before such sitting at the door of the court house, or place where the quarter sessions in each district are usually holden.

Nominal list of pensioners to be furnished to the inspectors by the pension agent.

Inspectors may examine each pensioner, on oath, as to the circumstances of his wound, injury, &c.

If they deem him entitled to a pension, they are to give him a certificate to that effect.

In case the two inspectors disagree in opinion respecting any particular case, such case shall be decided by the opinion, on personal examination, of some person duly authorized to practise physic and surgery, to be called in for that purpose.

V. And be it further enacted by the authority aforesaid, That the said inspectors shall examine all such pensioners as shall present themselves at the times and places so to be appointed, of which pensioners a nominal list shall be furnished to the said inspectors by the pension agent of this province, and that the said inspectors, or either of them, may administer an oath to any such pensioner as aforesaid, and take his affidavit in writing upon any matter relative to the wound or injury stated by him to have been received on actual service during the war, the circumstances under which it was received, the duty he was upon, and the nature and extent of the wound or injury; and if it shall appear to the said inspectors, upon due examination and personal inspection, that such pensioner is at the time of such examination, so disabled from the wound or injury stated by him to have been received on actual service during the late war, as to be incapable of earning his livelihood, the said inspectors shall give to such pensioner a certificate under their hands to that effect: Provided always, That in case of any difference of opinion between the said inspectors, as to the propriety of granting such certificate in any particular case, the same shall and may be decided by the opinion on personal examination and inspection of any person duly authorized to practise physic or surgery within this province, who may be called in by the said inspectors for that purpose.

Inspectors shall keep a record of their proceedings, and deposit the same with the pension agent.

Persons reported by them not to be incapacitated shall receive only the arrears due them, and be struck off the list.

VI. And be it further enacted by the authority aforesaid, That the said inspectors shall keep a record in writing of all their proceedings, and shall deposit the same in the hands of the general agent for militia pensions, and that all such pensioners as shall be reported by the said commissioners, in manner aforesaid, not to be so incapacitated as to entitle them to a pension according to law, shall, from the time of such report being received by the pension agent, be struck off the pension list of this province, and shall receive nothing more than the arrearages that may be due him on account of his pension, up to the time of his examination before such inspectors.

Persons may appeal from the decision of the inspectors to the medical board at York.

VII. Provided always, nevertheless, That it shall be in the power of any person who may think himself aggrieved by the report of such inspectors, to present himself personally, at any time within two years thereafter, before the medical board at York, at any of their appointed sittings, and if it shall appear to such board, on revising the report and proceedings on the examination of such pensioner by the inspectors as aforesaid, and on personal examination, that he is entitled by reason of his disability to be placed upon the pension list of this province, it shall and may be lawful for the secretary of the said board, under their direction, to give such pensioner a certificate to that effect, for which he shall be authorized to receive a fee of five shillings, and upon production of such certificate to the pension agent of this province, it shall and may be lawful for such agent to replace the name of such pensioner upon the list, and to pay him all arrearages of pensions, as if he had never been struck off.

Fee to secretary of medical board.

After the inspectors have made their report, no pension shall be paid to any person who ought to have presented himself for examination, unless he has done so, and been admitted by the inspectors;

or until such pensioner

VIII. And be it further enacted by the authority aforesaid, That after the report of the inspectors so to be appointed shall have been received by the pension agent, such agent shall pay no pension to or on account of any person, who by this act ought to have presented himself to such inspectors, unless he has so presented himself, and been recommended by them to be continued on the list; but that all payment of such pension shall be suspended, until such pensioner shall have appeared personally before the medical board at York, and obtained their certificate in the same manner, and on payment of the same fee, as is hereinbefore provided in the case of appeal to the said board, and if such

pension shall for default of such appearance and certificate remain suspended for two years, all arrears from the time of such suspension shall cease, and in case of the restitution of such pensioner to the list, his pension shall be payable only from the time of his restitution.

shall have obtained the certificate of the medical board, by attending personally at their sitting.
If pension remains suspended for two years, all arrears from time of suspension shall cease, and the pensioner, if restored, shall be paid only from his restitution.

IX. And be it further enacted by the authority aforesaid, That the inspectors appointed under this act shall be entitled to receive the sum of two guineas per day for every day they shall be necessarily employed in the execution of this act, and one guinea per day for their travelling expenses, to be paid by warrant of the governor, lieutenant governor, or person administering the government of this province.

Remuneration to inspectors.

X. And be it further enacted by the authority aforesaid, That if any person shall wilfully forswear himself in any oath taken by virtue of this act, he shall be deemed guilty of wilful and corrupt perjury.

False oaths, taken in cases where oaths are required by this act, made perjury.

Pension agent to continue in office.
New security to be entered into.
Salary and allowances.
Future appointments, in case of vacancy.

XI. [Repealed by 7th Geo. IV, c 6.]

XII. And be it further enacted by the authority aforesaid, That the amount due upon all such pensions, as aforesaid, shall be paid in advance every six months by the receiver general to such agent, as aforesaid, in discharge of any warrant or warrants which shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province.

Pensions to be paid in advance every six months.

XIII. And be it further enacted by the authority aforesaid, That when and so often as such agent shall have received the amount of such pension or pensions, he shall insert a notice thereof in the York Gazette, for three months immediately after such receipt, and that any person or persons not appearing personally or by agent to claim the amount of pension due him, her, or them, within two years after such notice, shall receive no arrears, unless he can prove himself to have been resident out of this province during one half of the said period.

Pension agent to give notice of his readiness to pay the pensions.

Persons not claiming within two years to lose arrears.

Exception.

XIV. And be it further enacted by the authority aforesaid, That on the receipt of such pension or pensions, as aforesaid, by the said agent, he shall, and he is hereby required so to do, pay the full amount of all such pensions, without any deductions, to such person or persons as may be entitled to claim the same, or to his, her, or their agent or agents, representative or representatives, guardian or guardians, executors or administrators.

Pensions to be paid without deductions.

XV. And be it further enacted by the authority aforesaid, That each and every person or persons whose names may have already been, or who may hereafter be, inserted on the pension list of this province, shall, as soon after the first day of July and first day of January in each and every year as may be convenient, transmit to the said agent an affidavit, as the case may require, in the following forms:

Forms of affidavits and certificates to be transmitted by pensioners.

"I, A. B., of in the district of late in the regiment of militia, do solemnly swear that I am the person whose name has been heretofore inserted in the pension list of this province."

"I, G. H., of in the district do solemnly swear that I am the widow of A. B., who died of wounds received in action with the enemy, [or who was killed in action with the enemy."]

"I, G. H., do solemnly swear that I am the widow of A. B., who was killed by casualty while on duty in actual service during the late war."

"I, A. B., [guardian, executor, or administrator, as the case may be,] do solemnly swear, that I verily believe that J. H. is the youngest son [or daughter] of G., who was killed in action with the enemy [or who died from wounds received in action,] [or who was killed by casualty on actual service during the late war,] and that the said J. H. is not sixteen years of age."

"I, C. D., senior officer of the regiment of militia [as the case may be] do hereby certify, that C. D., the widow of A. B., who was killed in action during the late war with the United States of America, [or wounded and died in consequence, or was killed by casualty while performing duty on actual service, as the case may be,] is still living and unmarried."

Which affidavit and certificate, with the receipt of such pensioner or pensioners, guardian or guardians, agent or agents, executors or administrators, shall be taken and allowed to be a sufficient voucher for the payment of such pension or pensions, as aforesaid.

Persons claiming hereafter to be placed on the pension list by reason of wounds, &c. must appear and be examined by the medical board, and obtain their certificates.

XVI. And be it further enacted by the authority aforesaid, That any person claiming hereafter, within the period prescribed by this act, to be placed upon the pension list of this province, by reason of disability from wounds or other injuries received during the service, shall, before his admission upon such list, attend personally at York, and present himself for examination to the medical board at York, and obtain their certificate in like manner and on payment of the like fees, as in the case of persons appealing to the said board under the provisions of this act.

Monies paid under this act to be accounted for to his Majesty.

XVII. And be it further enacted by the authority aforesaid, That all monies paid under the authority of this act shall be accounted for to his Majesty, by the receiver general of this province, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Oaths to be taken under this act, by whom to be administered.

XVIII. And be it further enacted by the authority aforesaid, That the oaths directed to be taken by this act, except those hereinbefore directed to be administered by the members of the medical board, shall and may be administered by any justice of the peace in this province.

Persons serving in provincial artillery drivers, colored corps, employed with the Indians, or in the late provincial marine, to be deemed militia-men.

XIX. And be it further enacted by the authority aforesaid, That every officer, non-commissioned officer, or private militia-man, acting as provincial artillery driver, or in the colored corps, or employed with the Indians, or serving in the late provincial marine establishment, who now is placed on the pension list of this province, or whose widow or children are now receiving a pension on their account, shall be deemed and taken to have been a militia-man.

Agent to render account.

XX. And be it further enacted by the authority aforesaid, That the said agent shall regularly, on the thirty-first day of December in each and every year, transmit to the governor, lieutenant governor, or person administering the government of this province, a detailed abstract account, supported by the vouchers, of all pensions paid by him, under the authority of this or any former act.

All pensions for disability by wounds, &c. to be £20 per annum.

XXI. And be it further enacted by the authority aforesaid, That notwithstanding the repeal of the above mentioned act passed in the fifty-fifth year of his late Majesty's reign, the pension of all persons placed or to be placed on the list by reason of disability from wounds or injuries received on service, shall be the sum of twenty pounds per annum.

None to receive pensions under the laws of this province who receive pensions in any other of his Majesty's dominions for wounds or injuries received on service in this province.

XXII. Provided always, nevertheless, That no person receiving a pension in any of his Majesty's dominions, by reason of wounds or injuries received on militia service in this province, shall be entitled to receive any additional pension by virtue of this act, or of the above recited act passed in the fifty-third year of his late Majesty's reign.

Continuance of this act.

(See 7th Geo. IV, c 6.)

XXIII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for and during the term of four years, and from thence until the end of the then next ensuing session of parliament, and no longer.

Chapter V.

(See 4th Geo. IV, c 24.)

An act to authorize the governor, lieutenant governor, or person administering the government of this province, to borrow a sum of money upon the securities therein mentioned, to be applied in discharging the arrearages due to militia pensioners.

[Passed April 14, 1821.]

Preamble.

Whereas large arrearages are due to the persons placed on the militia pension list of this province, which the governor, lieutenant governor, or person administering the government, is not enabled to discharge, by reason of the proportion of duties payable to this province upon articles imported into Lower Canada, since the first day of July, in the year of our Lord one thousand eight hundred and nineteen, not having been received, which amount of duties is yet to be adjusted by commissioners to be appointed on the part of the provinces of Upper and Lower Canada; and whereas it is expedient to make certain provision for the payment of the said pensions within a limited time; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if on the first day of August next, more than one third of the sum which may then be due on account of militia pensions, up to the thirtieth day of June now next ensuing, shall remain undischarged, it shall and may be lawful for the governor, lieutenant governor, or

After 1st August next, if more than one third of the arrears due to militia pensioners shall remain undischarged,

person administering the government of this province, so soon thereafter, as he may deem expedient, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures authorized to be issued under this act, such sums of money, not exceeding twenty-five thousand pounds, as may be sufficient to discharge the whole amount which may be then due on account of the said pensions, for arrearages up to the thirtieth day of June now next ensuing.

the governor may authorize the receiver general to borrow such sum, not exceeding £25,000, as may be required to pay such arrearages.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, now or for the time being, to cause or direct any number of debentures to be made out, for any such sum or sums of money, not exceeding in the whole the said sum of twenty-five thousand pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said debentures; which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and that for each loan or advance, three several debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of one third of the sum so advanced, at the expiration of one, two, or three years respectively, with interest at six per cent. per annum from the date of each debenture, until the same shall be discharged: Provided always, That every such debenture shall and may be signed by the said receiver general of this province for the time being.

The receiver general to make out debentures for monies borrowed.

Form of debentures, and how issued and made payable.

III. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the monies that shall come into the hands of the receiver general of this province, to and for the public uses of this province, on account of the proportion payable to this province, of duties which already have been, or may hereafter be, levied and received in the province of Lower Canada, upon goods imported into the said province.

Such debentures, and the interest accruing thereon, to be charged on the proportion of duties receivable by this province on account of goods imported into Lower Canada.

IV. And be it further enacted by the authority aforesaid, That the debentures which shall be lawfully issued by the authority of this act, and shall from time to time remain undischarged and uncancelled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the receivers and collectors in this province of the customs or of any revenue or tax whatsoever, granted, due, or payable, or which may hereafter be granted, due, or payable, to his Majesty, his heirs and successors, under or by virtue of any act of the parliament of Great Britain, or of the provincial parliament or otherwise, and also at the office of the receiver general of this province, from the said collectors and receivers, or from any person making any payment there to his Majesty, his heirs or successors, upon any account, or for any cause whatsoever, and that the same in the hands of such collectors and receivers, and in the hands of the receiver general of this province, shall be deemed and taken as cash, and as such shall be charged against and credited to such collectors and receivers, and to such receiver general aforesaid, respectively, in their accounts with each other, and with his Majesty, his heirs and successors.

Debentures to pass current with public receivers, collectors, &c.

V. And be it further enacted by the authority aforesaid, That the interest which shall from time to time be due upon any debenture which may be so issued shall be allowed to all persons, bodies politic and corporate, paying the same to any receiver or collector of any of his Majesty's revenues in this province, to the respective days whereupon such debentures shall be so paid: Provided always, That no interest shall run or be paid upon or for any such debenture, during the time such debenture so paid shall remain in the hands of any of the said receivers or collectors, but for such time the interest on every such debenture shall cease.

Interest to be paid on debentures.
Interest shall cease while the debentures remain in the hands of any public receiver.

VI. And to the end that it may be known for what time such debentures bearing interest shall from time to time remain in the hands of such receivers or collectors as aforesaid; be it further enacted by the authority aforesaid, That the person or persons who shall pay any such debenture or debentures so bearing interest, to the receivers or collectors of any of his Majesty's revenues or taxes, shall, at the time of making such payment, put his or their name or names, and write thereupon in words at length, the day of the month and year in which he, she, or they so paid such debenture bearing interest, all which the said collectors and receivers respectively shall take care to see done and performed accordingly; to which respective days, the said receivers and collectors shall be allowed again the interest which he or they shall have allowed or paid upon such respective debenture, upon his or their paying the same into the hands of the receiver general, as aforesaid.

Method of ascertaining for what period the interest on such debentures shall be suspended.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act and uncancelled, or any stamp, indorsement, or writing, thereon or therein, or tender in payment any such forged or counterfeited debenture, or any debentures with such counterfeited endorsement or writing thereon, or shall demand to have

Capital felony to forge any debenture or indorsement thereon, or utter any such forged debenture knowingly, and with intent to defraud.

such counterfeit debenture, or any debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the debentures so tendered in payment or demanded to be exchanged, or the indorsement or writing thereupon or therein to be forged or counterfeited, and with intent to defraud his Majesty, his heirs and successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The receiver general to transmit accounts to the governor, before each session of parliament, of the debentures issued, amount redeemed, outstanding, &c. to be laid before the legislature.

VIII. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates, of the different debentures which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, and of carrying this act into execution, to be laid before the legislature of this province.

Interest accruing upon debentures shall be paid half yearly on demand by the receiver general.

IX. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures, shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the receiver general of this province for the time being, who shall take care to have the same indorsed on each debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively, and that the governor, lieutenant governor, or person administering the government of this province, shall after the thirtieth day of June and thirty-first day of December in each year, issue warrants to the receiver general, for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

Warrants to be issued therefor.

Remuneration to the receiver general, and persons employed under him.

X. And be it further enacted by the authority aforesaid, That the receiver general of this province, and the person or persons necessarily employed under him in the execution of this act, shall severally have and receive such rewards and allowances as the governor, lieutenant governor, or person administering the government of this province and the executive council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this act; and that the same shall be paid in discharge of such warrant or warrants as the governor, lieutenant governor, or person administering the government of this province, shall from time to time issue for that purpose.

Debentures when due to be paid by warrant on the receiver general, and when paid to be cancelled.

(See 4th Geo. IV, c 24, s 2.)

XI. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province for the time being, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof; and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

After the debentures become due, the governor may direct a notice to be published, calling on the holders to present them for payment; and if not presented within six months from the date of the notice, all interest after such six months shall cease.

XII. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment according to this act; and if after insertion of the said notice for three months, any debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Monies to be paid by warrant, and accounted for to his Majesty.

XII. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this act, shall be paid by the receiver general, in discharge of such warrant or warrants, as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty by the receiver general of this province, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter VI.

An act to amend an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act for vesting in commissioners the estates of certain traitors, and also the estates of persons declared aliens by an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon.'"

[Passed April 14, 1821.]

Preamble.

54th Geo. III, c 9, recited.

(See 59th Geo. III, c 12; 2d Geo. IV, c 12; 10th Geo. IV, c 10.)

WHEREAS by an act of the parliament of this province, passed in the fifty-fourth year of his late Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty," certain estates in this province have become vested in his Majesty, having been found by inquisition to have been on the first day of July, one thousand eight hundred and twelve, in the seizin of persons, declared aliens by the provisions of that act, which estates were after the said first day of July, and before the departure of such aliens from this province, conveyed to bona fide purchasers without any intention of fraud, or were seized and sold in execution upon judgments lawfully obtained before the departure of such aliens from this province, as aforesaid; and whereas the provisions of the said act in that behalf were only intended to prevent fraudulent sales, made with intent to evade expected forfeitures, it is expedient that relief should be afforded to bona fide purchasers in the cases above mentioned, who in some instances have made large improvements upon lands acquired by them before the passing of said act, and who would be wholly ruined unless provision is made for such relief; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the commissioners appointed under the act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act for vesting in commissioners the estates of certain traitors, and also the estates of persons declared aliens by an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon,'" shall and may have power to revise all such claims as have been brought before them, respecting lands of which no sale has already been made, under the provision of the said recited act, passed in the fifty-ninth year of his late Majesty's reign, whether the same have or have not been decided on appeal; and if it shall appear to their satisfaction, upon the proof brought before them in support of the same claim, that the sale by the alien, or under a judgment against him made or entered before the departure of such alien from the province, and before the passing of the said first mentioned act, was bona fide, and not for fraud or evasion, or with a knowledge of the purchaser of his intention to desert the province, then the said commissioners shall and may have power to decree such estate to such claimant proving good title to the same, and that it shall and may be lawful for any person or persons having any claim under such bona fide sale as aforesaid, to prefer the same to the said commissioners, within the period of six months from the passing of this act, any thing in the above recited act passed in the fifty-ninth year of his late Majesty's reign, to the contrary notwithstanding.

The commissioners appointed under 59th Geo. III, c 12, may revise all claims brought before them respecting lands not yet sold under that act, and in cases where there have been bona fide sales by the alien, or under a judgment against him before his departure from the province, and before the passing of 54th Geo. III, c 9, may decree the lands to the persons claiming under such sale.

Claim may be within six months.

II. And whereas it appears upon the petition of Thomas Ridout, esquire, and others, that in some cases, from a mistake in describing the lot or other error in inquisitions, certain estates have been erroneously returned as forfeited, and the persons owning the same not having observed the public notice thereof until after the expiration of the eight months limited for claiming before the said commissioners, by reason whereof the same have been absolutely vested in the commissioners above mentioned, who are compelled to proceed to sell the same notwithstanding such manifest error as aforesaid; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to inspect the respective inquisitions, together with the minutes of evidence thereon, and compare the same with the returns furnished and published by them according to law; and that on its appearing to the said commissioners, or a majority of them, from such inspection, or otherwise, that any estate has been returned manifestly by error, it shall and may be lawful for them, at any time before the sale thereof, to decree the same

Commissioners empowered to decree to their right owners, estates which appear by the inquisition, evidence, and return, to have been returned forfeited by manifest error; provided such

estate has not been sold by the commissioners.

to such person as shall prove title thereto, or in default of any claim therefor, to forbear proceeding to sell the same.

The provisions of this act extended to cases of persons who may be hereafter found aliens by inquisition.

III. And be it further enacted by the authority aforesaid, That when any bona fide sale of any lands or tenements shall have been made by any person or persons, who may hereafter be found by inquisition to be an alien or aliens, under the said act passed in the fifty-fourth year of his Majesty's reign, when such sale shall have been made previous to desertion of such alien, it shall and may be lawful for the commissioners aforesaid, upon satisfactory proof of such bona fide sale, to decree such lands and tenements to the purchaser or purchasers thereof, or the person entitled to claim the same.

Where estates of aliens have been sold in satisfaction of executions against them, the surplus above the execution to be paid over by the sheriff to the commissioners of forfeited estates.

IV. And be it further enacted by the authority aforesaid, That in all cases where the real estate of any person declared an alien, under the provisions of the said act passed in the fifty-fourth year of his late Majesty's reign, shall have been sold in execution upon any judgment obtained against him, before such real estate became vested in his Majesty by inquisition found, the surplus monies arising from such sale, after the satisfaction of the execution and the legal charges thereupon, shall belong to his Majesty, and shall be forthwith paid over by the sheriff or other officer holding the same, to the commissioners of forfeited estates, appointed in and by the said act of the parliament of this province, passed in the fifty-ninth year of his late Majesty's reign, who shall pay the same to the special receiver appointed under the provisions of the said last mentioned act, to be by him held subject to the same orders and appropriations, as if such monies had arisen from the sale of real estate by the commissioners of forfeited estates.

Deeds of bargain and sale by commissioners, shall be valid, if signed by a majority of the commissioners for the time being.

V. And be it further enacted by the authority aforesaid, That in all cases of sales of lands which have been or may hereafter be made by the commissioners of forfeited estates, according to the authority vested in them for that purpose, deeds of bargain and sale which have been, or which hereafter shall be, made and executed by the majority of such commissioners for the time being, shall be as valid and effectual in law, to all intents and purposes, as if the same were signed by all the said commissioners, any law to the contrary notwithstanding.

Days of meeting of the commissioners, after the first day of August next.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of August next, the said commissioners shall meet on the first Tuesday in the months of January, April, July, and November, and at no other time, unless for the purpose of determining some matter specially referred to them, or of receiving the evidence or hearing the claim of some claimant or claimants, agent or agents, actually attending for that purpose.

Chapter VII.

(See 2d Geo. IV, c 1 and 2.)

An act relative to the service of process issuing out of his Majesty's court of king's bench and the several district courts in this province.

[Passed April 14, 1821.]

Preamble.

Whereas by the laws now in force in this province, relative to the service of process issuing out of his Majesty's court of king's bench, or out of the several district courts in this province, it is optional with the plaintiff, his attorney or agent, to cause such process to be served by some literate person, or to compel the sheriff to serve the same, when it may be inconvenient or difficult for such plaintiff, his attorney or agent, to do so; and whereas it is expedient to grant relief to the several sheriffs in this province, in respect of such service, and to make provision relative to the service of such process in future; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, no person other than sheriffs, and persons employed under them, shall be entitled to receive mileage or other compensation, on the service of any process required by law to be directed to the sheriff of any district.

No persons but sheriffs, and persons employed by them, shall be entitled to compensation for serving any process directed to the sheriff of any district.

Chapter VIII.

(See 37th Geo. III, c 11, s 1.)

An act to explain doubts which have arisen respecting the right of persons holding a license, to keep a house of public entertainment to retail spirituous liquors, to be consumed out of their houses without any additional license.

[Passed April 14, 1821.]

Preamble.

Whereas doubts have arisen, whether by the laws now in force, any person having a license to keep a house of public entertainment may, by virtue of such license, sell spirituous

liquors by retail, to be consumed out of his house; for removing such doubts, be it hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for any person in this province, duly licensed to keep a house of public entertainment for the retailing of spirituous liquors, to sell wine, brandy, or other spirituous liquors, by retail, to be consumed out of his house, in the same quantities as he may retail it within his house, without any additional license for that purpose.

Any person licensed to keep a house of public entertainment for retailing spirituous liquors, may sell liquors by retail, to be consumed out of his house, by the same quantities as within, without any additional license.

Chapter IX.

An act to continue an act passed in the fifty-fifth year of his late Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to supply in certain cases the want of county courts in this province, and to make further provision for proceeding to outlawry in certain cases therein mentioned.'"

[Passed April 14, 1821.]

WHEREAS it is expedient to continue an act passed in the fifty-fifth year of his late Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to supply in certain cases the want of county courts in this province, and to make further provision for proceeding to outlawry in certain cases therein mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act, and every clause, matter, and thing, therein contained, shall continue and be in force for eight years, and from thence to the end of the then next ensuing session of parliament.

Preamble.

55th Geo. III, c 2, continued for eight years.

Chapter X.

An act to repeal the laws now in force relative to the preservation of salmon, and to make further provisions respecting the fisheries in certain parts of this province, and also to prevent accidents by fire, from persons fishing by torch or fire light.

(This act amended by 4th Geo. IV, c 20.)

[Passed April 14, 1821.]

WHEREAS it is expedient more effectually to provide for the preservation of salmon within this province, and to make further regulations for fishing in the rivers and creeks thereof; and whereas the provisions of an act passed in the forty-seventh year of his late Majesty's reign, entitled, "An act for the preservation of salmon," and also the provisions of another act passed in the fiftieth year of his late Majesty's reign, entitled, "An act to extend the provisions of an act passed in the forty-seventh year of his Majesty's reign, entitled, 'An act for the preservation of salmon,'" are found inadequate; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the aforesaid acts, and every matter and thing in the said acts contained, shall be, and the same are, hereby repealed.

Preamble.

47th Geo. III, c 12, and 50th Geo. III, c 3, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for any person or persons at any time, from the twenty-fifth day of October till the first day of January in each and every succeeding year, to take, catch, or kill any salmon, or salmon fry, in any manner whatsoever.

Salmon not to be killed or taken between 25th October and 1st of January in any year. (Repealed by 4th Geo. IV, c 20.)

III. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons to take, catch, or kill, or to attempt to take, catch, or kill, any fish

No person to fish by torch or fire light in

any creek within one hundred yards of any mill or mill dam.

in any river or creek within this province, by torch or fire light, within one hundred yards of any mill or mill dam, which may now or hereafter be erected on any such rivers or creeks as aforesaid.

No salmon, or salmon fry to be taken in the Home, Newcastle, or Gore district, within a certain distance from the mouth of any creek. (Extended to the river Trent. See 4th Geo. IV, c 2, s 3.) Exception as to the river Credit.

IV. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons at any time to take, catch, or kill in any manner, in the Home district, district of Newcastle, and district of Gore, of this province, any salmon or salmon fry, nearer the mouth of any of the rivers and creeks along the shore of lake Ontario, than two hundred yards, or within fifty yards up the mouth of any such rivers or creeks as aforesaid, except the river Credit in the Home district, where it shall not be lawful to take any salmon by spear, or otherwise, less than two hundred yards up the mouth of the said river.

No salmon in those districts to be taken by setting any net or wear.

V. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons in either of the districts aforesaid to take, catch, or attempt to take or catch, by setting any net or nets, wear or wears, any salmon or salmon fry in any of the creeks or rivers in the aforesaid districts.

Penalties for breach of this act.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall be convicted, before any two or more of his Majesty's justices of the peace, within the district in which such offence or offences shall have been committed, by the oath of one or more credible witness or witnesses other than the informer, of infringing any of the provisions of this act, such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding five pounds, nor less than five shillings, for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment, to be committed to the common gaol of such district as aforesaid, for a term not more than thirty days, nor less than two days, unless the fine and costs are sooner paid.

Distribution of fines.

VII. And be it further enacted by the authority aforesaid, That one half of any such fine as aforesaid, levied or collected, or to be levied or collected, by virtue of this act, shall be given to the informer, and the other half shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct.

Exception as to part of the district of Gore.

VIII. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to any other part of the district of Gore aforesaid, than so much of said district as is comprised within the township of Trafalgar, and that part of the township of Nelson which lies north of the beach between Burlington bay and lake Ontario: Provided, That nothing in this act contained shall extend, or be construed to extend, to prevent the Indians fishing as heretofore when and where they please, except within one hundred yards of a mill or mill dam, by fire or torch light.

Indians not restrained by this act, except as to fishing by torch light near mills, &c.

Chapter XI.

An act for the more certain punishment of persons illegally solemnizing marriage within this province.

[Passed April 14, 1821.]

Preamble.

For the more certain punishment of persons illegally solemnizing marriage within this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if any parson, minister, or clergyman, legally authorized to solemnize marriage within this province, shall, after the passing of this act, knowingly or wilfully solemnize marriage without publication of banns, unless license of marriage be first had and obtained from some person having authority to grant the same, or if any justice of the peace in this province shall, after the passing of this act, knowingly solemnize marriage contrary to law, or if any person not having authority by law to solemnize marriage within this province, shall, after the passing of this act, marry any persons within the same, such parson, minister, clergyman, justice of the peace, or person respectively so offending, shall be guilty of a misdemeanor, any thing in a certain act of the parliament of Great Britain passed in the twenty-sixth year of the reign of King George the Second, entitled, "An act for the better preventing of clandestine marriages," to the contrary thereof in any wise notwithstanding: Provided always, nevertheless, That such offence shall not be cognizable at any

Persons solemnizing marriage illegally, to be deemed guilty of a misdemean or.

Quarter sessions not

court of quarter sessions in this province; and, Provided also, That no prosecution shall be commenced after two years from the offence committed.

to have jurisdiction over such offence. Posecution must be within two years.

II. And be it further enacted by the authority aforesaid, That in all cases of prosecution under this act, wherein the legal authority of any person to solemnize marriage within this province shall come in question, the proof of such authority shall lie upon the defendant.

Proof of legal authority to solemnize marriage shall be on defendant.

Chapter XII.

An act to render legal certain small notes and inland bills of exchange within this province.

[Passed April 14, 1821.]

WHEREAS the provisions of a certain act of the parliament of Great Britain passed in the fifteenth year of his late Majesty's reign, entitled, "An act to restrain the negotiation of promissory notes and inland bills of exchange, under a limited sum, within that part of Great Britain called England," and of a certain other act of the parliament of Great Britain passed in the seventeenth year of his late Majesty's reign, entitled, "An act for further restraining the negotiation of promissory notes and inland bills of exchange, under a limited sum, within that part of Great Britain called England," are inapplicable to this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That no clause, matter, or thing, in the said acts, or either of them, contained, shall extend to or be in force in this province, or shall make void any bills, notes, drafts, or orders, which have been or may hereafter be made or uttered in this province, any thing in a certain act of the parliament of this province passed in the thirty-second year of his late Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in America, and to introduce the English law as the rule of decision in all matters of controversy relating to property and civil rights,'" or in a certain other act of the parliament of this province passed in the fortieth year of his late Majesty's reign, entitled, "An act for the further introduction of the criminal law of England in this province, and for the more certain punishment of certain offenders," to the contrary thereof in any wise notwithstanding: Provided always, That nothing in this act contained shall be construed to render any person liable to any punishment for any forgery, larceny, or other crime committed before the passing of this act, respecting any notes, bills, drafts, or undertakings, made and uttered before the passing of this act, other than such person would have been liable to, had this act never been passed.

Preamble.

British statutes 15th. and 17th Geo. III, respecting small notes and bills of exchange, recited.

Those statutes not to be in force in this province.

(See 32d Geo. III, c 1.)

(40th Geo. III, c 1.)

This act to have no retrospective operation, as respects any forgery or other crime, committed in respect of such notes or bills made and uttered before this act.

Chapter XIII.

An act to establish an uniform currency throughout this province.

[Passed April 14, 1821.]

WHEREAS it would tend much to the public convenience, if an uniform currency prevailed throughout this province; and whereas the several gold and silver coins current in this province have respectively a nominal legal value in pounds, shillings, and pence, bearing the relative proportion of ten to nine, to the sterling money of account in the united kingdom of Great Britain and Ireland, nevertheless, in some parts of this province accounts continue to be kept and contracts to be made in New York currency, estimating the Spanish milled dollar at eight shillings, bearing to sterling money of account, the proportion of sixteen to nine, which diversity must necessarily occasion great and manifest confusion; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of July, which will be in the year of our Lord one thousand eight

Preamble.

After 1st of July, 1822, no interest shall be de-

mandable on any bond, note, or other instrument made after that date in this province, in which the penalty or sum payable shall be expressed in New York currency;

nor any costs allowed in actions brought thereon.

hundred and twenty-two, no interest shall be demandable or shall be recovered in any action upon any bond, bill, note, or other instrument, agreement, or paper writing, made or dated within this province, after the said first day of July, in which the penalty or the sum payable or secured in or by such bond, bill, note, or other instrument, agreement, or paper writing, shall be expressed in New York currency, or in words or letters importing New York currency, whether interest be or be not payable according to the terms thereof, nor shall any costs be taxed or allowed against the defendant in any action which may be brought in any court in this province for the recovery of the debt, damages, or sum made payable or secured by any such bond, bill, note, or other instrument, agreement, or paper writing.

After 1st July, 1822, no rendering of account shall be deemed a demand or acknowledgment thereof given in evidence, unless it shall have been rendered in provincial currency.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of July, in the year of our Lord one thousand eight hundred and twenty-two, no rendering of any merchant's, or other account, entered and made out after that date within this province, shall be considered a demand, nor shall any admission of such account be given in evidence as an acknowledgment of a debt, unless such account shall have been entered, made, and rendered, in provincial currency, at five shillings to a dollar.

After 1st July, 1822, no shop books shall be received in evidence as to any entries after that date, unless they are made out in provincial currency.

III. And be it further enacted by the authority aforesaid, That no shop book of any merchant or tradesman made up and kept within this province, shall be received in any court of law as evidence for such merchant or tradesman, as far as respects any entries made therein after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, unless such entries shall be made therein in provincial currency, as aforesaid.

This act to be read in court on the first day of the four next courts of general quarter sessions.

IV. And be it further enacted by the authority aforesaid, That this act shall be read by the clerks of the peace of the several districts of this province, in open court, on the first day of the general quarter sessions of the peace, for four successive courts of general quarter sessions next after the passing thereof.

Chapter XIV.

An act to enable married women more conveniently to convey their real estate.

[Passed April 14, 1821.]

Preamble.
43d Geo. III, c 5, recited.

Whereas by an act passed in the forty-third year of his late Majesty's reign, entitled, "An act to enable married women having real estate more conveniently to alien and convey the same," it is enacted, that no deed shall have any force or effect to bar such married woman, or her said husband, or her heirs, during the continuance of the coverture, or after the dissolution thereof, or shall have any force or effect whatsoever, unless such married woman shall appear in open court, in the court of king's bench, or before any judge thereof at his chambers, or before a judge of assize at the sittings of the Home district, or on his circuit, and shall be examined by the said judge, touching her consent to alien and depart with such estate; and whereas much inconvenience has arisen from such provision; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall be lawful for any married woman having real estate in this province, to appear before the quarter sessions of the peace, in the district in which she may at the time be resident, or before the general quarter sessions of the peace, in any district in this province, in cases in which the party resides out of this province, at any time within twelve months after her execution of the deed conveying away her real estate, and being examined by the chairman of the quarter sessions in open court, touching her consent to alien and depart with her real estate, as in such deed may be mentioned, it shall and may be lawful for the said chairman to certify the same, in like manner as the same may at present be certified by the court of king's bench, or any judge thereof, and the said certificate shall have the same force and effect, and be as valid in law, as any certificate given under and by virtue of the above recited act, any law or usage to the contrary in any wise notwithstanding.

(See 59th Geo. III, c 3.)

Married women having real estate, and desirous of conveying the same, may appear before the quarter sessions of the district in which they reside, and be examined as to their consent.
Women residing abroad may appear before the sessions in any district of the province.
Certificate to be given by the chairman.

Fee to the clerk of the peace.
(See 1st Will. IV, c 3.)

II. And be it further enacted by the authority aforesaid, That the clerk of the peace shall be entitled to receive the sum of five shillings for drawing every such certificate, and no more.

Chapter XV.

An act further to relieve vessels and small craft from the payment of light house tonnage duty.

[Passed April 14, 1821.]

Preamble. (See 59th Geo. III, c 16.)

Whereas it is found expedient further to relieve the masters and owners of vessels, boats, rafts, and other craft, belonging to and navigated by his Majesty's subjects within this province, from the payment of light house tonnage duty; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, no collector or deputy collector at any of his Majesty's ports of entry, where light house tonnage duty now is or hereafter may become due and payable, shall demand such duty on vessels, boats, rafts, or other craft belonging to and navigated by his Majesty's subjects as aforesaid, except on the number of tons, weight, or measurement of cargo, other than the personal baggage of the passengers, which such vessel, boat, raft, or other craft, shall actually discharge at such port or place of entry.

Light house tonnage duty on vessels owned and navigated by his Majesty's subjects in this province to be demanded henceforward only on the tonnage of cargo actually discharged at any port where such duty is to be paid.

II. And be it further enacted by the authority aforesaid, That in the report which the master, owner, or other person, shall make of the arrival of such vessel, boat, raft, or other craft, to the collector or deputy collector at the port or place of entry where such cargo shall be discharged, shall be specified the number of tons, weight, or measurement of the same, which report shall be verified by the oath of the person making the same, to be administered by the collector or deputy collector.

Master to state in his report the number of tons of the same, on oath.

III. And be it further enacted by the authority aforesaid, That if any person making such report, under oath administered as aforesaid, shall therein wilfully misstate the number of tons, weight, or measurement of such cargo, he shall be deemed guilty of wilful and corrupt perjury.

False oath therein to be perjury.

Chapter XVI.

An act for altering the time of holding the general quarter sessions of the peace in the Home district.

[Repealed by 4th Geo. IV, Ch. 30.]

Chapter XVII.

An act for the preservation of deer within this province.

[Passed April 14, 1821.]

Preamble.

Whereas it is expedient to prohibit the killing of deer within this province, at improper seasons of the year; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That no person or persons shall within this province, after the tenth day of January in every year hereafter, kill in any manner whatever, any deer, feræ naturæ, until the first day of July.

No person to kill any deer, feræ naturæ, between the 10th day of January and 1st of July, in any year.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall kill or cause to be killed deer, feræ naturæ, between the tenth of January and the first day of July as aforesaid, such person or persons shall forfeit and pay the sum of forty shillings for the first offence, and double that sum for every subsequent offence, to be recovered in a summary manner, before any two or more of his Majesty's justices of the peace for the district in which the offence shall have been committed; one moiety thereof shall be forfeited to his Majesty, and be paid into the hands of the receiver general of this province, to and for the public uses of the same, and shall be accounted for through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty shall be pleased to direct, and the other moiety thereof shall be paid to the informer, or whoever shall sue for the same: Provided always, and be it further enacted by the

Penalty.

Application of fines.

Indians exempt from this act.

authority aforesaid, That nothing in this act contained shall extend or be construed to extend, to any individual or individuals of the nations of Indians now or hereafter to be resident within the limits of this province.

Chapter XVIII.

An act to continue for a limited time a certain act of the parliament of this province passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace in general quarter sessions assembled for their respective districts, authority to regulate the duties hereafter to be paid on such licenses."

[Passed April 14, 1821.]

Preamble.

59th Geo. III, c 2, session 1st, recited.

Whereas it is expedient to continue for a limited time the provisions of a certain act of the parliament of this province, passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace in general quarter sessions assembled for their respective districts, authority to regulate the duties hereafter to be paid on such licenses;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act, and every clause, matter, and thing, therein contained, shall be continued and remain in force for two years, and from thence to the end of the then next ensuing session of parliament.

Continued for two years.

(Amended and continued. See 4th Geo. IV, c 18.)

Chapter XIX.

An act to provide for the remuneration and reimbursement of certain persons therein mentioned.

[Private.—To Thomas Clark and James Crooks, as commissioners to Lower Canada, on the subject of the improvement of the inland navigation, £200: To Peter Robinson and Grant Powell, esquires, as commissioners for superintending the erection of the parliament house, the like sum being expended by them, in erecting and finishing the public buildings, for the accommodation of the legislative council and house of assembly, £333 13s. 7d.: To Grant Powell, esquire, for his services in discharge of that duty, £100.]

Chapter XX.

An act granting a pension to Elizabeth Lawe.

[Private.—Granting her a pension of £20 per annum during life.]

Chapter XXI.

An act to remunerate the surveyor general for certain services.

[Passed April 14, 1821.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to remunerate the surveyor general of this province for services rendered and disbursements made by him, in carrying into effect the provisions of a certain act of this province, entitled, "An act to repeal the several laws now in force, relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands, and other rateable property throughout this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and in the hands of the receiver general unappropriated, there be granted to his

Majesty, his heirs and successors, the sum of one hundred and fifty-four pounds, four shillings, and two pence, currency, which sum of one hundred and fifty-four pounds, four shillings, and two pence, shall be paid to the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be applied to remunerate the surveyor general of this province for duties performed by him under the said recited act of the parliament of this province.

£154 4s. 2d. granted to remunerate the surveyor general of this province for certain services imposed on him by an act of the legislature.

II. And be it further enacted by the authority aforesaid, That the sum of one hundred and fifty-four pounds, four shillings, and two pence, shall be accounted for to his Majesty by his Majesty's receiver general of this province, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

How to be paid and accounted for.

Chapter XXII.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of several addresses of the house of assembly.

[Granting £736 16s. 9½d. contingent expenses of the legislature, for the session in 1820.]

Chapter XXIII.

An act granting to his Majesty a sum of money in aid of the funds for defraying the expenses of the administration of justice and support of the civil government of this province.

[Granting £3,811, sterling, towards the public service of the province, for the year 1821.]

Chapter XXIV.

An act to make provision for compensating district treasurers, for duties imposed on them by the several acts of this province relative to common schools.

[Passed April 14, 1821.]

Whereas a duty has been and is imposed on the treasurers of districts in this province, in receiving, paying, and accounting for, the several sums of money granted to their respective districts for the use of common schools therein, for which duties no compensation has been allowed by law, and it is expedient to make provision for granting such compensation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to direct the inspector general, or other officer to whom the duty appertains, to allow to the treasurer of any district in this province, in any settlement of accounts relative to monies received, paid, and expended therein, by him, for common schools, the sum of three pounds for every one hundred pounds, which may have been paid through the hands of such treasurer: Provided, such treasurer shall produce proper vouchers to prove that such sum or sums of money as may have been paid into his hands for the use of common schools, has or have been expended and paid according to the intent and meaning of the acts of this province relating to the said common schools.

Preamble.

(See 60th Geo. III, c 7.)

District treasurer to be allowed to retain three per cent. on all monies which may have passed through his hands under the acts relative to the establishment of common schools;

provided that such treasurer produce proper vouchers for the expenditure of the monies, according to the intention of the several school acts.

Chapter XXV.

An act to appropriate a sum of money towards opening and completing the great line of communication from the Ottawa river, passing through Richmond and Perth to Kingston.

[Passed April 14, 1821.]

Most gracious Sovereign:

Whereas the remote situation of and difficulty of access to some of the new settlements in the county of Carleton, render it expedient to open and complete a new line of commu-

Preamble.

nication between Richmond point, on the Ottawa river, and Kingston; and whereas your Majesty's commander of the forces, by his written communication to your Majesty's lieutenant governor of this province, has expressed his desire to assist in opening the said road; and whereas it is the desire of your Majesty's faithful commons of this province to contribute towards the same; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general thereof, unappropriated, there be granted to his Majesty, his heirs and successors, the sum of two hundred pounds, which said sum of two hundred pounds shall be appropriated, applied, and disposed of, in opening and completing the said new road.

£200 granted to aid in opening the road from Richmond, on the Ottawa, to Kingston.

II. And be it further enacted by the authority aforesaid, That at any time from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint a commissioner or commissioners for carrying the provisions of this act into effect.

A commissioner to be appointed.

III. And be it further enacted by the authority aforesaid, That the money hereby granted to his Majesty shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purpose herein set forth, be issued by the governor, lieutenant governor, or person administering the government of this province, and the receiver general shall account to his Majesty, his heirs and successors, for the same, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

How the money hereby granted is to be paid and accounted for.

Chapter XXVI.

An act to remunerate the clerk of the crown in chancery for past services, and to provide for the future payment of that officer.

[Expired: But see 1st Wil. IV, Ch. 16.]

Chapter XXVII.

An act to repeal an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to increase the salary of the speaker of the house of assembly, and to remunerate the present speaker for past services."

[Passed April 14, 1821.]

Preamble.

Whereas the salary to the speaker of the house of assembly is deemed disproportioned to the present revenue of the province, it is therefore deemed expedient to reduce the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to increase the salary of the speaker of the house of assembly, and to remunerate the present speaker for past services," be and the same is hereby repealed.

56th Geo. III, c 27, repealed.

Chapter XXVIII.

An act to afford relief to John Wagstaff, of the town of Niagara, tinsmith.

[Private.—Allowing him six months to remove his buildings from off his land in the town of Niagara, forfeited under the 54th Geo. III, c 9.]

Chapter XXIX.

An act to empower certain trustees therein mentioned, to sell and convey a certain lot of land in the town of York, and to purchase another lot or tract of land for the use and accommodation of a Roman catholic congregation.

[Passed April 14, 1821.]

Preamble.

Whereas by letters patent, under the great seal of this province, bearing date the twenty-fifth day of March, one thousand eight hundred and six, a certain lot of land in the town of York, in the Home district, described as lot number six, on the corner of George and Duke streets, containing about one acre of land, was granted to the honorable James Baby, the reverend Alexander McDonell, and John Small, esquire, in trust, for the use and accommodation of a Roman catholic congregation, in the said town of York and its vicinity; and whereas it hath been represented by the said trustees, that the said lot of land is insufficient and inconvenient for the use and purposes intended by the said grant; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said trustees be empowered and authorized, and they or any two or more of them are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey, in fee simple, the aforesaid lot of land, described as lot number six, on the corner of George and Duke streets, in the town of York, aforesaid, with its appurtenances, unto such person or persons as may be disposed to purchase the same.

Trustees of a certain lot of land in York for the use of a Roman catholic congregation, allowed to sell the same;

II. And be it further enacted by the authority aforesaid, That the trustees aforesaid, or any two or more of them, shall and may, and they are hereby empowered and required to, vest the money accruing from the sale of the lot of land aforesaid, in the purchase of such other lot or tract of land in or near the town of York aforesaid, as they, the said trustees, shall in their discretion deem to be proper and convenient for the use and accommodation of a Roman catholic congregation in the said town of York and its vicinity; and the said trustees, or any two or more of them, are hereby empowered and required to receive and take a conveyance of the land, so to be by them purchased as aforesaid, with the money aforesaid, in trust for the use and purposes aforesaid, and with succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the use and purposes aforesaid, according to the true intent and meaning of the letters patent hereinbefore mentioned.

and to purchase other land in York in trust for the same purpose.

Chapter XXX.

An act to afford relief to Edmund Mott and John Blanchard, of the district of Johnstown.

[Private.—Allowing them six months to traverse the inquisition affecting their estates, under 54th Geo. III, c 9.]

Chapter XXXI.

An act to afford relief to Samuel Hull and Esther Phelps.

[Private.—Allowing them six months to traverse the inquisition affecting their estates, under 54th Geo. III. c 9.]

Second Session of the eighth Provincial Parliament.

MET AT YORK, ON THE TWENTY-FIRST DAY OF NOVEMBER, AND PROROGUED ON THE SEVENTEENTH DAY OF JANUARY FOLLOWING, IN THE SECOND YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1822.

Chapter I.

An act to repeal part of and amend the laws now in force respecting the practice of his Majesty's court of king's bench in this province.

[Passed January 17, 1822.]

WHEREAS it is expedient to make certain amendments in the practice of his Majesty's court of king's bench in this province; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the ninth clause of an act passed in the thirty-fourth year of his late Majesty's reign, entitled, "An act for the regulation of juries," and an act passed in the thirty-fourth year of his late Majesty's reign, entitled, "An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal," with the exception of the first, thirty-third, thirty-fourth, thirty-fifth, and thirty-sixth clauses, and the second clause of an act passed in the thirty-fifth year of his late Majesty's reign, entitled, "An act to explain and amend an act passed in the thirty-fourth year of his Majesty's reign, entitled, 'An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal,'" and an act passed in the thirty-seventh year of his late Majesty's reign, entitled, "An act for regulating the practice of the court of king's bench," and an act passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act to amend part of an act passed in the thirty-fourth year of the reign of his Majesty, entitled, 'An act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal, and also to amend and repeal part of an act passed in the thirty-seventh year of the reign of his Majesty, entitled, 'An act for regulating the practice of the court of king's bench, and to make further provision respecting the same,'" and an act passed in the forty-first year of his late Majesty's reign, entitled, "An act the better to adapt the establishment of the court of king's bench to the present situation of this province," and the third and fourth clauses of an act passed in the forty-ninth year of his late Majesty's reign, entitled, 'An act for the more effectual preventing of frivolous and vexatious suits, and to authorize the levying of poundage upon executions in certain cases, and to regulate the sales by sheriffs and other officers," and also an act passed in the fifty-first year of his late Majesty's reign, entitled, "An act to extend personal arrest to the sum of forty shillings, and otherwise to regulate the practice in cases of personal arrest," be, and the same are, hereby repealed.

9th section of 34th Geo. III, c 1; 34th Geo. III, c 2, except the 1st, 33d, 34th, 35th, and 36th sections; 35th Geo. III, c 4, s 2; 37th, c 4; 38th, c 4; 41st, c 9; 49th, c 4, s 3 & 4; 51st, c, 3—repealed.

Terms of sitting.
At what periods the same shall commence respectively.
(As to Hilary and Michaelmas terms, see 2d Geo. IV, c 20.)

II. [Repealed by 4th Geo. IV, c 1.]

Court may adjourn from one return day to another.

III. Provided always, and be it further enacted by the authority aforesaid, That when the court shall have good reason to believe there will not be sufficient business to require their daily attendance throughout the term, they may be at liberty to adjourn the court on any return day to the next immediate return day.

Original process.

IV. And be it further enacted by the authority aforesaid, That the original process for compelling the appearance of the defendant or defendants in any suit hereafter to be brought in his Majesty's court of king's bench, shall be a writ of capias ad respondendum, tested in the name of the chief justice or senior puisne judge of the said court, for the

time being, a copy of which process in actions not bailable shall be personally served on the defendant or defendants by the sheriff to whom the process shall be directed, or his lawful deputy or bailiff, being a literate person, and that upon every copy of such process to be served upon any defendant, there shall be written a notice to such defendant of the intent and meaning of such service, to the effect following:

A writ of capias ad respondendum.

Copy whereof to be served on defendant in actions not bailable.

"A. B.: You are served with this process, to the intent that you may either in person, or by your attorney, appear in his Majesty's court of king's bench, by filing your appearance in the office of the clerk of the crown, [or deputy, as the case may be,] in the district, at the return thereof, being the day of or within eight days thereafter, in order to your defence in this action."

English notice on process not bailable.

And that in all actions hereafter to be brought, wherein the defendant or defendants shall not be arrested and held to special bail, if the defendant or defendants do not appear at the return of such process, or within eight days after the return thereof, it shall and may be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed of the personal service of such process, to enter common bail for the defendant or defendants, and to proceed thereon as if such defendant or defendants had put in and perfected bail to the action.

(See 2d Geo. IV, c 7.)

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for each and every defendant, personally or by attorney, to enter his, her, or their appearance at the office from which such process not bailable has issued, at any time within eight days after the return of such process or writ; and that in all actions or suits where the defendant or defendants have appeared as aforesaid, the plaintiff, or his attorney, shall, after filing a declaration in the office from whence the writ issued, and service of a copy thereof on the defendant by a demand in writing, call for a plea, and that if after the expiration of eight days from the service of such demand, no plea be filed, it shall and may be lawful for the plaintiff or plaintiffs to sign judgment in the cause.

Manner of proceeding on process not bailable.

VI. And be it further enacted by the authority aforesaid, That for and notwithstanding any thing in this act contained, it shall and may be lawful to proceed by bill, in any case where by reason of any privilege such proceeding is practised in the court of king's bench in England, and that the like proceeding shall be had in actions so commenced as in the said court, unless otherwise altered by the rules of his Majesty's court of king's bench in this province.

Privileged persons may proceed by bill, unless altered by rule of court.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any defendant or defendants in any action or suit in the said court, to plead as many several matters thereto as he shall think necessary, without leave of the said court, where he would be entitled to do so by obtaining such leave, under the same regulations and restrictions as are declared by the British statute passed in the fourth year of the reign of Queen Anne, chapter 16, section 4, any thing in the said clause to the contrary notwithstanding.

Defendants may plead several matters without leave of the court.

VIII. And whereas much inconvenience is felt by conscientious creditors in the recovery of their just debts, from the difficulty of ascertaining whether any person or persons design leaving the province, with an intent to defraud their creditors, an affidavit of which is required by the laws now in force, before a capias ad respondendum could issue; be it therefore enacted by the authority aforesaid, That no person shall be arrested or holden to special bail upon any process issuing out of the said court in a civil suit, where the cause of action shall not amount to five pounds of lawful money of this province, and where the cause of action shall amount to five pounds and upwards, it shall not be lawful for the plaintiff to proceed to arrest the body of the defendant or defendants, unless an affidavit be first made by such plaintiff, his servant or agent, of such cause of action, and the amount justly and truly due to the said plaintiff from the said defendants, and also that such plaintiff, his servant or agent, is apprehensive that the defendant will leave this province without satisfying the said debt, and that the said plaintiff, his servant or agent, does not sue out such process from any vexatious or malicious motive whatever, which affidavit shall be filed, and may be made before any judge or commissioner of the court, out of which such process shall issue, authorized to take affidavits in such court, or before the officer who shall issue such process, or his deputy, which oath such officer, or his deputy, is hereby authorized to administer, and for the said affidavit, one shilling shall be paid, and no more; and the sum or sums specified in such affidavit shall be endorsed on such writ or process, which sum or sums so endorsed, the sheriff or other officer to whom such writ or process shall be directed, shall take bail, and for no more.

No person to be arrested for a sum under £5.

Affidavit to be made by plaintiff previous to arrest,

and may be sworn before any judge, &c. and one shilling to be paid for oath.

Sum sworn to shall be endorsed on bailable process.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any plaintiff, his servant or agent, having made such affidavit as aforesaid, to sue out from any commissioners of his Majesty's court of king's bench for taking affidavits in each and every district, a writ of capias ad respondendum, with which the said commissioners, as well as the several deputies appointed by the clerk of the crown, shall be from

Commissioners for taking affidavits, and depu-

ty clerks of the crown to issue bailable process.

time to time supplied, signed by the proper officer of the court, on which shall be endorsed the sum sworn to, and to which the said affidavit shall be annexed, whereupon it shall and may be lawful for any constable in the district to arrest the said defendant, and deliver him, her, or them, over to the sheriff, in order that he, she, or they may be held to bail for the amount of the sum so endorsed.

Judges may order arrest in certain cases.

X. And be it further enacted by the authority aforesaid, That in all cases in which the cause of action shall be other than a debt certain, of which affidavit may be made as hereinbefore mentioned, it shall and may be lawful to hold the defendant or defendants to bail, a judge's order having been first obtained for that purpose, in such cases and in such manner as is provided by the law and practice of the court of king's bench in England.

Condition of recognizances of bail.

XI. And be it further enacted by the authority aforesaid, That each and every recognizance of bail to be taken in cases of personal arrest, as hereinbefore mentioned, shall be, that if the defendant or defendants shall be condemned in the action at the suit of the plaintiff or plaintiffs, he, she, or they will satisfy the costs and condemnation money, or render himself, herself, or themselves, to the custody of the sheriff of the district in which such action shall be brought, or that the cognizors shall do so for such defendant or defendants.

Bail may surrender their principal to the sheriffs of the respective districts where defendants are held to bail, and sheriffs to give certificates of surrender, and judge to order an exoneretur on production thereof.

XII. And be it further enacted by the authority aforesaid, That whenever any bail in any action or suit now pending, or hereafter to be brought in any district, shall be desirous of surrendering their principal, in discharge of themselves, it shall and may be lawful for the sheriff of such district, and he is hereby required, to receive such principal into his custody at the gaol of his district, and to give such bail a certificate under his hand and seal of office of such surrender, which certificate shall be a sufficient authority for any judge of the court in which such action shall be pending, and he is hereby required, on production thereof, to order an exoneretur to be entered on the bail piece, in the same manner as if such principal had been surrendered in person before him at his chambers, for which certificate the said sheriff shall receive the sum of five shillings and no more.

Defendants may put in special bail in vacation.

XIII. And be it further enacted by the authority aforesaid, That if any defendant or defendants shall be taken, or detained in custody, in any district of this province, on mesne process issuing out of any court of record in this province, at the suit of any plaintiff or plaintiffs, and shall be detained or imprisoned thereon after the return of such process, it shall and may be lawful for such defendant or defendants, except in term time, within the Home district of this province, or district where the court shall be holden, and upon due notice thereof given to the attorney of the plaintiff or plaintiffs in such process, to put in and justify bail before any of the justices of the court out of which such process shall have issued, or before any commissioner duly appointed for taking bail in such court, which justice, or in case bail shall have been put in and justified before a commissioner, any justice of the said court, upon receipt of the said bail piece and recognizance from such commissioner, may, if he shall think fit, order a rule to issue for the allowance of such bail, and may further order such defendant or defendants to be discharged out of custody by writ of supersedeas, in the like manner as may be done by order of the court in term time.

Rule for allowance thereof may be issued by a judge.

Defendants may be held to bail in actions previously pending.

XIV. And be it further enacted by the authority aforesaid, That in case the plaintiff, in any action now pending, or hereafter to be brought, in the said court, his servant or agent, shall at any time after action brought, and before final judgment, be apprehensive that the defendant will leave this province without paying his debt, it shall and may be lawful to and for the said plaintiff, his servant or agent, having made and filed such affidavit as aforesaid, to sue out an alias writ of capias ad respondendum, and to cause the said defendant to be thereupon arrested and holden to bail, which bail, if the said writ shall have been sued out after common bail being filed, shall be bail to the action.

No further affidavit required in bailable action previous to suing out ca.sa.; otherwise in actions not bailable.

XV. And be it further enacted by the authority aforesaid, That in all cases in which the party has been held to special bail, it shall not be necessary to make or file any further or other affidavit before suing out a capias ad satisfaciendum upon the judgment obtained in the same action; and that in cases where the party has not been held to special bail, a writ of capias ad satisfaciendum may issue after judgment upon an affidavit of the same form as is hereby required to be made, for the purpose of suing out a capias in mesne process, or upon affidavit by the plaintiff, his servant, or agent, that he hath reason to believe that the defendant hath parted with his property, or made some secret or fraudulent conveyance thereof, in order to prevent its being taken in execution.

Issues joined in the Home district may be tried before any judge.

XVI. And be it further enacted by the authority aforesaid, That upon all issues joined in the court, in any suit or action that shall arise or be triable in the Home district, or in the district where the court shall be holden, under any commission of assize and nisi prius, issued after the terms of Hilary and Trinity respectively, and tested on the last day of each of those terms, the chief justice, or any other judge of the said court, shall, as judge of assize and nisi prius for the said district, try all manner of issues joined in the said court, which ought to be tried by a jury of the said district; and that the chief justice, or

any other judge of the said court, shall, as judge of assize and nisi prius, issue his precept to the sheriff of the said district, for the summoning of jurors for the trying of all such issues as may be joined in the said court, and arise and be triable in the said district, so that the same may be in no instance holden sooner than thirty days from the end of the Hilary and Trinity terms respectively.

Chief justice or other judge to issue his precept to the sheriff, to summon jurors to try such issues not less than thirty days after Hilary and Trinity terms.

XVII. And be it further enacted by the authority aforesaid, That when the plaintiff or plaintiffs, defendant or defendants, in any action now pending, or hereafter to be brought, shall be desirous of procuring the testimony in such suit or suits of any aged or infirm person resident within the jurisdiction of his Majesty's court of king's bench in this province, or any person who is about to withdraw himself or herself beyond such jurisdiction, or who is residing without the limits of this province, it shall and may be lawful to and for his Majesty's said court, or for any judge thereof, in vacation, upon hearing the parties upon the motion of such plaintiff or plaintiffs, defendant or defeneants, to issue one or more commission or commissions, under the seal of the said court, to one or more commissioner or commissioners, to take the examination of such person or persons respectively, due notice being given to the adverse party, to the end that he, she, or they may cause such witness to be cross examined.

Commissions may be issued for the examination of witnesses.

XVIII. And be it further enacted by the authority aforesaid, That in cases of witnesses residing without the limits of this province, such commission or commissions, with the examination of the witness or witnesses taken pursuant thereto, returned to the said court, with an affidavit of the due taking thereof thereto annexed, sworn before and certified by the mayor or chief magistrate of the city or place where the same shall or may be taken, close under the hand and seal or hands and seals of one or more of such commissioners, shall be taken, prima faciæ, to have been duly executed and returned, and shall be received as evidence in the said cause: Provided always, That such examination or examinations shall not be read or given in evidence in the said cause, in case the deponent or deponents respectively shall be living within the jurisdiction of the said court, and of sound mind, memory, and understanding, at the time such examination or examinations shall be offered to be given in evidence; and, provided it is made to appear to the court before which such examination or examinations is or are put in, that the same has or have not been duly taken.

And when executed in a foreign country to be returned under the hands and seals of commissioners.

Examination not to be made, if defendant is living within the jurisdiction of the court at the time of trial, and of sound mind.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful in any execution against the person, lands, or goods, of any debtor or debtors, for the sheriff to levy the poundage fees and the expense of the said execution, over and above the sum recovered by the judgment, together with the legal interest upon the amount so recovered, from the time of entering the said judgment.

Poundage fees, expenses of execution and interest, to be levied.

XX. And whereas it is expedient to provide for the more public and certain notification of sales of lands under execution, in order that all persons having claims thereto may be apprised thereof; be it further enacted by the authority aforesaid, That before the sale of any real estate be had, upon any execution to be sued out, after the passing of this act, the sheriff shall cause an advertisement to be inserted in the Upper Canada Gazette, at least six times before such sale, specifying the particular property to be sold, the names of the plaintiff or plaintiffs, and defendant or defendants, and the time and place at which it is intended to proceed to the sale thereof; and the same shall also be advertised in any one public newspaper of the district in which the lands lie, or by notice put up in the office of the clerk of the peace, or on the door of the court house or place in which the court of general quarter sessions for such district are usually holden, for three months before such sale: Provided always, nevertheless, That nothing herein contained shall be taken to prevent such adjournment of such sale to a future day.

Sales of lands to be advertised in the Upper Canada Gazette;

and in any newspaper where land lies.

XXI. And be it further enacted by the authority aforesaid, That from and after the first day of July next ensuing, it shall not be lawful for any sheriff, or his deputy, in any district of this province, directly or indirectly, to trade, traffic, sell, or vend goods, wares, or merchandize, either by wholesale or retail, or keep a shop, or expose for sale, any such goods, wares, or merchandize, or to maintain any action at law for the recovery of any debt, the amount, consideration, or account, being for such goods, wares, or merchandizes, excepting always such as by the duties of his office he is legally commanded to do.

Sheriffs not to trade as merchants or shopkeepers.

XXII. And be it further enacted by the authority aforesaid, That the first and last days of all periods of time limited by this act, or hereafter to be limited by any rules or orders of court for the regulation of practice, be inclusive.

First and last days of all periods limited by this act and rules of court, inclusive.

XXIII. And be it further enacted by the authority aforesaid, That the form of proceeding in the said court shall be by a course of pleading, to issue in a most compendious manner, and that in all actions founded on a common undertaking, the following form of declaration may be adopted:

Form of declaration.

"A. B. complains of C. D., late of for that whereas the said C. D. on the day of at was indebted to the said A. B. in the sum of [the

consideration advanced,] and being so indebted, he, the said C. D., then and there undertook, and faithfully promised the said A. B. to pay him the said sum, when he, the said C. D., should be requested; and though since requested, doth now refuse so to do, to the said A. B. his damage of £ who therefore brings his suit."

Statutes of jeofails, limitation, and amendments, declared to be in force in this province.

XXIV. And be it further enacted by the authority aforesaid, That each and every of the statutes of jeofails, and each and every of the statutes of limitation, and each and every of the statutes for the amendment of the law, excepting those of mere local expediency, which from time to time have been provided and enacted respecting the law of England, be adopted, and declared to be valid and effectual for the same purposes, in this province.

Defendant may pay money into court.

XXV. And in order to discourage vexatious suits, and to prevent additional charges upon any defendant or defendants, who may be willing to pay the sum which he or they shall admit to be justly due, be it enacted by the authority aforesaid, That in all cases, where the sum demanded by any plaintiff or plaintiffs is a sum certain, or is capable of being ascertained by computation of numbers, it shall and may be lawful for any defendant or defendants to move that he or they may be at liberty to pay into court such sum as he or they shall propose to pay, in full discharge of the said demand; whereupon the court may order a rule to be drawn up to such effect, or in time of vacation such order may be made by a judge of the court, and in case the plaintiff shall be willing to accept, and shall accept the same together with all costs accruing to that time, to be taxed by the proper officer, the same shall be in full satisfaction of such his demand, and all further proceedings in the said action shall cease; and to the end that every plaintiff or his attorney may know of such proceeding, the defendant or defendants shall, and are hereby required to, serve a copy of the rule authorizing such payment to be made, upon the plaintiff or his attorney, at the time of filing his plea of the general issue to such plaintiff's declaration.

Officer to receive one per cent. on monies paid into court.

XXVI. Provided always, That upon payment of money into court, it shall and may be lawful for the officer receiving the same, to demand and take a sum not exceeding twenty shillings for every hundred pounds so paid into court, and at and after the same rate and proportion for every sum of money so paid, and also to demand and take the sum of one shilling for every receipt by him given, on account of money so paid in as aforesaid.

Commissions of assize and nisi prius to be issued yearly, and when circumstances require it, twice a year.

XXVII. And for the more convenient administration of justice throughout the province, be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue yearly and every year, in the vacation between the Michaelmas and Trinity terms, such commissions of assize and nisi prius into the several districts, as may be necessary for the purpose of trying all issues joined in the said court, in any suit or action arising in the said districts respectively; and that when a suitable communication by land shall be opened from the city, town, or place, which shall be the seat of government, into the respective districts, and the circumstances of the province may require it, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, likewise to issue yearly and every year, in the vacation between the Hilary and Easter terms, such commissions of assize and nisi prius, into each of the several districts, as may be necessary for the trial of all issues joined in manner aforesaid.

Special commissions mry also be issued, to try offenders,

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall prevent, or be construed to prevent, the governor, lieutenant governor, or person administering the government of this province, from issuing a special commission or commissions for the trial of one or more offender or offenders, upon extraordinary occasions, when he shall deem it requisite or expedient that such commission should issue.

No writ of inquiry to issue to any sheriff. but damages to be ascertained as if parties had pleaded to issue.

XXIX. And be it further enacted by the authority aforesaid, That no writ of inquiry shall issue to the sheriff in cases where judgment shall have gone by default, but in all such cases the damages shall be ascertained at the same time, and in the like manner, as if the parties had pleaded to issue, and that an entry thereof be made on the roll accordingly.

Jurors allowed 1s. 3d. each.

XXX. And be it further enacted by the authority aforesaid, That every common juror shall be allowed the sum of one shilling and three pence, in every cause in which he shall be sworn as a juror, to be paid by the plaintiff or his attorney, and to be accounted for in costs by the party charged with the payment thereof.

Sheriffs to return writs of nisi prius and attend the judges on their circuits.

XXXI. And be it further enacted by the authority aforesaid, That the sheriffs of the several districts shall, and they are hereby required to, make return of all writs of nisi prius which shall be delivered to them, or their sufficient deputy, before the said chief justice, and every other judge who shall be assigned to execute such commissions of assize and nisi prius, and shall give their attendance upon the said chief justice, and each other justice, as well for the returning of such tales de circumstantibus as shall be prayed for the trial of such issues, as for the maintenance of good order in the king's court, and

for the doing and executing of all other things to the office of sheriff, in such case belonging and appertaining.

Clerk of the crown to have an office in each district.

XXXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the clerk of the crown and pleas to have, and he is hereby required to have, in each and every district of this province, except the Ottawa, an office, the duties of which shall be discharged by deputy, in which actions in the said court may be instituted, and all necessary proceedings had before final judgment, and a writ of capias ad satisfaciendum, after such final judgment, may be issued in the same manner as the same may be done in the principal office of the said clerk.

Præcipe and affidavit filed in the said offices, on suing out ca. sa. to be transmitted to the principal office.

XXXIII. Provided always, and be it further enacted by the authority aforesaid, That the præcipe and affidavit (where one shall be required) filed in the said district office, on issuing any capias ad satisfaciendum, shall be transmitted to the principal office within one month after the same shall have been filed as aforesaid.

Deputy clerks of the crown to certify proceedings, if required.

XXXIV. And be it further enacted by the authority aforesaid, That whenever either the plaintiff or defendant in any suit hereafter to be instituted in any district except the Home district, may think it necessary to produce to the court, the writ, declaration, plea, or any other proceedings which may have been filed in such cause, it shall and may be lawful for the said plaintiff or defendant to demand and receive from the deputy clerk of the crown and pleas in the district, a copy of such writ, declaration, plea, or other proceeding in the cause, certified by the said clerk to be a true copy of the original, which copy shall be received by the court in all cases, in lieu of the original, and as a proof thereof.

All proceedings to be transmitted to the principal office before final judgment.

XXXV. And be it further enacted by the authority aforesaid, That before final judgment, the several proceedings that have been had in the cause shall be transmitted to the principal office of the said clerk, and shall remain in his custody.

Eight days' notice of trial to be given in all cases, and four days' notice of countermand.

XXXVI. And be it further enacted by the authority aforesaid, That no indictment, information, or cause whatsoever, shall be tried at nisi prius before any judge or justice of assize or nisi prius in any district of this province, unless notice of trial, in writing, has been given at least eight days before such intended trial; and in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same in writing, at least four days before such intended trial, every such party shall, upon neglect of bringing such issue to trial, be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid, the like costs and charges, as if such trial had not been countermanded.

Dilatory pleas may be argued before a judge in vacation.

XXXVII. And be it further enacted by the authority aforesaid, That whenever the defendant in any action shall, in term time, plead any dilatory plea, in case such plea shall be of a matter in law and not of fact, it shall and may be lawful to and for the plaintiff in the said action to set down such plea for argument on the next day on which the said court shall sit, or on any other day in the term, giving two days' notice thereof to the defendant, or his attorney; and in case such plea be filed in the time of vacation, or being filed in term time, the said plaintiff shall neglect so to set down for argument as aforesaid, it shall and may be lawful to and for the said plaintiff to apply to any judge of the said court, to hear and determine the issue joined thereon, in like manner as the same may now be done in open court; and in case the said judge shall give judgment for the plaintiff, he, the said judge, shall by an order under his hand direct the said plea to be taken off the file, with costs to be taxed by the proper officer; and the said defendant shall within four days from the date of such order, plead an issuable plea, and shall rejoin gratis, and shall also be bound to go trial, at such time as he would have been bound to go to trial, in case he had pleaded such issuable plea in the first instance, and not such dilatory plea.

Costs in civil suits to be regulated by the laws of England.

XXXVIII. And be it further enacted by the authority aforesaid, That the allowance of costs to either party, plaintiff or defendant, in all civil suits and penal actions, be regulated by the statutes and usages which direct the payment of costs by the laws of England.

Commissioners to be appointed for taking affidavits.

XXXIX. And be it further enacted by the authority aforesaid, That the chief justice and other the justices of the said court of king's bench, for the time being, or any two of them, whereof the chief justice for the time being to be one, shall and may, by one or more commission or commissions, under the seal of the said court, from time to time, as need shall require, empower what and as many persons as they shall think fit and necessary, in all the several districts within this province, to take and receive all and every such affidavit and affidavits as any person or persons shall be willing and desirous to make, before any of the persons so empowered, in or concerning any cause, matter, or thing, depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be in the said respective courts; and that it shall and may be lawful for any judge of assize, and in his circuit, to take and receive any affidavit or affidavits, as any person or persons shall be willing and desirous to make before him, in or concern-

ing any cause, matter, or thing, depending, or hereafter to be depending, or in any wise concerning any proceedings to be had in the said court of king's bench, which said affidavits, taken as aforesaid, shall be filed in the office of the said court, and there be read and made use of in the said court, to all intents and purposes, as other affidavits taken in the said courts ought to be; and that all and every affidavit and affidavits taken as aforesaid, shall be of the same force as affidavits taken in the said court shall and may be; and all and every person or persons forswearing him, her, or themselves in such affidavit or affidavits, shall incur and be liable unto the same pains and penalties, as if such affidavit or affidavits had been made and taken in open court: Provided always, That for the taking of every such affidavit, the person or persons so empowered, and taking the same, shall for so doing, receive only the sum or fee of twelve pence, and no more.

Penalties of perjury for false swearing.

One shilling for oath.

XL. And be it further enacted by the authority aforesaid, That the chief justice for the time being, and other the justices of the said court of king's bench, or any two of them, whereof the said chief justice shall be one, shall or may, by one or more commission or commissions, under the seal of the said court, from time to time, as need shall require, empower such and as many persons as they shall think fit and necessary, in all and every the several districts of this province, to take and receive all and every recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowledge or make, before any of the persons so empowered, in any action or suit depending, or hereafter to be depending, in the said court, in such manner and form, and by such recognizance or bail, as the justices of the said court may hereafter take or may think fit; which said recognizance or recognizances of bail, or bail piece, so taken as aforesaid, shall be filed in the office of the clerk of the crown, in the district where the same shall be taken, together with an affidavit of the due taking the recognizance of such bail or bail piece, by some credible person present at the taking thereof, which recognizance of bail or bail piece so taken and filed, shall be of the like effect as if the same were taken in open court; for the taking of which recognizance, or recognizances of bail, or bail piece, the person or persons so empowered shall receive only the sum or fee of two shillings, and no more: Provided always, nevertheless, That nothing herein contained shall extend to preclude any party from excepting to the bail, in the manner and within the time prescribed by law.

Commissioners may be appointed for taking bail.

XLI. And be it further enacted by the authority aforesaid, That the justices respectively shall make such rules and orders for the justifying of such bails, and making of the same absolute, as to them shall seem meet, so as the cognizor or cognizors of such bail or bails be not compelled to appear in person in the said court, to justify him or themselves, but the same may and is hereby directed to be determined by affidavit or affidavits, duly taken before the said commissioners, who are hereby empowered and required to take the same, and also to be examined by the justices, upon oath, touching the value of their respective estates.

Justices to make orders regulating the justifying of bail before commissioners.

XLII. And be it further enacted by the authority aforesaid, That any judge of assize, in his circuit, shall and may take and receive all and every such recognizance or recognizances of bail or bails, as any person shall be willing and desirous to make and acknowledge before him, which being transmitted in like manner as aforesaid, shall without oath be received in manner as aforesaid.

Judges of assize may take bail.

XLIII. And be it further enacted by the authority aforesaid, That the several acts and ordinances of the governor and council of the late province of Quebec, whereby the several courts of common pleas in this province were constituted, and from time to time continued, be, and each and every of them are, hereby repealed.

Ordinances of Quebec repealed.

XLIV. And be it further enacted by the authority aforesaid, That after twelve months from the passing of this act, no attorney of this court, being a merchant, or in any wise concerned by partnership, public or private, in the purchasing and vending of merchandize in the way of trade as a merchant, shall be permitted to practise in the said court during the time he may be such merchant, or so engaged as aforesaid, nor until twelve months after he shall have ceased to be such merchant, or so engaged as aforesaid.

No attorney to trade as a shop keeper.

XLV. And be it further enacted by the authority aforesaid, That from and after the first day of Easter term next, it shall and may be lawful to and for the said court of king's bench, and they are hereby required by order or rule, or order or rules, to be pronounced by the said court during the said term of Easter, or during any subsequent term or terms, from time to time, to ascertain, determine, declare, and adjudge, all and singular the fees which shall and may be taken, or be allowed to be taken, by any clerk of the crown, counsel, attorney, sheriff, officer, or other person, from or in respect of any business, after the first day of Easter term, to be done or transacted in the court of king's bench, as well in civil causes as in criminal prosecutions as in all matters and things, causes, and proceedings, which thereafter shall or may be depending in the said court, which regards the king's revenue, or under any commission of oyer and terminer and general gaol

Judges to establish fees to be taken by all officers of the court.

delivery, or under any special commission of oyer and terminer, any former law to the contrary notwithstanding.

No commissions or proceedings to be hereby avoided.

XLVI. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend to annul any existing commission or authority of any officer or commissioner, heretofore appointed to any office, which may require to be continued by the provisions of this act, or to make void any proceedings now depending in the said court of king's bench, but that the said office shall be conducted, and the said proceedings be continued and carried on, according to the several provisions herein contained.

Chapter II.

An act to reduce into one act the several laws now in force establishing district courts, and regulating the practice thereof, and also to extend the powers of the said district courts.

[Passed January 17, 1822.]

Preamble.

WHEREAS it is expedient to amend and reduce into one act the several laws now in force for establishing and regulating the practice of the several district courts within this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the thirty-fourth year of his late Majesty's reign, entitled, "An act to establish a court for the cognizance of small causes in each and every district in this province;" also, an act passed in the thirty-seventh year of his late Majesty's reign, entitled, "An act to extend the jurisdiction and regulate the proceedings of the district court and courts of requests;" also, an act passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act to repeal part of an act passed in the thirty-seventh year of the reign of his Majesty, entitled, "An act to extend the jurisdiction and regulate the proceedings of the district court and courts of requests, and to make further provision for the same;'" also, the first clause of an act passed in the fifty-first year of his late Majesty's reign, entitled, "An act to amend the process of the district courts, and also further to regulate the proceedings of sheriffs in the sale of goods and chattels taken by them in execution;" and also an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal and amend certain parts of an act passed in the thirty-fourth year of his Majesty's reign, entitled, 'An act to establish a court for the cognizance of small causes in each and every district of this province,'" and also an act passed in the thirty-seventh year of his Majesty's reign, entitled, "An act to extend the jurisdiction, and regulate the proceedings of the district court and courts of requests," be, and the same are, hereby repealed.

34th Geo. III, c 3; 37th Geo. III, c 6; 38th Geo. III, c 3; 51st Geo. III, c 6, s 1; 59th Geo. III, c 9, repealed.

District courts established.

II. And be it further enacted by the authority aforesaid, That there be constituted and established in each and every district within this province, a court of record, which shall be known by the name and style of the district court of each respective district, to be holden by one or more judge or judges to be appointed under the great seal of this province.

Jurisdiction of the said courts.

III. And be it further enacted by the authority aforesaid, That the said courts shall hold plea in all matters of contract, from forty shillings to fifteen pounds; and when the amount is liquidated or ascertained, either by the act of the parties, or the nature of the transaction, to forty pounds; and also in all matters of tort respecting personal chattels, when the damages to be recovered shall not exceed fifteen pounds, and the title to the lands shall not thereby be brought into question.

Terms of sitting.

IV. And be it further enacted by the authority aforesaid, That the periods of sitting, or terms for the said court, in each and every year, shall severally commence on the Monday in the week next but one preceding the week, and at the place, in which the quarter sessions are respectively holden in each district, and shall end on the Saturday in the same week.

Course of proceeding in actions not bailable.

V. And be it further enacted by the authority aforesaid, That in all actions not bailable, the course and proceedings in the said courts shall be by summons issuing in the King's name, directed to the sheriff of the district where the court shall be holden, tested in the name of the first judge of the said court, which may be in the following form:

Form of summons.

"District, to wit: George the Fourth, by the grace of GOD, of the united kingdom of Great Britain and Ireland, King, Defender of the Faith.—To the sheriff of said district, greeting:

"We command you that you summon A. B. to appear, either in person or by his attor-

ney, at our district court, to be holden at , in the said district, on the day of [next or instant, as the case may be, being some day in term] to answer to the complaint of C. D. in a plea of , as the case may be, [here state the cause of action,] to the damage of the said C. D. of for which he brings the suit."

(See 2d Geo. IV, c 7.)

Service of process.

VI. And be it further enacted by the authority aforesaid, That the said process shall be personally served on the defendant or defendants, by a literate person, at least eight days before the return day thereof, and in case the defendant or defendants shall not appear, either in person or by attorney, on the return thereof, it shall and may be lawful for the said plaintiff, or his attorney, on the day next after such return day, upon affidavit made of the service of such process, to enter an appearance for such defendant or defendants, and on the day next after the entry of such appearance, in case the defendant shall not have appeared and discharged the costs of such entry, either in person or by his attorney, it shall and may be lawful for the plaintiff to sign judgment.

Appearance may be entered by plaintiff for defendant.

Plaintiff may in default of defendant's appearance, sign judgment.

Defendant may appear and plead.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the defendant or defendants, his or their attorney, to appear on the return day of the writ, and file his plea, on or before the third day after such appearance, which in case the same shall be an action of assumpsit, and he means to defend the suit, and to plead the general issue, may be in the following form:

Appearance and plea of the general issue by defendant.

"The said A. B. appears in person, or by G. N. his attorney, and says he made no such promise."

And in default of a plea, upon the third day after such appearance, it shall and may be lawful for the plaintiff to sign judgment.

Writs of capias ad respondendum and ad satisfaciendum may issue.

VIII. And whereas it is expedient to authorize the said courts to issue writs of capias in all actions of contract within their respective jurisdiction; be it therefore enacted by the authority aforesaid, That the said district courts and each and every of them, are hereby authorized and empowered to issue writs of capias ad respondendum in all actions of contract within their jurisdiction, and in like manner to issue writs of capias ad satisfaciendum, on all judgments regularly entered in said courts, or which at any time hereafter may be so entered.

Affidavit to be made previous to suing out capias ad respondendum or satisfaciendum.

IX. And be it further enacted by the authority aforesaid, That before any such writ as aforesaid shall be sued out, the same affidavit may by law be required to authorize the issuing of a like writ from the court of king's bench in this province, shall be made before a judge of the district court, the clerk thereof, or before a commissioner of the said court of king's bench, duly appointed to take affidavits, and the said affidavit so made, shall be filed with the aforesaid clerk.

Bail bond to be taken and assigned.

X. And be it further enacted by the authority aforesaid, That the sheriff to whom a writ of capias ad respondendum, issuing out of any district court, may be directed, shall take bail thereon, and assign the bail bond, if required, in like manner as the law does or shall direct in cases where the like process may be issued from the said court of king's bench, and such assignment shall have the like validity and effect in the one instance as in the other.

Time for and manner of perfecting bail.

XI. And be it further enacted by the authority aforesaid, That the defendant or defendants in every bailable action shall be allowed, two days after the return of the writ, to enter and perfect bail to such action, and to give notice thereof to the plaintiff or plaintiffs, or his or their attorney, and the recognizance of such bail shall be the same in substance as the recognizance taken in the said court of king's bench, and may be acknowledged before any judge of the district court issuing the writ, or before a commissioner of the said court of king's bench, duly appointed to take recognizances of bail in the same district.

Bail may justify by affidavit.

XII. And be it further enacted by the authority aforesaid, That all affidavits of justification of bail may be taken before a judge of the said district court, or before the clerk thereof, or a commissioner for taking affidavits in the court of king's bench, and shall be duly filed by such clerk, and the practice of the said court of king's bench shall be the rule of decision in all matters respecting the justification of such bail.

Bail may be relieved on application to the said courts.

XIII. And be it further enacted by the authority aforesaid, That each of the said district courts shall have power to grant such relief to the debtor, the bail to the sheriffs, or the bail to the action, as might be done by the said court of king's bench, in case such action had been instituted in the said last mentioned court.

Declaration may be filed de bene esse and defendant bound to plead within two days after bail perfected, without any demand of plea.

XIV. And be it further enacted by the authority aforesaid, That the plaintiff or plaintiffs may file a declaration de bene esse in any suit where a capias in the first instance shall issue, and if the defendant or defendants shall enter and perfect bail to the action in due time, as hereinbefore mentioned for that purpose, he or they shall be bound to plead to such declaration, within two days after the perfecting of such bail, without any demand of plea, and the conditional filing of the said declaration shall in no case discharge the defendant or defendants from the necessity of entering and perfecting bail to the action aforesaid.

Actions may be prosecuted on bail bonds, taken in causes instituted in the said courts, although the penalty exceeds £40.

XV. And be it further enacted by the authority aforesaid, That whenever the amount of the penalty of the aforesaid bail bond, to be taken by the sheriff, shall exceed the sum of forty pounds, an action on such bail bond, so exceeding the said sum, may be brought in the aforesaid court, and proceeded upon to final judgment and execution as in other actions therein, any thing herein contained to the contrary notwithstanding.

Notice of set-off may be given.

XVI. And be it further enacted by the authority aforesaid, That where there are mutual debts between the plaintiff and defendant, or if either sue or be sued as executor or administrator, when there are mutual debts between testator and intestate, and the other party, one debt may be set against the other, and such matter may be given in evidence on the general issue, so as at the time of pleading the general issue, when any such debt is to be insisted on in evidence, notice be given of the particular sum or debt so intended to be insisted on, and on what account it became due.

Court may grant further time to plead.

XVII. And be it further enacted by the authority aforesaid, That in all cases where the defendant or defendants shall enter, or cause his or their appearance to be entered, at the return of the writ, it shall and may be lawful for him or them, on motion made in court, to be supported by affidavit, to apply for further time to put in their plea, which motion the court shall be at liberty to grant where sufficient cause shall be shewn, and also to impose such terms on the defendant as justice may require.

Four days' notice of trial and assessment of damages to be given, and two days countermand thereof.

XVIII. And be it further enacted by the authority aforesaid, That four days' notice of trial and assessment of damages shall be given to the defendant or defendants, of every issue to be joined in the said court, which notice may be lawfully countermanded, provided such countermand be served on the defendant or his attorney, two days before the time appointed for the trial of the said issue or the assessment of damages.

Costs may be awarded for not proceeding to trial pursuant to notice.

XIX. Provided always, and be it further enacted by the authority aforesaid, That when the plaintiff, having given notice of trial and not having countermanded the same, within the time aforesaid, shall neglect to enter the cause, and bring forward the said issue for trial, he shall pay to the defendant or defendants, all reasonable costs and charges by him incurred on account of such notice, and in case the said plaintiff shall not give fresh notice of the trial of the said issue on or before the third day of the term next ensuing, it shall and may be lawful for the defendant to move for, and the court to give the like judgment, as in case of a non-suit.

Judgment as in case of a non-suit may be given

Judges of the said courts to issue their precept to the sheriffs of their respective districts, to summon not more than forty-eight, nor less than thirty-six jurors, to appear at the time and place of holding the general quarter sessions.

Jurors to receive six pence each.

XX. And to the end that the trial of all issues to be joined in the said court, as well as the assessment of damages upon judgments obtained by default as aforesaid, may be had at the most convenient time and place, it shall and may be lawful for the judge presiding in the said court to issue his precept to the sheriff of the district, at least seven days before the week in which the sessions are holden, requiring him to summon, and the said sheriff shall, and is hereby required upon receipt of such precept, to summon, not less than thirty-six nor more than forty-eight jurors, living within the said district, to be and appear in the town or place where the quarter sessions are usually holden, on the same day on which the said sessions do severally commence to be holden, from whom a jury shall be taken for the trial of each issue, and the assessment of damages, in like manner as directed in all cases to be tried at nisi prius, and each person sworn for the trial of any issue joined, or for the assessment of damages, as aforesaid, shall be entitled to receive six pence, and no more.

Judges may compute principal and interest on promissory notes, where judgment by default has been signed, and give final judgment without the intervention of a jury.

XXI. Provided always, and be it further enacted by the authority aforesaid, That in all actions upon promissory notes, when judgment by default shall be signed in the said district courts, it shall and may be lawful for the judge of the said court, in term time only, upon proof of the service of notice of such intended proceeding, to compute the principal and interest due on any such note or notes, and proceed to final judgment and execution, in the same manner as if the damages had been assessed by a jury, any thing to the contrary thereof in any wise notwithstanding.

Plaintiff may enter judgment on verdict, on the third day of the term next after trial.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the party for whom any verdict shall be rendered, or his attorney, to sign final judgment on the third day of the term next after the giving of the said verdict, and to proceed to sue out execution immediately.

Either plaintiff or defendant may move in arrest of judgment, or for a new trial;

XXIII. And be it further enacted by the authority aforesaid, That when the party defendant shall have any material or just cause to show why judgment should be arrested, or the party plaintiff or defendant, any such cause to show why a new trial should be had, it shall and may be lawful for the said party, either in person or by his attorney, on the first or second day of the term next ensuing the said verdict, to move the court, on grounds to be supported by affidavit, for a rule to show cause to the effect above mentioned; and in case the court shall see sufficient grounds for the granting of such rule, notice thereof shall be served on the opposite party, or his attorney, and on hearing the parties, the said rule shall be made absolute, or discharged, in the course of the said term.

and court on sufficient grounds may grant the same.

XXIV. And in order to enforce obedience to the orders of the judges of the said courts, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the

judge or judges of the said courts respectively, and they are hereby authorized, upon due proof of disobedience to the regular order of the said courts, or of any wilful contempt or resistance to the regular process or order of the said courts, to proceed against the parties so withstanding, disobeying, or offending, by attachment to be directed to the sheriff; and in case the sheriff shall be party in the said process or order, to be directed to the coroner of the district, who is hereby authorized and required to execute the same; and upon the appearance of the said party so offending, upon the return of the said attachment, it shall and may be lawful for the judge issuing the same, to proceed thereon in the same manner as is now practised in the court of king's bench.

Courts may issue attachments in certain cases of contempt.

XXV. Provided always, and be it further enacted by the authority aforesaid, That the said judge or judges respectively shall not have power or authority to order the party offending to be fined a greater sum than ten pounds, nor be imprisoned a longer period than one calendar month.

But party offending not to be fined more than £10, or imprisoned beyond one month.

XXVI. Provided also, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to annul or make void any existing commission of judge of the district court in any district in this province, or to interfere with or obstruct any proceeding now depending in any district court in this province; but that this same shall continue and proceed as if this act had never been passed.

No commissions or proceedings to be avoided by this act.

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the persons hereinafter named, to demand and receive the following fees:

Table of fees.

	£	s.	d.
JUDGE.			
On every writ of capias ad respondendum and summons issued,	0	2	6
For every special motion,	0	5	0
Taxing costs and entering final judgment,	0	10	0
Every verdict of jury,	0	5	0
Taking recognizance of bail,	0	1	6
Taking every affidavit,	0	1	0
COMMISSIONER.			
Taking recognizance of bail,	0	1	6
Taking affidavit,	0	1	0
ATTORNEY.			
Instruction to sue or defend,	0	5	0
Declaration,	0	4	0
Copy of every paper, half the amount allowed for the original.			
General issue, appearance, interlocutory judgment, notice of set off, cognovit, or entering final judgment,	0	2	6
Every special plea,	0	3	9
Every notice,	0	1	0
Drawing bill of cost,	0	1	0
Every necessary attendance,	0	1	0
Special motion,	0	5	0
Brief and fee,	0	10	0
Drawing bail piece,	0	4	0
Recognizance,	0	2	0
Drawing affidavit,	0	2	6
SHERIFF.			
For every jury sworn,	0	4	0
Service of summons of capias,	0	2	6
Filing every execution,	0	5	0
Poundage on all writs of execution, at 2½ per cent.			
Mileage, do. do. four pence per mile.			
Returning writ of execution,	0	1	0
Bail bond,	0	2	6
Assignment thereof,	0	1	0
CLERK.			
Every writ of summons, subpœna, or capias ad respondendum issued, and filing præcipe therefor,	0	2	6
Filing every other separate paper,	0	0	6
Taking verdict,	0	2	6
Entering judgment,	0	2	6
Taking every affidavit,	0	1	0
Every writ of execution and filing præcipe,	0	5	0
CRIER.			
Swearing jury,	0	1	0
For calling each cause,	0	0	4

XXVIII. And be it further enacted by the authority aforesaid, That no person whatsoever shall claim or be entitled to any other or greater fee for any business done by him in the said district court, whether as judge, commissioner, attorney, sheriff, clerk, or crier, than is set down for him in this act, or any fee for any business done by him in the said court, other than the business which is prescribed and directed by law, nor shall any such fee be allowed in any bill of costs.

No other fees to be allowed than those enumerated in this act.

Chapter III.

An act to repeal part of and amend the laws now in force for the raising and training the militia of this province.

(Amended by 4th Geo. IV, c 5.)

[Passed January 17, 1822.]

Whereas it is expedient to repeal part of, and to amend the laws now in force in this province, for the regulation of the militia; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of the fifth clause of an act passed in the forty-eighth year of his late Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," as requires the militia to be called out annually on the fourth day of June, and also the thirteenth clause of the said act, and so much of the fourteenth clause of the said act, as directs that every person who shall be enrolled, of any regiment, battalion, or independent company, shall within six months thereafter provide himself with at least six rounds of powder and ball, be, and the same are, hereby repealed.

Preamble.

(Part of the 5th, the 13th, and part of the 14th sections of 48th Geo. III, c 1, repealed.)

II. And be it further enacted by the authority aforesaid, That the militia shall, from and after the passing of this act, be called out annually, on the twenty-third day of April, for review, or in case it should happen on a Sunday, then on the next day, and that any person neglecting or refusing to attend, except in case of sickness, or having obtained leave of absence, shall be liable to be punished for such neglect or refusal in the manner pointed out by the said recited act.

Militia to be called out annually on the 23d of April.

III. And be it further enacted by the authority aforesaid, That if any non-commissioned officer or private be guilty of drunkenness, or shall neglect or refuse to obey the lawful orders of his superior officer or officers, when on militia duty, or shall quarrel with, or insult by abusive words or otherwise, any officer or non-commissioned officer at any muster or training, whether in regiment, battalion, or company, it shall and may be lawful for the commanding officer then present, to direct such non-commissioned officer or private to be forthwith taken into custody, and committed to the common gaol of the district for a time not exceeding two days, there to remain without bail or mainprize; and it shall be the duty of the sheriff, or his gaoler, to receive such non-commissioned officer or private into the said gaol, and there to detain him during such period as shall be specified in a warrant from the said commanding officer, not exceeding the said term of two days, or if the said commanding officer of the regiment or battalion shall deem it more expedient to punish such offender or offenders by fine, it shall and may be lawful for the said commanding officer to direct a board of officers, consisting of one captain and three subalterns, to assemble to try such offender or offenders; and if such offender or offenders shall be convicted of the offence or offences alleged against him or them, it shall and may be lawful for the said board to impose a fine upon such offenders, or any of them, of any sum not exceeding five pounds nor less than ten shillings, to be levied by warrant under the hand and seal of the officer presiding at the said board, of the goods and chattels of the offender or offenders, and in default of such goods and chattels, the person or persons convicted shall be committed by the officer presiding at the said board to the common gaol of the district for a term not exceeding one calendar month, nor less than five days, unless such fine and all reasonable costs are sooner paid.

Any non-commissioned officer or private guilty of drunkenness or disobedience of orders on parade, may be committed to gaol for two days.

Commanding officer may direct a board of officers to assemble and try offenders, and to impose a fine on delinquents not exceeding £5, nor less than 10s.

Fines to be levied by warrant under the hand of the commanding officer;

and in default of goods, person convicted to be imprisoned not longer than one month nor less than five days.

IV. And be it further enacted by the authority aforesaid, That if any non-commissioned officer or private, who may be ordered to apprehend or escort to gaol any offender who may be ordered to be committed under this act, shall neglect or refuse so to do without a good and sufficient excuse, to be allowed by the commanding officer of the regiment, he shall, if a non-commissioned officer, be reduced to the ranks, and shall be subject to a fine of one pound, and if a private, he shall forfeit and pay the sum of ten shillings, on conviction before any two of his Majesty's justices of the peace, to be levied in the same

(See 59th Geo. III, c 12.)

manner as all other militia fines may now be levied by such justices of the peace; and in default of goods and chattels sufficient to satisfy such fine, the person or persons convicted before such justices of the peace, shall and may, by warrant under the hands and seals of such justices, be committed to the common gaol of the district, for a term not exceeding eight days nor less than one day, or until the fine and reasonable costs are paid, not exceeding the said period of eight days.

Board of officers trying an offender, to take the following oath.

V. And be it further enacted by the authority aforesaid, That all officers who may be appointed to compose any board for the trial of any offender or offenders under this act, shall before proceeding to the trial of such offender or offenders take the following oath:

Oath.

"I do sincerely promise and swear, that in all such matters as shall be brought before me for trial, under the militia laws of this province, I will faithfully act according to the best of my judgment, agreeably to the said laws, without favor or partiality to any person. So help me God."

Which oath may be administered by any one member to the other members of the said board.

Commanding officers to appoint a clerk to each company.
Duty of such clerks.
Clerk may receive not to exceed one fifth of the fines collected in his company, as a compensation for his trouble, provided the same do not exceed £5.

VI. [Repealed by 4th Geo. IV, c 5.]

(Repealed as to the appointment of clerk, by 4th Geo. IV, c 5.)
A clerk and serjeant major to be appointed to each regiment.
Who shall be exempted from balloting for actual service.
Duty of such clerk and serjeant major.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the colonel or officer commanding any regiment or battalion of militia to appoint a serjeant major and clerk for such regiment or battalion, and to displace such serjeant major or clerk, and appoint others in their room, as he shall see occasion, and the serjeant major and clerk for the time being, shall be exempted from all balloting for actual service; and it shall be the duty of such serjeant major and clerk to attend all musters or trainings of the regiment or battalion to which they may belong, and to execute the orders of their commanding officer in all matters touching or belonging to the duties of their respective situations.

Commanding officers of regiments or battalions to make returns of the state of their regiments, within one month after general trainings, and an account of all monies received and expended on account thereof, with proper vouchers.

Officers commanding companies to transmit twice a year to the officer commanding their regiments, returns of the strength of their companies, and of their accoutrements, according to the forms prescribed by the adjutant general.

VIII. And be it further enacted by the authority aforesaid, That the colonels or officers commanding regiments or battalions, shall, within one month after any general training, make out and transmit to the adjutant general of the militia, for the information of the governor, lieutenant governor, or person administering the government, returns of the strength of their regiments or battalions, and also returns of arms, and an account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for such expenditure; and all captains or officers commanding companies are hereby required to make out and transmit to the officer commanding the regiment or battalion to which such companies belong, twice in every year, viz. on or before the fifteenth day of March and the fifteenth day of September, and as often further as required by the commanding officer of the regiment or battalion, returns of the strength of their respective companies, with fair rolls thereof, and also returns of arms and accoutrements; and all forms of returns prescribed by the adjutant general of militia, shall be uniformly adopted.

Companies to be divided into two classes.
Flank companies to be formed.
In time of war, by ballot, unless a sufficient number volunteer.
Flank companies to be supplied with arms in preference to any others.
Flank companies may be called out ten times a year, and then exempted from statute labor and parish offices.
This act not to interfere with any appointment held at the time any person may be attached to a flank company.
Lists to be made out by which men may be called into actual service.
Manner of balloting.

IX.
X.
XI. } [Repealed by 4th Geo. IV, c 5.]

XII. And be it further enacted by the authority aforesaid, That when any arms or accoutrements may be issued from his Majesty's stores, for the use of the militia of this

province, the officer commanding the regiment or battalion for whose use the same may be issued, shall, after the same have been received, deliver the same into the care and custody of the officers commanding companies, who shall be considered responsible for their safe keeping, and for their being kept in good order and repair; and if any of the said arms or accoutrements shall be lost or rendered unserviceable, the officer responsible for the same shall be answerable to the commanding officer for the value thereof, which may be recovered by the said commanding officer, in any action to be brought for that purpose: Provided nevertheless, That if such responsible officer shall furnish arms and accoutrements of the like description and value as those which may have been lost or rendered unserviceable, the same shall be taken and accepted in lieu thereof, and the officers commanding regiments or battalions shall in like manner be accountable, and may be called to account, by the adjutant general of militia, for any arms or accoutrements received by them for the use of their respective regiments: Provided nevertheless, That no person shall be liable for any arms or accoutrements under this act, who shall make it satisfactorily appear that the same have been injured or lost from accident, and not from any neglect or misconduct.

Arms for the use of the militia to be delivered to the officers commanding companies, who are to be responsible therefor to the officer commanding their respective regiments;

and commanding officers of regiments to be answerable to the adjutant general.

Captains of flank companies to lodge arms, &c. in some convenient place within the limits of his company, from whence they may be delivered to the men, who are to be responsible to their officer therefor, and to return them to the same place within twenty-four hours after muster.
Penalty of 2s. 6d. for each day's neglect.
And in default of goods to satisfy penalty and costs, party may be committed for a period of not more than twenty days.

XIII. [Repealed by 4th Geo. IV, c 5.]

XIV. And be it further enacted by the authority aforesaid, That the colonel or officer commanding any regiment or battalion shall once in every year, or as often as he may think necessary, besides the usual days of training, order an inspection to be made by the adjutant of the regiment or battalion, of such arms and accoutrements as may be in the possession of the regiment, and report the state thereof for his information.

Officers commanding regiments may order an inspection of the arms of their regiments, as often as they may think it necessary.

XV. And be it further enacted by the authority aforesaid, That the necessary and unavoidable expense of keeping the arms and accoutrements of each company in proper order and repair, shall be borne by each company respectively, and may be charged and recovered against the men of such company respectively, by the officer commanding the company, before the court of requests; but no militia-man shall be liable to keep more than one stand of arms and one set of accoutrements in order and repair.

Expenses of keeping arms in repair to be defrayed by the companies respectively, and to be recoverable before the court of requests.

XVI. And be it further enacted by the authority aforesaid, That it shall be lawful for the commanding officer of each regiment or battalion to allow to the adjutant thereof the sum of ten pounds per annum, out of any fines which may be collected in the regiment, or in case such fines shall not amount to that sum, the adjutant of each regiment or battalion shall be entitled to receive the same from and out of the district treasury, on producing to the treasurer annually a certificate from the field officers and at least four captains of the regiment or battalion, that such adjutant is duly qualified, and has punctually attended and discharged the duties of his situation.

(Repealed by 4th Geo. IV, c 5.)

Adjutants of each regiment to receive ten pounds per annum for their services.

XVII. And be it further enacted by the authority aforesaid, That the adjutant of any regiment or battalion may hold the situation and rank of captain in the same.

Adjutant may hold the rank of captain in his regiment.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully interrupt or molest any regiment, battalion, company, or detachment of militia, when mustered or at exercise, or on any duty prescribed by the laws of this province, it shall be lawful for the commanding officer of such regiment, battalion, company, or detachment, to confine such person or persons during the continuance of such exercise or muster, if necessary to prevent the continuance of such insult or interruption; and the person or persons so confined shall be liable to be punished in the same manner as heretofore provided for, in cases of persons insulting an officer in the execution of his duty.

Persons molesting any militia exercise, may be confined by officer commanding, and may be punished in the same manner as militia-men insulting their officers.

XIX. And be it further enacted by the authority aforesaid, That no officer who has been, or who may be hereafter cashiered, by the sentence of a general court martial, or who may be dismissed his Majesty's regular service, shall be entitled to any rank or privilege from having held such commission, or exempted from enrolment, or the performance of the duties of a private militia-man, unless the governor, lieutenant governor, or person administering the government, shall direct otherwise.

Militia and military officers who have been cashiered or dismissed the service, not exempted from serving in the ranks, unless the governor shall otherwise direct.

The governor, lieutenant governor, or person administering the government, may appoint a surgeon to each regiment, and officers to command and inspect the whole, or any number of the regiments of militia in this province.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to commission and appoint a surgeon to each regiment or battalion of militia, and to appoint proper officers to command and inspect the regiments or battalions of militia throughout the province, or to limit the command and inspection of such officers to a particular number of regiments or battalions, or to the inspection or command of all the regiments or battalions in particular divisions of the province, as may be most convenient, fit, and proper; and all such officers, when so commissioned and published in general orders to the militia, shall be obeyed in all things lawful by all persons who shall be so placed under their respective command.

48th Geo. III, c 9, s 1, repealed.

XXI. And whereas for the more effectual co-operation of the militia with his Majesty's regular forces, it has been found necessary, in time of actual service, that lieutenant colonels in his Majesty's regular army should rank above all militia officers, and it may also be expedient in case of the appointment of inspecting field officers, to train and discipline the said militia, that the same regulation should prevail in time of peace; be it further enacted by the authority aforesaid, That the first clause of the above recited act of the parliament of this province passed in the forty-eighth year of his late Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," be and the same is hereby repealed; and that from and after the passing of this act, the governor, lieutenant governor, or person administering the government of this province, shall and may, from time to time, constitute and appoint under his hand and seal a sufficient number of colonels, lieutenant colonels, majors, staff and other officers, to train, discipline, and command the militia of this province, according to the rules, orders, and directions contained in the militia laws of this province, and the officers so appointed, and also those already appointed to the militia, shall rank with the officers of such of his Majesty's forces as may for the time being serve within this province, as follows, namely: the colonels and lieutenant colonels of the militia to take rank after the lieutenant colonels of his Majesty's regular forces, and all other officers of the militia, as youngest of their respective ranks, which said officers respectively shall, within six months after their several appointments, take the oath of allegiance prescribed by law, before the magistrates assembled in quarter sessions within the district to which such officers respectively belong: Provided always, nevertheless, That nothing herein contained shall extend to annul or make void any existing commission or appointment in the militia of this province.

Appointment of colonels, lieutenant colonels, majors, and staff officers, to train the militia.

Respective ranks for the militia officers, with officers in his Majesty's service.

Officers to take the oath of allegiance in quarter sessions.

No existing commission to be made void by this act.

XXII. And be it further enacted by the authority aforesaid, That no officer, non-commissioned officer, private militia-man, or other person, shall directly or indirectly give to or treat with rum or other spirituous liquors any militia-men assembled under the authority of this or any other militia law of this province.

No person to treat militia-men with any spirituous liquors when on duty.

This act to continue in force four years.

XXIII. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for the space of four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter IV.

An act to render ineligible to a seat in the commons house of assembly of this province, certain descriptions of persons therein mentioned.

[Repealed by 4th Geo. IV, Ch. 2]

Chapter V.

(See 37th Geo. III, c 13.)

An act to repeal part of and amend an act passed in the thirty-seventh year of his late Majesty's reign, entitled, "An act for the better regulating the practice of the law," and to extend the provisions of the same.

[Passed January 17, 1822.]

Preamble.

Whereas it is expedient to repeal part of and amend an act passed in the thirty-seventh year of his late Majesty's reign, entitled, "An act for the better regulating the practice of the law, and to extend the provisions of the same;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the treasurer and benchers of the law society, for

the time being, and their successors to be nominated and appointed according to the rules and by-laws of the said society, shall be, and they are hereby declared to be, one body corporate and politic, in deed and in law, by the name of the law society of Upper Canada, and shall have perpetual succession and a common seal, with power to change, alter, break, or make new the same, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record and places of jurisdiction within this province; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the end and purposes of this act, and in trust and for the benefit of the said society, all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised, or bequeathed by any person or persons to and for the use of the said society; and that they and their successors, by the name aforesaid, shall and may at any time thereafter, without any license of mortmain, purchase, take, receive, have, hold, possess, and enjoy any lands, tenements, or hereditaments, or any estate or interest derived or arising out of any lands, tenements, or hereditaments, for the purposes of the said society, and for no other purposes whatsoever; and may also in the same manner, sell, grant, lease, demise, alien, or dispose of the same, and do or execute all and singular other matters and things that to them shall or may appertain to do.

Treasurer and benchers of the law society incorporated.

To have a common seal.

May hold lands to the use of the society.

II. And be it further enacted by the authority aforesaid, That so much of the fifth clause of the said act passed in the thirty-seventh year of his late Majesty's reign, as respects the admission of persons to practise in this province, who have been duly admitted to practise at the bar of any of his Majesty's courts in England, Scotland, or Ireland, or of any of his Majesty's provinces in North America, shall be and the same is hereby repealed; and that from and after the passing of this act, it shall and may be lawful for any person having been duly called to practise at the bar of any of his Majesty's superior courts, not having merely local jurisdiction in England, Scotland, or Ireland, or in any of his Majesty's provinces in North America, in which the same privilege would be extended to barristers from this province, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct, to the satisfaction of the law society of this province, to be called by the said law society to the degree of a barrister, upon his entering himself of the said society, and conforming to all the rules and regulations thereof.

(5th section 37th Geo. III, c 13, repealed in part.)

Certain persons coming from Great Britain, Ireland, or British provinces in America, may be called to the bar in this province.

III. And be it further enacted by the authority aforesaid, That the sixth clause of the said act passed in the thirty-seventh year of his late Majesty's reign shall be and the same is hereby repealed; and that from and after the passing of this act, no person shall be admitted by the court of king's bench to practise as an attorney in this province, unless upon an actual service under articles for five years, with some practising attorney in this province: Provided, nevertheless, That nothing in this act contained shall extend, or be construed to extend, to any student now serving with any person in this province, duly authorized to take a clerk, and who shall have been proposed or entered on the books of the law society as a student.

(6th section 37th Geo. III, c 13, repealed.)

No person to be admitted to practise as an attorney, under five years' actual service.

(As to John Boswell, see 4th Geo. IV, c 33.)

Chapter VI.

An act for assigning limits to the respective gaols within this province.

[Repealed by 11th Geo. IV, Ch. 3.]

Chapter VII.

An act to amend an act passed in the fifty-ninth year of his late Majesty's reign, and promulgated by proclamation, bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty-one, entitled, "An act to incorporate sundry persons under the style and title of the president, directors and company of the bank of Upper Canada."

(See 59th Geo. III, c 21; also, 4th Geo. IV, c 11.)

[Passed January 17, 1822.]

Whereas by an act of the parliament of this province, to which the royal assent was communicated by proclamation, bearing date the twenty-first day of April in the year of our Lord one thousand eight hundred and twenty-one, and in the second year of his Majesty's reign, entitled, "An act to incorporate sundry persons under the style and title of the president, directors and company of the bank of Upper Canada," it is amongst other things enacted, that as soon as the amount of fifty thousand pounds shall have been subscribed towards the stock of the said bank, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting at some place to be named, at the seat of the government of this province, for the purpose of proceeding to the election of the number

Preamble.

of directors thereinafter mentioned, and that such election shall then and there be made by a majority of shares voted in the manner in the said act prescribed, in respect of the annual meeting of directors, and that the persons then and there chosen shall be the first directors, and be capable of serving until the first Monday in June in the year of our Lord one thousand eight hundred and twenty-one, and that the directors so chosen shall, as soon as the deposit amounting to twenty thousand pounds subscribed as aforesaid shall be paid to the said directors, commence the business and operations of the said bank, with a proviso that no such meeting of the said subscribers shall take place, until a notice is published in all the public newspapers of this province, at the distance of not less than thirty days from the time of such notification; and whereas, in consequence of the delay occasioned by the reservation of the said act for the signification of his Majesty's pleasure, it was impossible to proceed to the election of directors before the first Monday in June in the year of our Lord one thousand eight hundred and twenty-one, and in consequence doubts have arisen for what period the first board of directors shall serve; and whereas from the present scarcity of specie, the said sum of twenty thousand pounds required to be paid in before the directors can commence the business and operations of the said bank, is found to be too large, and it is expedient to reduce the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said board of directors who shall be first chosen, shall be capable of serving until the expiration of the first Monday in June, one thousand eight hundred and twenty-two.

First board of directors may serve until June, 1822.

II. And be it further enacted by the authority aforesaid, That the said directors shall and may, as soon as a deposit amounting to ten thousand pounds upon the stock subscribed or to be subscribed to the said bank shall be paid to the said directors, commence the business and operations of the said bank, and that so much of the said act above recited as requires that a deposit of twenty thousand pounds shall be made before commencing the business and operations of the said bank, shall be, and the same is, hereby repealed.

Bank may commence business on £10,000 being paid in.

Chapter VIII.

(See 45th Geo. III, c 7, and 8th Geo. IV, c 8.)

An act to make further regulation respecting the weekly maintenance of insolvent debtors.

[Passed January 17, 1822.]

Preamble.

Whereas it is necessary, for the prevention of fraudulent conveyances of property by insolvent debtors, claiming the weekly allowance granted by law, to compel the said debtors when required to answer such interrogatories as shall be filed by the plaintiff, at whose suit he shall be confined; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when and so often as any prisoner or prisoners in custody, and charged in execution for debt, in any civil suit, shall apply to the court whence such process or execution issued, either to be discharged or allowed a weekly maintenance by reason of any alleged insolvency, it shall and may be lawful for the plaintiff or plaintiffs, at whose suit such prisoner is detained, his, her, or their attorney, to file such interrogatories as he, she, or they shall be advised or think expedient, touching or concerning, or for the purpose of discovering any property or credits which the said prisoner may be possessed of, or which he or she may be suspected of, having secreted or fraudulently parted with, which interrogatories the said prisoner is hereby required to answer upon oath, before some person authorized to receive and take affidavits in the court in which such suit shall be depending, who is hereby authorized to administer the same.

Plaintiffs may tender interrogatories to insolvent debtors claiming weekly allowance, touching their insolvency.

Answer may be sworn before commissioners for taking affidavits.

II. And be it further enacted by the authority aforesaid, That after any interrogatories shall have been filed as aforesaid, and a copy thereof delivered to the said prisoner, his, or her attorney, the said prisoner shall not receive any further benefit from his or her application, and the orders and other proceedings thereon shall be stayed, until the said prisoner shall have fully answered the same, and filed such answer or answers thereto in

Debtor to receive no benefit from any order for a weekly allowance, until he has answered the said interrogatories.

the court from whence the writ on which he or she shall be confined, shall have issued, and given notice thereof to the plaintiff or attorney in such suit.

III. And be it further enacted by the authority aforesaid, That in default of the payment of the sum of five shillings weekly allowance, pursuant to any rule or rules of court, under the provisions of an act passed in the forty-fifth year of his late Majesty's reign, entitled, "An act for the relief of insolvent debtors," the first payment of which said sum of five shillings is hereby declared to become due and payable on Monday next after the service of such rule on the plaintiff, or his attorney, within the district where such defendant shall be imprisoned; the prisoner, upon application to the said court from which such execution issued, in term time, or a judge thereof, in vacation, shall, by order of the said court or judge, be discharged out of custody: Provided, nevertheless, That such discharge shall not be construed as a release or satisfaction of the subsisting judgment, or to deprive the plaintiff or plaintiffs of his, her, or their remedy thereafter, against the goods and chattels, lands and tenements, of such prisoner so discharged.

(Repealed by 8th Geo. IV, c 8.)

Court in term time, or judge in vacation, may order prisoners to be discharged on non-payment of their weekly allowance.

Such discharge not to operate as a release of the debt.

Chapter IX.

An act to continue an act passed in the forty-sixth year of his late Majesty's reign, entitled, "An act to make provision for certain sheriffs in this province," and a certain other act of the parliament of this province, passed in the fifty-seventh year of his late Majesty's reign, entitled, "An act further to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, 'An act to make provision for certain sheriffs in this province,' and also to extend the provisions of the said act," and to protect the interest of suitors in certain cases.

[Passed January 17, 1822.]

WHEREAS an act passed in the forty-sixth year of the reign of his late Majesty King George the Third, entitled, "An act to make provision for certain sheriffs in this province," and also a certain other act passed in the fifty-seventh year of his said Majesty's reign, entitled, "An act further to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, 'An act to make provision for certain sheriffs in this province,' and also to extend the provisions of the said act," will shortly expire, and it is expedient to continue the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act passed in the forty-sixth year of his late Majesty's reign, and also the said act passed in the fifty-seventh year of his late Majesty's reign, shall be, and the same are, hereby continued.

Preamble.

46th Geo. III, c 1, and 57th Geo. III, c 8, continued.

II. And whereas it is expedient that suitors should be protected against any losses which may happen from such sheriffs continuing in office, when they are no longer possessed of substance sufficient to answer for any damages which may be occasioned by their defaults; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, a writ of capias ad satisfaciendum may issue upon any judgment which has been or may hereafter be obtained against any person now holding, or who may hereafter hold, the office of sheriff in any district of this province, for any default in not paying over monies levied or collected by him, in the execution of his said office, without any affidavit for that purpose; and that whenever it shall happen, that any sheriff shall remain committed in execution upon any such writ, or upon any attachment issued from his Majesty's court of king's bench in this province, for default in payment of monies levied and collected by him beyond the period of three months, it shall, upon being certified to the governor or person administering the government, by the next ensuing court of quarter sessions of the said district, be deemed a forfeiture of his office.

Ca.sa. may issue against sheriffs in certain cases.

Sheriff lying in gaol three months to forfeit his office.

III. Provided always, nevertheless, That nothing herein contained shall in any manner interfere with, or prevent recourse to any other remedy against such sheriffs, and that the same shall remain as if this had never been passed.

This act not to interfere with any other remedy against such sheriffs.

IV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force four years, and from thence to the end of the then next ensuing session of parliament.

Act to continue in force four years. (Continued for four years, by 8th Geo. IV, c 10.)

Chapter X.

An act to repeal an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act for granting to his Majesty a sum of money, and to provide for the appointment of a provincial agent for this province."

[Passed January 17, 1822.]

Preamble.

Whereas an act was passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act for granting to his Majesty a sum of money, and to provide for the appointment of a provincial agent;" and whereas the appointment of a provincial agent has not been productive of the advantages contemplated at the time of passing the said law; and whereas the said office has become vacant by the decease of the late William Halton, esquire, and it is expedient to repeal the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act shall be, and the same is, hereby repealed.

56th Geo. III, c 35, repealed.

Chapter XI.

An act to repeal in part a certain part of an act passed in the forty-third year of his late Majesty's reign, entitled, "An act to extend the provisions of an act passed in the thirty-fourth year of his Majesty's reign, entitled, 'An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large;'" and further to enable the magistrates in their respective districts in this province, in general quarter sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective towns in this province, where a police is or may hereafter be established by law.

[Passed January 17, 1822.]

Preamble.

Whereas the laws now in force for restraining the custom of permitting swine to run at large in certain towns in this province, have been found ineffectual, and insufficient to abate an increasing nuisance; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of the fourth section of a certain act passed in the forty-third year of his late Majesty's reign, entitled, "An act to extend the provisions of an act passed in the thirty-fourth year of his Majesty's reign, entitled, 'An act to restrain the custom of permitting horned cattle, horses, sheep, and swine, to run at large,'" as relates to the towns of York, Niagara, Sandwich, Amherstburgh, and Kingston, be, and the same is, hereby repealed.

So much of 4th section 43d Geo. III, as relates to York, Niagara, Sandwich, Amherstburgh, and Kingston, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the magistrates, or the majority of them, in general quarter sessions assembled, for any district in this province, wherein a police in any town therein, is now or may hereafter be established by law, to make, ordain, constitute, and publish, such prudential rules and regulations, from time to time, as they may deem expedient, relative to restraining swine running at large in any such town, subject to the provisions and enactments contained in any law, establishing a police in such respective town in this province.

Magistrates in town where a police is established, to make rules respecting swine running at large.

Chapter XII.

(See 2d Geo. IV, c 6, and 10th, c 10.)

An act to enable persons who have preferred claims to or out of certain forfeited estates in this province, to withdraw the same.

[Passed January 17, 1822.]

Preamble.

Whereas it is expedient that persons entering and prosecuting claims under the provisions of an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act for vesting in commissioners the estates of certain traitors, and also the estates of

persons declared aliens, by an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon," should be enabled to relinquish or withdraw the same, should they wish so to do; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for any person or persons who hath or have heretofore entered, or who shall or may hereafter enter, any claim or claims against the proceeds of, or the absolute estate or inheritance of, any lands, tenements, or hereditaments, vested or to be vested in the said commissioners, by virtue of the said last mentioned act, whether any decree may have passed upon the same or not, to relinquish or withdraw such claim or claims at any time, during the continuance of the commission appointed under the said act, upon signifying his, her, or their intention and desire so to do, to the said commissioners, or the majority of them, by an instrument in writing, signed by such claimant or claimants respectively, in presence of two subscribing witnesses; and that upon receipt thereof, it shall and may be lawful for the said commissioners, or the majority of them, to discharge such claim or claims, and reverse any decree they may have passed in favor of such claimant so relinquishing his or her claim, after which, the estate or property thereby claimed shall be and remain vested in the said commissioners, for the purposes in the said act specified, in like manner and as fully to all intents and purposes, as if no claim or claims had been exhibited against the same, any thing in the said act contained to the contrary notwithstanding.

Persons preferring claims before the commissioners of forfeited estates, may withdraw the same; and all proceedings had thereon shall cease and be vacated.

Chapter XIII.

An act requiring the publication of the expenditure of monies, raised under any law establishing a police in any town or towns in this province.

[Passed January 17, 1822.]

WHEREAS it is expedient that an account of the expenditure of the monies authorized to be raised and collected by the laws now in force, establishing a police in several towns in this province, should be annually published; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the justices of the peace for the several districts of this province, wherein a police now is or hereafter may be established, for any town or towns within the same, shall, at the general quarter sessions next after the first day of April in each year, direct the clerk of the peace in each of the said districts, to make up an account of all monies raised and levied under and by virtue of any act now or hereafter to be made, regulating the police in any town or towns as aforesaid, together with an account of the expenditure thereof, which account they are hereby required to publish immediately after the sessions at which the same shall be required to be stated, either by causing a copy thereof to be put on the door of the court house in such district, or by publishing the same at the expense of the district in any newspaper circulated therein.

Preamble.

Justices of the peace to render an account annually of the receipt and expenditure of the police tax levied in their respective districts, and to cause the same to be published.

Chapter XIV.

An act to establish the division line between the second and third concessions of the township of Osnabruck, in the Eastern district.

[Passed January 17, 1822.]

WHEREAS divers disputes have arisen between the inhabitants of the second and third concessions of the township of Osnabruck, in the Eastern district of this province, as to the division line between the said concessions; and whereas it appears that in consequence of an erroneous survey of the said line by the late Patrick McNiff, the same has been resurveyed under the direction of government, by Lewis Grant, esquire, deputy

Preamble.

provincial surveyor, whose line was intended and considered as the division line between the said concessions, till the passing of an act in the fifty-eighth year of his late Majesty's reign, entitled, "An act to repeal an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors, and the admeasurement of lands,'" and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, "Act to ascertain and establish on a permanent footing the boundary lines of the different townships of this province, and further to regulate the manner in which lands are hereafter to be surveyed," by which act the survey of the said Patrick McNiff, being the first survey intended to fix the boundary between the said concessions, hath been established, and it is expedient, in order to quiet the disputes which have arisen, and to prevent litigation, that the line run by the said Lewis Grant between the said concessions should by law be established; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the line run by the said Lewis Grant, deputy surveyor, as aforesaid, shall be deemed and taken to be the original and true boundary between the said concessions, any thing in any law of this province to the contrary notwithstanding.

Line run by Lewis Grant to be taken as the true boundary line between the second and third concessions of Osnabruck.

Chapter XV.

An act to establish a market in the town of Perth, in the county of Carleton.

[Passed January 17, 1822.]

Preamble.

Whereas it is expedient for the convenience of the inhabitants of the county of Carleton, that a market should be established at Perth, in the said county; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, a market shall be established and kept in the town of Perth, in the county aforesaid.

Market established in Perth.

Justices of the peace residing in Drummond, at a special sessions to be by them held for that purpose, to fix upon a place and make regulations for holding the said market.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the peace, residing in the township of Drummond, at a court of special sessions to be by them held for that purpose, and they are hereby authorized and empowered, to fix upon a place, and appoint such days and hours for the purpose of selling butcher's meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Commissioners may impose fines not exceeding 20s. for offences against such regulations.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered to impose such fine, not exceeding twenty shillings for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Regulations to be published.

IV. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said county, and at the doors of the churches in the said town of Perth, and that such orders, rules, and regulations, shall not be in force until three weeks after such publication.

Manner of levying fines imposed upon, and manner of punishing, offenders against the market regulations.

V. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations so made by the said commissioners, such person shall for every such transgression forfeit the sum which in every such order, rule, and regulation, shall be specified, not exceeding the sum of twenty shillings as aforesaid, to be recovered by information before any one commissioner of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner, upon the goods and chattels of such offender, and that one moiety shall be paid into the hands of his Majesty's receiver general to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and towards the support of the government thereof, to be accounted for to his Majesty through the commissioners of his treasury for the time being, in such manner and form as it shall please his Majesty to direct, and the other moiety to the informer.

Chapter XVI.

An act to authorize the surveyor general of this province to receive the like sum for all original schedules of new townships furnished, or to be furnished, since the first day of July, one thousand eight hundred and twenty, as he is authorized to receive by law for such schedules furnished before that period.

(See 59th Geo. III, c 7, s 22.)

[Passed January 17, 1822.]

Preamble.

Whereas an act was passed in the fifty-ninth year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal the several laws now in force relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province," whereby it is enacted that his Majesty's surveyor general of this province, for the time being, should, on or before the first day of July in the year of our Lord one thousand eight hundred and twenty, furnish the treasurer of each and every district of this province with a list or schedule of the lots in every town, township, or reputed township, of his respective district, containing certain particulars specified in the said act, and should on or before the first day of July in every year thereafter, transmit to the treasurer of such district respectively, a schedule of all such lots or parcels of lands, specifying the number of acres or other less quantity of land in each, as have been granted or set to lease by his Majesty, since the last schedule by him furnished, as by the said act directed; and it is by the said act further provided, that for every schedule for each township so furnished by the surveyor general, on or before the first day of July, one thousand eight hundred and twenty, he should be entitled to receive the sum of twenty shillings, and for every supplementary schedule thereafter, the sum of two shillings and six pence; and whereas several original schedules of new townships surveyed and located since the passing of the said act, have been furnished by the surveyor general since the first day of July, one thousand eight hundred and twenty, for which it is proper the same allowance should be made as for the original schedules furnished before the first day of July, one thousand eight hundred and twenty; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for every original schedule of any township in this province, which has been or may hereafter be furnished under the provisions of the above recited act, by the surveyor general of this province, for the time being, there shall be paid the sum of twenty shillings, to be paid and accounted for in the manner directed by the said act.

Surveyor general to receive 20s. for every original schedule furnished under the provisions of 59th Geo. III, c 7.

Chapter XVII.

An act granting to his Majesty a sum of money, for the purpose of purchasing and erecting machinery within this province, to prepare hemp for exportation.

[Passed January 17, 1822.]

Most gracious Sovereign:

Preamble.

Whereas from the present depressed state of agriculture within this province, it is expedient to encourage the growth therein of such articles as will find the most ready sale in foreign countries; we, your Majesty's most dutiful and loyal subjects, the commons of Upper Canada, in parliament assembled, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the receiver general unappropriated, arising from or out of the rates and duties already raised, levied, and collected, or which may hereafter be raised, levied and collected, to and for the uses of this province, there be granted to his Majesty, his heirs and successors, the sum of three hundred pounds, to be disposed of, appropriated, and applied, in the purchasing and erecting of machinery for the dressing and preparing of hemp for exportation; the description of which machinery and the place

£300 appropriated for purchasing machinery for dressing hemp;

(which may be imported duty free. See 4th Geo. IV, c 10, for two years.)

where the same shall be erected, to be determined by the governor, lieutenant governor, or person administering the government of this province, by and with the advice of the executive council thereof.

£50 annually for three years to be applied for keeping the said machinery in repair.

II. And be it further enacted by the authority aforesaid, That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the receiver general, to and for the public uses of this province, there be granted to his Majesty, his heirs and successors, the sum of fifty pounds annually, for three years, to be disposed of, appropriated, and applied, in the keeping in repair the said machinery, where the same shall have been erected.

Monies applied how to be paid and accounted for.

III. And be it further enacted by the authority aforesaid, That the monies granted by this act shall be paid by the receiver general of the province, in discharge of any warrant or warrants which shall be issued by the governor, lieutenant governor, or person administering the government of this province for the time being, and be accounted for to his Majesty through the lords commissioners of his treasury for the time being, in such manner as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XVIII.

An act to grant to his Majesty a certain sum of money, for the purposes therein mentioned.

[Granting £3,390, sterling, towards the support of the government, for the public service, for 1822.]

Chapter XIX.

An act to authorize the appointment of a commissioner for the purposes therein mentioned.

[Authorizing the lieutenant governor to appoint a commissioner to England.]

Chapter XX.

(See 4th Geo. IV, c 13.)

An act granting to his Majesty a sum of money, to provide for the appointment of a commissioner for the purposes therein mentioned.

[Appropriating £2,000 to the payment of the commissioner to England.]

Chapter XXI.

(Amended by 4th Geo. IV, c 32.)

An act to authorize his Majesty's justices of the peace for the Midland district, to obtain by loan a sum of money, for the purpose of erecting a gaol and court house in the town of Kingston.

[Passed January 17, 1822.]

Preamble.

Whereas it appears by a petition from his Majesty's justices of the peace for the Midland district, in special sessions assembled, that the gaol and court house of the said district is in a dilapidated and insecure state; and whereas the prayer of the said petition is for authority to levy on the inhabitants of the said district an additional rate of one penny in the pound on the rateable property of the said district, for two years, as a fund to be applied in rebuilding the said gaol and court house; and whereas, in the actual situation of this province, it is deemed inexpedient to authorize the levying of the said additional rate; and whereas it is essentially necessary for the due administration of the laws, that provision be made by law for rebuilding the said gaol and court house; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That his Majesty's justices of the peace of the said district, in general quarter sessions assembled, be empowered, and they are hereby authorized and empowered, to borrow a sum of money, not exceeding three thousand pounds, to be appropriated and applied in the erecting of a good and sufficient gaol and court house in the said town of Kingston.

Justices of the peace for the Midland district authorized to loan not more than £3,000 for erecting a gaol in Kingston.

£300 annually to be applied towards redeeming the said loan.

II. And be it further enacted by the authority aforesaid, That a sum not less than three hundred pounds, of the rates of the said district, shall be annually appropriated by the

said justices, towards paying the interest, and a proportion of the principal, of the aforesaid sum of three thousand pounds.

III. Provided always, and be it further enacted by the authority aforesaid, That the said justices shall not pay a greater interest than six pounds per annum upon every hundred pounds they shall borrow, under the authority of this act.

Not more than six per cent. to be paid for interest on the said loan.

Chapter XXII.

An act to appoint trustees to the will of William Weekes, late of York, esquire, deceased, to carry into effect the provisions thereof.

[Passed January 17, 1822.]

Preamble.

Whereas William Weekes, late of the town of York, in the Home district, and province of Upper Canada, esquire, deceased, in and by his last will and testament in writing, bearing date the tenth day of October, one thousand eight hundred and six, after a devise therein made of certain lands in the township of Norwich, and a bequest of fifty pounds to one George Alps, in the said will named, "did give and devise unto Charles B. Wyatt, esquire, and John McKay, gentleman, and to their heirs forever, all other the estates real and personal, of what nature and kind soever, in Upper Canada, in trust to dispose of the same, and out of the monies arising from the sale thereof, to pay all his just debts, of what nature and kind soever, and the residue of the monies arising from such sale or sales, to lay out in erecting and building the foundation of an academy in York, in such situation as they the said trustees might deem most eligible for an academy for the education of youth," and by the said will did appoint the said Charles B. Wyatt and John McKay, the executors thereof; and whereas the said William Weekes departed this life soon after making the said will, and the said executors proved the same in the court of probate of this province, and took upon themselves the burthen and execution thereof, and did pay and satisfy all the principal debts of the said testator; and whereas the said John McKay departed this life on or about the fourth day of June, in the year of our Lord one thousand eight hundred and twelve, whereby the said Charles B. Wyatt became the sole executor and trustee of the said will; and whereas the said Charles B. Wyatt sometime in the year one thousand eight hundred and seven, left this province for England, where he has ever since resided, and hath neglected to proceed in the execution of the said will, and the trusts therein expressed, by reason whereof the laudable intentions of the said testator have hitherto been greatly obstructed, to the manifest loss of the youth of this province; and whereas a very considerable residue of the real estate of the said William Weekes, in this province, still remains vested in the said Charles B. Wyatt, subject to the payment of a small residue of the debts of the said William Weekes, and to the trust aforesaid, for the erection of an academy in York as aforesaid, and it is desirable that the residue of such estates, now remaining in the said Charles B. Wyatt, be vested in other trustees, to and for the uses of the said will of the said William Weekes; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, all the residue of estates, real and personal, now vested by the said will in the said Charles B. Wyatt, shall henceforth vest in the reverend John Strachan, doctor of divinity, John Beverly Robinson, esquire, and Henry John Boulton, esquire, and their heirs, in trust to dispose of the same; and out of the monies arising from the sale thereof, to pay all remaining just debts unpaid, and the residue of monies arising from such sale or sales to lay out in erecting and building the foundation of an academy in York, in such situation as they, the trustees appointed under and by virtue of this act, shall deem most eligible for such academy.

Trustees appointed to carry into effect the trusts of the will of the late William Weekes, esquire.

Chapter XXIII.

An act for the relief of John Crysler, esquire.

[Private.—Allowing him the regular per centage on the monies paid into his hands, as collector of customs for the port of Cornwall; which were withheld from him in consequence of the misconduct and neglect of his deputy, in not reporting within the time prescribed by law.]

Chapter XXIV.

An act for the relief of Peter Miller.

[Private.—Granting him a pension of £20 per annum during life, in consequence of injuries received while on duty as a private of the 18th regiment of York militia.]

Chapter XXV.

An act for the relief of John White.

[Private.—Granting him a pension of £20 per annum during life, in consequence of injuries received in action with the enemy during the war with the United States.]

Chapter XXVI.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of an address of the house of assembly.

[Granting £1,050 17s. 1½d. to make good a like sum advanced to meet the expenses of the legislature in the session for 1821.]

Chapter XXVII.

An act to remunerate the commissioners appointed to treat on behalf of this province with the commissioners of Lower Canada on the subject of our commercial relations with that province.

[Appropriating £100 each to the honorable Thomas Clark, Allan McLean and Jonas Jones, esquires, for their services as commissioners to Lower Canada.]

Third Session of the eighth Provincial Parliament.

MET AT YORK, ON THE FIFTEENTH DAY OF JANUARY, AND PROROGUED ON THE NINETEENTH DAY OF MARCH FOLLOWING, IN THE FOURTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1823.

Chapter I.

An act to amend and extend the provisions of an act passed in the second year of his Majesty's reign, entitled, "An act to make provision for the improvement of the internal navigation of this province."

(See 2d Geo. IV, c 2, and 4th, c 9.)

[Passed January 29, 1823.]

Preamble.

WHEREAS an act was passed in the second year of his Majesty's reign, entitled, "An act to make provision for the improvement of the internal navigation of this province;" and whereas it has become necessary to amend and extend the provisions of the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in the absence of the president of the commission established by the said first recited act, it shall and may be lawful for the remaining commissioners, or a majority of them, not less than three being present, to choose one of their number to be vice president, who in the absence of the president shall have the like powers and authorities as are vested in the said president, in and by virtue of the said act, any thing to the contrary thereof in the said act contained, notwithstanding.

In the absence of the president, a vice president to be elected, who shall have the same powers.

Commissioners relieved from reporting within twenty days after the session of 1822;

And be it further enacted by the authority aforesaid, That for the better enabling the said commissioners to perform the duties required of them by the said act, so much thereof as requires the said commissioners to report their proceedings within twenty days after the session of one thousand eight hundred and twenty-two, be, and the same is, hereby repealed.

but not to delay their report beyond 15th of February, 1823.

Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to authorize the said commissioners to delay the delivery of the said report beyond the fifteenth day of February next.

Chapter II.

An act to provide for the establishment of courts in the district of Bathurst, and for other purposes therein mentioned.

(See 2d Geo. IV, c 3.)

[Passed January 29, 1823.]

Preamble.

WHEREAS by an act passed in the second year of his present Majesty's reign, entitled, "An act to repeal part of an act passed in the thirty-eighth year of his late Majesty's reign, entitled, 'An act for the better division of this province, and to make further provision for the division of the same into counties and districts,'" it is among other things provided, that the governor, lieutenant governor, or person administering the government of this province, may by proclamation, as soon as he may think fit, declare the county of Carleton a separate district, by such name as to him may seem meet; and whereas his excellency the lieutenant governor has been pleased, by his proclamation bearing date the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty-two, to declare the said county of Carleton a separate district, by the name of Bathurst; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the par-

liament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the courts of oyer and terminer, assize, nisi prius, gaol delivery, and of the peace; courts of general quarter sessions of the peace; district court, surrogate court, court of requests, and every court and jurisdiction whatsoever, held or to be held, possessed and enjoyed, in and by other districts of this province, shall from henceforth, with the like powers and authorities, be held, possessed, and enjoyed, in and by the said district of Bathurst, and shall have full power and authority to hear and determine all such causes, whether criminal or civil, as might or would have been heard and determined in any of the courts of the district of Johnstown, had this act not have been passed; and that the provision made for the support of district and common schools, and all and every jurisdiction, regulation, rule, privilege, exemption, matter, or thing, which hath or have been enacted, provided, and declared, by any act or acts of the parliament of this province made, or to be made, touching or concerning the said other districts, shall be, and are hereby extended to that district, unless otherwise provided for and declared by this act; and that courts of oyer and terminer, assize, nisi prius, and gaol delivery, shall first be held, unless under special commission, in and for the said district of Bathurst, during the vacation between Trinity and Michaelmas terms next, in like manner as the same courts are usually held throughout this province.

Courts established in the district of Bathurst.

Former provisions relative to common schools, and all other privileges of other districts, extended to Bathurst.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the justices of the peace in the said district, to hold a special session, as soon as conveniently may be, after the passing of this act, for the purpose of granting certificates to persons desirous of obtaining tavern licenses for the current year, to enable them to procure the same from the inspector of licenses for the said district.

Justices of the peace to hold a special session immediately after the passing of this act, for the purpose of licensing public houses.

III. And whereas it appears that a gaol and court house have been erected in the town of Perth, in the township of Drummond, in the said district; be it further enacted by the authority aforesaid, That the several courts for the due administration of justice shall be held in the said court house in the said town of Perth, any thing to the contrary thereof notwithstanding.

Held in the court house in Perth.

IV. And be it further enacted by the authority aforesaid, That the courts of general quarter sessions of the peace in and for the district of Bathurst, shall commence on the third Tuesdays in March, September, and December, and the second Tuesday in June, and the terms of the district court and surrogate court, for the said district, shall commence and be holden on the Monday of the week next but one preceding that in which the quarter sessions shall be holden, and end on the Saturday of the same week.

Periods for holding the quarter sessions and district courts.

V. And be it further enacted by the authority aforesaid, That the assessments or rates, levied or to be levied for the year of our Lord one thousand eight hundred and twenty-two, within the said district of Bathurst, shall be applied and expended for the like purposes within that district, as they now are or may be applied and expended under or by virtue of any act or acts of the parliament of this province, made or to be made in the other districts of this province.

Rates levied for the year 1822, in Bathurst, shall be expended within that district in the same manner as rates collected in other districts are expended therein respectively.

VI. Provided always, and be it further enacted by the authority aforesaid, That the justices of the peace, in general quarter sessions assembled for the said district of Bathurst, shall, and they are hereby required to, order the treasurer of the said district to pay from and out of the monies which he shall receive as such treasurer, within two years from the passing of this act, such arrearages as may be due from the said district to the treasurer of the Johnstown district, and also all such sums as may have become due, or may have been paid during the year one thousand eight hundred and twenty two, by the district of Johnstown, for the said district of Bathurst, arising from the arrest or support of prisoners, or in any other manner whatsoever, any thing in this act to the contrary notwithstanding.

Monies due from the district of Bathurst to the district of Johnstown, or vice versa, to be accounted for between the treasurers of the said districts respectively.

Chapter III.

An act providing for the publication of reports of the decisions of his Majesty's court of king's bench in this province.

[Passed March 19, 1823.]

Preamble.

Whereas from the infant state of this colony, the publication of the decisions of his Majesty's court of king's bench in this province would be attended with more expense than the probable sale of reports thereof would compensate, whereby individuals are prevented reporting the same; and whereas it is extremely desirable for the information of the public, that some public record of the judicial opinion of the judges of the said court should be kept; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of

Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for a reporter to be appointed, as hereinafter mentioned, the same to be an officer of the court, and amenable thereto for the correct and faithful discharge of his duty, to submit to the inspection of the court, on the first day of each term, a fair report of all the decisions given by the court, and noted by him during the last preceding term, which report, after due examination and correction by the whole court, shall be signed in open court by all the judges present, and shall from thenceforth become an authentic report of all such decisions.

Reporter to be appointed.

Reports to be examined and signed by the judges.

II. And be it further enacted by the authority aforesaid, That every attorney of his Majesty's court of king's bench in this province shall annually, on or before the first day of Michaelmas term, take out a certificate from the clerk of the crown and pleas, in this province, of his having been admitted to practise as an attorney in the said court, which certificate the said clerk is hereby required to give, upon production of a receipt from the treasurer of the law society of Upper Canada, for any sum not exceeding two guineas, which the said law society shall determine upon, and upon payment to him of two shillings and six pence.

Attornies to take out annually before the first day of Michaelmas term, certificates of their being duly admitted.

Two guineas to be paid therefor to the treasurer of the law society.

III. And be it further enacted by the authority aforesaid, That if any practising attorney shall neglect to take out such certificate in each and every year, on or before the first day of Michaelmas term as aforesaid, he shall not after such neglect be entitled thereto, until he shall have produced a receipt from the treasurer of the law society for the sum of four guineas, which shall be appropriated in the same manner as other monies received by the said treasurer under the provisions of this act, are directed to be applied.

Four guineas for certificates not taken out in time.

IV. And be it further enacted by the authority aforesaid, That if any attorney shall practise in any of his Majesty's courts in this province, after the first day of Michaelmas term in each year, without having obtained such certificate as aforesaid, he shall forfeit the sum of ten pounds, to be recovered by information in his Majesty's court of king's bench, and be paid to his Majesty's receiver general, to and for the public uses in this province, to be accounted for to his Majesty through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Penalty of £10 for practising without a certificate.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to require any person admitted to practise as an attorney after the said first day of Michaelmas term in any year, to take out any certificate as aforesaid, until the first day of Michaelmas term then next ensuing.

Exception in favor of persons admitted after Michaelmas term.

VI. And be it further enacted by the authority aforesaid, That the said treasurer of the said law society shall pay into the hands of his Majesty's receiver general of this province, for the time being, the several sums of money to be by him received under the provisions of this act, to be applied towards the payment of a salary, not exceeding the sum of one hundred pounds of lawful money, to a reporter, to be appointed by the governor, lieutenant governor, or person administering the government of this province, the same being a member of the law society, whose duty it shall be to report the cases and decisions of his Majesty's court of king's bench in the said province, provided always, that the said reports may be sold for the benefit of the reporter.

Treasurer of the law society to pay monies received by him for certificates into the hands of the receiver general, towards paying a salary of not more than £100 to a reporter, to be appointed by the governor.

Reports may be sold for the benefit of the reporter.

VII. And be it further enacted by the authority aforesaid, That the salary herein declared to be payable to the said reporter shall be paid by the receiver general of this province, out of the monies which may hereafter be paid into his hands by the treasurer of the law society aforesaid, in discharge of such warrant or warrants as may from time to time be issued by the governor, lieutenant governor, or person administering the government of this province, and be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Salary to be paid by receiver general.

Monies paid, how accounted for.

Chapter IV.

An act to provide for the appointment of commissioners, to investigate the claims of certain inhabitants of this province, for losses sustained by them during the late war with the United States of America, and for other purposes therein mentioned.

[Expired.]

Chapter V.

An act to repeal part of the tenth clause of an act passed in the forty-eighth year of his late Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," and also part of an act passed in the last session of the present parliament, entitled, "An act to repeal part of and amend the laws now in force for the raising and training the militia of this province," and to increase the strength of the companies of militia.

[Passed March 19, 1823.]

Preamble.

Whereas difficulties having arisen in carrying into effect many of the provisions of an act passed in the last session of the present parliament, entitled, "An act to repeal part of and amend the laws now in force for the raising and training the militia of this province," it is expedient to repeal part thereof; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the sixth clause, so much of the seventh as relates to the appointment of a clerk, the ninth, tenth, eleventh, thirteenth, and sixteenth clauses of the said recited act be, and the same are, hereby repealed.

The 6th, part of the 7th, the 9th, 10th, 11th, 13th, and 16th sections of Geo. IV, c 3, repealed.

II. And whereas the strength of militia companies is at present too limited, be it further enacted by the authority aforesaid, That so much of the tenth clause of an act passed in the forty-eighth year of his late Majesty's reign, entitled, "An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province," as declares that companies of militia shall consist of not more than fifty, nor less than twenty men, be and the same is hereby repealed; and that the said companies shall in future consist of not more than eighty, nor less than thirty private men.

10th section of 48th Geo. III, c 1, repealed.

Companies to consist of not more than eighty nor less than thirty men.

III. And whereas it is expedient to form one or more company or companies of artillery, be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to form and embody from time to time, such company or companies of artillery, and in such county or counties, as to him may appear most convenient and fit for the good of his Majesty's service.

Companies of artillery may be formed.

Chapter VI.

An act to provide a salary for the adjutant general of the militia in this province, and for other purposes therein mentioned.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is necessary to make better provision for the office of adjutant general of militia of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That a certain act of the parliament of this province, passed in the forty-eighth year of his late Majesty's reign, entitled, "An act for granting to his Majesty an annual sum of money for the purposes therein mentioned," and the second clause of an act of the parliament of this province, passed in the fifty-sixth year of the reign of his late Majesty, entitled, "An act to amend an act passed in the forty-eighth year of his Majesty's reign, entitled, 'An act to explain, amend, and reduce to one act of parliament, the several laws now in being for the raising and training the militia of this province,'" be, and the same are, hereby repealed.

48th Geo. III, c 3, and 2d section of 56th Geo. III, c 7, repealed.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, there be granted annually to his Majesty, his heirs and successors, the sum of six hundred pounds, to be applied as follows; that is to say, the sum of three hundred and sixty-five pounds to provide a salary for the adjutant

£600 granted annually to his Majesty, to be applied as follows;

£365 salary to the adjutant general.

general of the militia of this province, for the time being; the sum of one hundred and fifty pounds to provide a salary for an assistant adjutant general, [a] to be appointed by the governor, lieutenant governor, or person administering the government of this province, for the time being, and the sum of eighty-five pounds to be paid to the adjutant general of militia, in lieu of all contingencies; which said several sums shall commence and be payable from and after the passing of this act.

[a] As regards the assistant adjutant general, repealed by 4th Geo. IV, c 27.
£150 salary to an assistant adjutant general;
and £85 in lieu of contingencies.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to issue his warrant or warrants to the receiver general of this province, for the said several sums of money, half yearly, and the said receiver general shall account to his Majesty, his heirs and successors, for the same, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Governor, &c. to issue his warrant for payment thereof,

to be accounted for through the lords of the treasury.

Chapter VII.

An act to afford relief to persons claiming lands in this province, under assignments from heirs, devisees, or assignees of the original nominees of the crown, in cases where no patents had issued, and for other purposes therein mentioned.

(See 48th Geo. III, c 10.)

[Passed March 19, 1823.]

WHEREAS there are many persons entitled to hold lands in this province under and by virtue of claims derived from persons who have held the same as heirs, devisees, or assignees of the original nominees of the crown, and who may have died or departed from the province, and such persons so entitled to claim lands, cannot at present by law obtain patents for the same in their own names, and it is expedient to enable them to do so; and whereas it is also expedient to extend the provisions of a certain act of the parliament of this province passed in the forty-eighth year of his late Majesty's reign, entitled, "An act to continue an act passed in the forty-fifth year of his Majesty's reign, entitled, 'An act to afford relief to those persons who may be entitled to claim lands in this province as heirs or devisees of the original nominees of the crown, in cases where no patent hath issued for such lands,'" and further to extend the benefit of the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person or persons holding or claiming lands in this province, under any claims or titles derived from any heir or heirs, devisee or devisees, or assignee or assignees of the original nominee or nominees of the crown, to claim such lands before the commissioners appointed, or to be appointed under and by virtue of the said act passed in the forty-fifth year of his late Majesty's reign, in the same manner and at the same time as any heir or heirs, devisee or devisees, or assignee or assignees, of the original nominee or nominees of the crown are or may be authorized by law to do; and it shall and may be lawful for the said commissioners, or the majority of them, to allow any lands so claimed to the person or persons claiming the same, provided sufficient proof shall be adduced to satisfy the said commissioners, or the majority of them, that the person or persons claiming the same is or are bona fide the owner or owners thereof, and that due notice hath been given of such claim, by affixing such notice of the claim in some public place in the court house of the district in which such lands shall be situated, for at least three months next preceding to the sitting of such commission, and the same to be proclaimed in open court by the crier thereof, immediately after the charge to the grand jury.

Preamble.

Persons claiming lands as heirs, devisees, or assignees of the original nominees of the crown to claim the same before commissioners.

Notice to be put up in the court house of the district where lands are situated, three months before the sitting of the commissioners.

II. And whereas the second clause of the said act passed in the forty-eighth year of his late Majesty's reign, only authorizes the said commissioners to hear and determine upon claims preferred by the assignee or assignees of original nominee or nominees who was or were dead, or who had left the province previous to the passing of the said act, and it is expedient to extend the power of the said commissioners in that respect, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or the majority of them, to hear and determine all such claim or claims as may regularly be brought before them, for any lot or lots, parcel or parcels of land, when the original nominee or nominees of the crown for such lands, is or are dead, or may have left the province, or in any case hereafter, where such nominee or nominees may die or leave the province, without obtaining a patent for such lands.

Provisions of the 48th Geo. III, extended.

Patents to issue for lands contained in commissioners' report.

III. And be it further enacted by the authority aforesaid, That when any claim or claims shall be allowed and reported by the said commissioners, or the majority of them, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, for the time being, to issue his Majesty's letters patent for the lot or lots, parcel or parcels of land, specified in the report of the said commissioners, as allowed to such claimant or claimants, to or in trust for the person or persons to whom the same may have been allowed; and that all and every the provisions, regulations, restrictions, matters, and things, which in and by the said acts passed in the forty-fifth and forty-eighth years of his late Majesty's reign are enacted or contained, of and concerning, or in any wise touching or relating, to the claim or claims of the heir or heirs, devisee or devisees, or assignee or assignees of the nominee or nominees of the crown, mentioned in the said acts, shall be, and are hereby, extended to the person or persons authorized to claim lands under this act.

Affidavits touching claims, may be taken before commissioners.

(Affidavits may now be made before commissioners in king's bench. See 10th Geo. IV, c 4.)

False swearing, perjury.

IV. And be it further enacted by the authority aforesaid, That the commissioners appointed in any district in this province, to take affidavits touching any claim or claims to lands under the said acts, passed respectively in the forty-fifth and forty-eighth years of his late Majesty's reign, shall have full power and authority to take any affidavit relating to claims to be brought forward under this act, and if any person or persons shall forswear him, her, or themselves, before any commissioner duly authorized to take such affidavits, he, she, or they, shall, on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

Chapter VIII.

(Amended. See 4th Geo. IV, c 16.)

An act to provide for constructing a navigable canal between Burlington bay and lake Ontario.

[Passed March 19, 1823.]

Preamble.

Whereas a canal, navigable for vessels, between Burlington bay, in the district of Gore, and lake Ontario, would tend to promote the general interest of this province, and particularly that part of the country contiguous thereto; and whereas it is expedient to raise a sum of money by way of loan to make and complete the said canal, the annual interest on which to be paid from a fund to be raised and collected by a toll to be levied on goods, produce, and all other articles, as well as vessels and other craft, passing in or through the same, and also to establish a fund for the redemption of the said loan; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, so soon after the passing of this act as he may deem expedient, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, body corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued under this act, a sum of money not exceeding five thousand pounds, to make and complete the said canal, and also such works as may be deemed necessary to protect and secure the entrance thereof, as well from Burlington bay as from lake Ontario.

A sum not exceeding £5,000 authorized to be raised by loan upon debentures.

His Majesty's receiver general to issue the debentures.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of five thousand pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient; and that for each loan or advance a debenture shall issue, bearing date at the day on which the same shall actually be issued, conditioned for the payment of the said sum of five thousand pounds, or such part thereof as may be actually received and redeemable at a period not exceeding sixteen years, and shall and may be signed by the said receiver general of this province, for the time being.

Debentures to be redeemable in not more than sixteen years from their date.

Forging, or knowingly uttering forged debentures, declared felony without benefit of clergy.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act, and uncancelled, or any stamp, indorsement, or writing thereon or therein, or tender in payment any such forged debenture, or any debenture with such counterfeit indorsement or writing thereon, or shall demand to have any such counterfeit

debenture, or any debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered in payment, or to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, with intent to defraud his Majesty, his heirs and successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

His Majesty's receiver general shall transmit to the governor, to be laid before parliament, an account of the debentures issued and redeemed, with the interest paid thereon, and of those outstanding.

IV. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates of the different debentures which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the legislature of this province.

Interest to be payable half yearly.

V. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same indorsed on each debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the governor, lieutenant governor, or person administering the government of this province shall, after the thirtieth day of June and the thirty-first day of December in each year, issue warrants to the receiver general, for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

And the governor to issue half yearly warrants to the receiver general for the payment thereof.

Compensation to the receiver general for his trouble.

VI. And be it further enacted by the authority aforesaid, That the receiver general of this province, and the person or persons necessarily employed under him, in the execution of this act, shall severally have and receive such rewards and allowances as the governor, lieutenant governor, or person administering the government of this province, and the executive council thereof, shall adjudge to be reasonable, and direct to be allowed them for their respective services in the execution of this act, and that the same shall be paid in discharge of such warrant or warrants, as the governor, lieutenant governor, or person administering the government of this province, shall from time to time issue for that purpose.

Separate warrant to be issued for the payment of each debenture.

VII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general, by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof, and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

The governor may direct notices to be inserted in the Gazette, requiring the holders of debentures to present the same for payment within six months from date of notice, and in default thereof, that the interest shall cease.

VIII. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of said debentures to present the same for payment, according to this act, and if after the insertion of the said notice for three months, any debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

(Repealed by 11th Geo. IV, c 12)

Governor to appoint five commissioners for carrying this act into effect.

Three of whom shall be a quorum.

President and vice president to be elected.

[a] As to the size of the canal, repealed by 4th Geo. IV, c 16.

Commissioners to obtain plans of the pro-

IX. And be it further enacted by the authority aforesaid, That so soon after the passing of this act as he may deem proper, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to nominate and appoint under his seal at arms, not more than five commissioners, any three of whom shall be a quorum, who may appoint two of their body to be a president and vice president, one of whom shall preside at all meetings of the board, which commissioners' duty it shall be to cause a plan or plans of a canal to connect Burlington bay, in the Gore district of this province, with lake Ontario, of not less than ten feet in depth of water and forty feet wide at the top, [a] with an estimate of the expense to be made, and shall and may contract with such person or persons as shall, after public notice be given for that purpose, undertake to make the same, and all works therewith connected, or any

posed canal between Burlington bay and lake Ontario, and contract for the completion thereof.

part thereof, at the cheapest and lowest rate, in the shortest time, and most convenient terms, and giving security to the satisfaction of the said commissioners, or a majority of them, for the due performance of the contract to be entered into for that purpose, and shall and may do and perform all and whatsoever act and acts, thing and things, necessary and proper to carry the intention of this act into full effect, and shall and may fix such rate of toll, after the redemption of the loan to be effected, and interest thereon, as to them may seem proper, (for the purpose of keeping the canal in repair,) less than that established by this act, and shall report to the governor, lieutenant governor, or person administering the government of this province, once in three months during the progress of the work, all matters by them done or performed by virtue of the authority so vested in them, to be laid before the legislature at its next meeting.

Security to be taken for the performance of contracts.

Commissioners to fix rates of toll after the loan is paid off,

and to report every three months to the governor the progress of the work.

Governor, &c. to appoint a toll collector, who shall account half yearly to the receiver general for the toll collected, and of the boats and merchandize passing through the said canal.

X. And be it further enacted by the authority aforesaid, That so soon as the said canal shall be opened, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to nominate and appoint a careful and discreet person to collect the toll and dues imposed by this act, who shall account to his Majesty's receiver general of this province, for the time being, on the thirtieth day of June and thirty-first day of December, in each and every year, which account shall be rendered in detail on oath, and specify the number of barrels, packages, and all other articles passing through the said canal, together with the number of vessels, boats, and other craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen, and shall retain to his own use five per cent. on all monies so collected and paid by him.

Fees to be paid previous to articles passing through the canal.

XI. And be it further enacted by the authority aforesaid, That the toll and dues mentioned in the following schedule, and no other, shall be exacted and paid on all goods, wares, merchandize, produce, lumber, vessels, boats, rafts, or craft, previous to their passing through or into the said canal, until the loan for making the same, and interest thereon, shall be fully redeemed and paid as hereinbefore mentioned; and the said money so to be raised and collected shall be paid by the said collector into the hands of the receiver general of this province, to and for the redemption of the said debentures, and the interest thereon annually accruing.

Money collected to be paid to the receiver general, for the redemption of the debentures.

Governor to issue his warrant to the receiver general in favor of the commissioners, for the said £5000, from time to time, as it is required.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, during the continuance of this act, to issue his warrant to the receiver general of this province, in favor of the said commissioners, for such sum or sums of money, not exceeding five thousand pounds, to enable them to carry the provisions of this act into effect, which sums shall be paid out of any monies which may have been advanced to him upon debentures, by virtue of this act.

Money to be accounted for through the lords commissioners of his Majesty's treasury.

XIII. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this act, shall be paid by the receiver general, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Schedule of Toll and Dues payable under the foregoing Act.

(Altered by 9th Geo. IV, c 12; boats under ten tons, 2s. 6d.; over ten tons, 1s.; and the tolls to be in currency instead of sterling.)

	£	s.	d.		£	s.	d.
	Sterling.				Sterling.		
Flour per barrel,.....	0	0	8	Boards per one hundred pieces,	0	1	3
Pot ash per barrel,.....	0	1	4	Salt per barrel,.....	0	1	0
Pork per barrel,.....	0	1	0	Dry goods per hundred weight,	0	0	8
Whiskey per barrel,.....	0	1	0	Boats or craft, under five tons,			
Plaster of Paris per barrel,....	0	1	0	each,.....each	0	5	0
Oil per barrel,.....	0	1	0	Vessels over five tons, per ton			
Staves per thousand, standard,.	0	10	0	measurement,.....per ton	0	1	3

Apples, cider, potatoes, and all other roots, vegetables, and fruit,.....*Free.*

Boats to pass and repass once for each payment of toll.

(See 4th Geo. IV, c 16, 4th session.)

All articles not enumerated to pay in proportion to the above rates, subject to the direction of the commissioners appointed by virtue of this act: Provided, nevertheless, That any boat, vessel, or craft, entering said canal, shall be at liberty to pass and return through the same, on payment of the toll or dues herein specified, and such toll shall not be exacted more than once for such passing and return.

Draw bridge to be erected over the canal, toll free.

(See 9th Geo. IV, c 12; 11th, c 12; 11th, c 27.)

XIV. And be it further enacted by the authority aforesaid, That the commissioners appointed under the authority of this act, shall cause a sufficient draw bridge to be erected on the said canal, upon which no toll or due for passing the same shall be demanded.

Chapter IX.

An act to make additional provision for the improvement of the inland navigation of this province.

[Passed March 19, 1823.]

Most gracious Sovereign:

Whereas an act was passed in the second year of your Majesty's reign, entitled, "An act to make provision for the improvement of the inland navigation of this province," by which the sum of two thousand pounds was granted for the purpose of obtaining surveys, plans, and estimates, for improving the inland navigation of this province; and whereas it is expedient to provide additional means for the said purpose; we, your Majesty's dutiful and loyal subjects, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general and unappropriated, there be granted to his Majesty the sum of one thousand pounds, which said sum of one thousand pounds shall be in aid of the said sum of two thousand pounds, and shall, with the residue thereof, be applied towards the payment of any expenses that may be incurred under the provisions of the said first recited act.

Preamble.

(2d Geo. IV, c 2, recited.)

The additional sum of £1000 granted in aid of the funds for improving the inland navigation;

II. And be it further enacted by the authority aforesaid, That the said sum of one thousand pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That so much of the said sums as shall remain unexpended, shall be subject to the future disposition of parliament.

and paid by warrant from the governor to the receiver general, and to be accounted for through the lords commissioners of his Majesty's treasury.

(See 4th Geo. IV, c 15.)

Chapter X.

An act to permit the importation of machinery into this province, free from duty, for a limited time.

(See 2d Geo. IV, c 17.)

[Expired.]

Chapter XI.

An act to amend and repeal part of an act, entitled, "An act to incorporate sundry persons under the style and title of the president, directors and company of the bank of Upper Canada."

[Passed March 19, 1823.]

Whereas by an act of the parliament of this province, to which the royal assent was communicated by proclamation, bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty-one, and in the second year of his Majesty's reign, entitled, "An act to incorporate sundry persons under the style and title of the president, directors and company of the bank of Upper Canada," it is, amongst other things, enacted, That the number of shares in the said bank shall not exceed sixteen thousand, and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to subscribe and hold in the capital stock of the said bank, for and on behalf of this province, any number of shares therein, not exceeding two thousand, the amount whereof the said governor, lieutenant governor, or person administering the government for the time being, is hereby authorized by a warrant or warrants, under his hand and seal, directed to the receiver general of this province, for the time being, to take out of the unappropriated monies which now remain or hereafter may remain in the hands of the said receiver general, for the future disposition of the parliament of this province, and also that the stock, property, affairs, and concerns, of the said corporation shall be managed and conducted by fifteen directors, one of whom to be president; and whereas it is expedient for the better security of the public interest in the said bank, that a due share in the management and

Preamble.

(See 59th Geo. III, c 24, and 2d Geo. IV, c 7.)

direction thereof should be vested in the government of this province; and whereas the president, directors and company of the said bank have found from experience that the capital stock of the said bank is greater than the present circumstances and commerce of this province require, and are desirous that the same should be reduced; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to nominate and appoint four, of the fifteen directors aforesaid, at the return of each and every election of the same, any thing in the above recited act to the contrary notwithstanding.

Governor authorized to appoint four directors.

II. And be it further enacted by the authority aforesaid, That so much of the second section of the said act as limits the number of shares to sixteen thousand, and the whole of the sixth section of the said act passed in the fifty-ninth year of his late Majesty's reign, be, and the same are, hereby repealed; and that from and after the passing of this act, the number of shares in the stock of the said bank shall not exceed eight thousand, and that the whole amount of the stock, estate, and property which the said corporation shall be authorized to hold, including the capital stock and shares, shall never exceed in value one hundred thousand pounds.

Shares reduced to eight thousand, and capital to £100,000.

Chapter XII.

An act granting to his Majesty a sum of money, to defray certain charges for the administration of justice and support of the civil government of this province.

[Granting £4,470, towards the support of the civil government of the province, for the year 1823.]

Chapter XIII.

An act prescribing the mode of measuring the contents of wooden stills; also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors, within this province.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient more particularly to define the manner in which wooden stills shall be measured or gauged in this province, and to ascertain and declare what proportion of the same shall be liable to the payment of duties, also to continue the duty on all stills used for the purpose of distilling spirituous liquors within this province; wherefore, be it enacted by the King's most excellent Majesty, by with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That each and every wooden still or stills which shall or may be used for the distillation of spirituous liquors, shall be measured or gauged, and shall be liable to the payment of duties, in manner and form as is hereinafter directed.

(See 59th Geo. III, c 6.)

All wooden stills to be gauged, and liable to the payment of duties.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, every person requiring a license to use or work a wooden still, shall expressly state in the requisition for that purpose, to be made to the inspector of the district in which such still shall be situate, the whole number of gallons, the entire capacity of the still for which a license so required shall or may be capable of containing, which requisition may be in the following form:

Every requisition for a license to use a wooden still shall express the number of gallons the same is capable of holding.

Form of requisition.

"I, A. B., do require a license to work one wooden still, the entire capacity of which by admeasurement [or being gauged, as the case may be] is capable of containing gallons, and no more; as witness my hand, this day of

A. B., owner and proprietor of the said still.

To J. L., inspector of the district of "

Requisition to be filed with the inspector.

Which requisition shall be filed and preserved by the inspector, as is heretofore by law required.

One half of the entire contents of everywooden still shall be liable to the payment of duties

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inspector, and he is hereby required, to deduct one half the amount specified in such requisition, as a necessary allowance for the operation of steam in wooden stills, and the remaining half of the contents thereof shall be subject and liable to the payment of all such duties as now are or may hereafter be imposed by this or any other law enacted, to be paid on stills in this province: Provided, nevertheless, That every wooden still having an additional tub or vessel, whether placed on the top or in any other manner attached to such still, serving the purpose of a cap or receiver of steam, and also every tub or wooden still that shall be separated into different divisions, for the purpose of receiving and running the low wines, or for heating and preparing the beer or wash for charging such still, or that may be so divided as aforesaid, for any purpose whatever, every such tub or wooden still shall be liable to and chargeable with the payment of duties upon the whole capacity of the same.

Every tub or vessel attached to the still shall be liable to pay duty for its whole capacity.

How the collectors are to ascertain the capacity of stills.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the inspector of each and every district, when and so often as he shall think it proper, to ascertain the contents of any wooden still or stills by measuring or gauging the same, at his discretion, to bore one or more hole or holes in such wooden still or stills, not exceeding two inches in diameter, that the said inspector may be the better enabled to measure or gauge the same: Provided, nevertheless, That every still which shall be specified in the requisition to have been measured, shall be measured, and every still specified to have been gauged, shall be gauged.

Penalty for distilling without a license, and using tubs, &c. not mentioned in the requisition.

V. And be it further enacted by the authority aforesaid, That any person or persons who shall use or work any wooden still or stills without having first obtained a license for that purpose, or who shall use any other or larger wooden still or stills than are specified in his or their requisition, or who shall have or use any tub or vessel as a cap, or otherwise, attached to any such wooden still or stills, for the purpose of receiving the steam, or who shall have or use any wooden still or stills, in which there shall be any false head or heads, by which such still shall be separated into different divisions, and who shall not state the same in his or their requisition at the time of applying for and taking out a license for the same, and shall be convicted thereof before any two or more of his Majesty's justices of the peace in and for the district in which the offence shall be charged to have been committed, shall be liable to all the pains, penalties, and forfeitures, and shall be disposed of in the same manner and form as is directed by any law now in force, or that may hereafter be passed, for laying and collecting a duty on stills.

What shall be deemed a still.

VI. And be it further enacted by the authority aforesaid, That the tub or receiver of the beer or wash only, shall be deemed and taken to be a still, and subjected to the payment of duties, according to the intent and meaning of this act.

Duty of 1s. 3d. per gallon to be levied on the capacity of all stills.

VII. And be it further enacted by the authority aforesaid, That in addition to the duty of one shilling and three pence per gallon, now raised, levied, and collected, and paid yearly and every year, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, to and for the public uses of this province, from all persons using a still or stills for the purpose of distilling spirituous liquors, the sum of one shilling and three pence, lawful money of this province, for every gallon which such still or stills shall contain, agreeably to measurement prescribed by law, for ascertaining the contents of the same.

How duties shall be levied and paid.

VIII. And be it further enacted by the authority aforesaid, That the said duty hereby granted to his Majesty shall be raised, levied, collected, and paid, in the same manner, and under the same penalties and restrictions, as are imposed by any former act of this province, imposing a duty on stills for the purpose of distilling spirituous liquors.

Remuneration of, and fees payable to, inspectors.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for each and every inspector, to demand and receive the same fees for filing a regulation and for issuing a license, and also to take and retain to and for his own use, the like per centage on all monies that may or shall come into his hands for licenses issued by virtue of this act, as is granted by a certain act passed in the forty-third year of the reign of his late Majesty, entitled, "An act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned."

No inspector to receive more than £100 in any one year, as per centage.

X. Provided always, and be it further enacted by the authority aforesaid, That nothing in this or any other act contained, shall authorize any inspector to receive in any one year more than one hundred pounds, as per centage.

Monies to be paid by inspectors to the receiver general, and accounted for through the lords commissioners of his Majesty's treasury.

XI. And be it further enacted by the authority aforesaid, That all monies collected by virtue of this act shall be paid into the hands of his Majesty's receiver general of this province, by the inspector or inspectors receiving the same, to and for the public uses of this province, and to be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall be graciously pleased to direct.

Continuation of this act.

(Continued for four years, by 9th Geo. IV, c 9.)

XII. And be it further enacted by the authority aforesaid, That this act shall be, and the same is hereby declared to be, in force until the fifth day of January, one thousand eight hundred and twenty-seven, and from thence to the end of the then next ensuing session of parliament.

Chapter XIV.

An act granting to his Majesty a sum of money, for the purpose therein mentioned.

[Granting £1,000 in addition, as a further compensation of the commissioner sent to England.]

Chapter XV.

An act to restrain the selling of beer, ale, cider, and other liquors, not spirituous, in certain towns and villages in this province, and to regulate the manner of licensing ale houses within the same.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to provide by law for licensing houses for the sale of beer, ale, cider, and other liquors, not spirituous, by retail, in certain towns in this province; we, your Majesty's dutiful and loyal subjects, the commons of this province, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of May next, all and every person or persons who shall open a house for the sale of beer, ale, cider, or other liquor or liquors, not spirituous, within any town or village of this province, or within one mile thereof, containing twenty houses or more, by retail, shall, and he, she, or they are hereby required to take out a license for so doing, which license shall be granted under the hand and seal of any two justices of the peace residing within such town or village; or if it shall happen that two justices of the peace shall not be residing within such town or village, then by any two justices of the peace residing nearest thereto, and which license shall be in the form following:

Licenses to be taken out by persons keeping ale houses.

Form of license.

"We, A. B. and C. D., two of his Majesty's justices of the peace, residing in [or nearest to, as the case may be] the town or village of do hereby authorize and empower E. F. in the house described by the sign of in said town or village, in the district, to keep a common ale and victualling house, and to utter and sell therein by retail, ale, beer, cider, and other liquors, not spirituous, also bread and other provisions: Provided, That no unlawful game or games, or any drunkenness or other disorder, be suffered in said house, or in the yard, garden, or premises thereto, belonging; but that good order and rule be maintained therein: this license to continue from the date hereof, until the day of in the year of our Lord "

2s. 6d. to be paid therefor.

For which license the sum of two shillings and six pence may be demanded, and no more.

Security to be taken for the orderly keeping of houses licensed;

II. And be it further enacted by the authority aforesaid, That the said justices, before granting such licenses as aforesaid, shall take bond and surety, by recognizance, of such person or persons to whom such license shall be granted, he, she, or they, in the sum of ten pounds, and two sureties in the sum of five pounds, or one sufficient surety in the sum of ten pounds, as well against the using of unlawful games, as also for the maintenance of good order and rule, which at or before the next general quarter sessions, be filed by the clerk of the peace of the district, by the justices taking the said recognizance, and shall be in the following form, for which the person entering into the same shall pay the sum of one shilling:

for which 1s. shall be paid.

Form of recognizance.

"District, to wit.—Be it remembered, That on the day of in the year of the reign of our sovereign lord , A. A. of in the said district, yeoman, and B. B. of yeoman, and C. C. of yeoman, personally came before us, D. D. and E. E. justices of the peace for the said district, and acknowledged themselves to owe to our sovereign lord the King; that is to say, the said A. A. the sum of ten pounds, and the said B. B. and C. C. in the sum of five pounds each, of good and lawful money of Upper Canada, to be made and levied of their goods and chattels, lands and tenements, respectively, to the use of our sovereign lord the King, his heirs and successors, if the

said A. A. shall make default in the condition hereunder written. Whereas the above bounden A. A. is licensed to keep a house for the sale of ale, beer, cider, and other liquors, not spirituous, by retail, for one year from the date hereof, in the house wherein he now dwelleth, known by the sign of in now the condition of this recognizance is such, that if the said A. A. shall suffer no unlawful games, drunkenness, or any other disorder to be used or committed in his said house, nor in any out house, yard, garden, or other the appurtenances thereto belonging, but shall maintain and keep good order and rule within the same, then this recognizance to be void, otherwise to remain in full force and virtue."

Duties on licenses.

III. And be it further enacted by the authority aforesaid, That each and every person to whom such license shall be granted, shall yield and pay for the same as follows, that is to say; in or within one mile of towns or villages containing not less than twenty, nor more than fifty dwelling houses, the sum of ten shillings; in towns or villages containing not less than fifty, nor more than one hundred dwelling houses, the sum of twenty shillings; and in all towns and villages containing more than one hundred dwelling houses, the sum of forty shillings; and that all the monies arising from the issuing of such licenses shall be first paid into the hands of the magistrates issuing the same, and by them, within six months thereafter, into the hands of his Majesty's receiver general, to and for the public uses of this province, to be accounted for through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall be graciously pleased to direct.

Monies paid for licenses to be paid to the receiver general, and accounted for through the lords of his Majesty's treasury.

Time of magistrates' meeting to grant licenses: Six days' notice to be given.

IV. [Repealed by 8th Geo. IV, c 11.]

Penalty for keeping an ale house without a license.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall presume to open a house for the sale of ale, beer, cider, or other liquors, not spirituous, by retail, after the first Monday in the month of May next, contrary to the provisions of this act, he, she, or they shall, upon conviction thereof, before any two of his Majesty's justices of the peace, within the district where such person or persons shall reside, upon the oath of one or more credible witness or witnesses, or upon the confession of the party charged, forfeit and pay a sum not less than two pounds, nor more than five pounds, for each and every offence of which he, she, or they shall be convicted, to be levied by distress of the goods and chattels of the offender or offenders, by and under the authority of a warrant from the magistrates before whom such conviction shall happen, together with all lawful costs and charges, and for want of sufficient distress, the body of such offender or offenders shall, by order of such magistrates, be committed to the common gaol of the district for a period not less than ten days, nor more than thirty days.

To be levied by distress.

And in default thereof, offender to be imprisoned.

Application and division of penalties.

V. And be it further enacted by the authority aforesaid, That one half of every pecuniary penalty which shall be levied under and by virtue of this act, shall be paid by the person receiving the same into the hands of his Majesty's receiver general, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, to be accounted for through the lords commissioners of his Majesty's treasury, for the time being, and the other moiety to the informer or person who shall sue for the same.

How recognizances to be declared forfeited.

VI. And be it further enacted by the authority aforesaid, That any justice, on complaint or information that any person or persons licensed as aforesaid, whereby in the judgment of such magistrate the recognizance hereinbefore stated shall be forfeited, or the condition thereof broken, may, by summons under his hand and seal, require such person or persons to appear before the next general and quarter sessions, to answer to such complaint or information, and also shall bind the person who shall make complaint, or any other person, in a recognizance to appear and give evidence; at which said sessions, a jury shall be empannelled to inquire of the complaint preferred, and if such jury shall, upon hearing evidence, determine that the person complained of, hath done any act or thing whereby the condition of his recognizance is broken, such act being by them named, the justices before whom such matter shall have been tried, shall order the recognizance of such person or persons to be established in his Majesty's court of king's bench of this province, and such person or persons shall be disabled from obtaining a license for the sale of beer, ale, cider, or other liquors, not spirituous, as aforesaid, for the space of one year then next ensuing.

Upon forfeiture of recognizance, party disabled from keeping ale house for one year.

During fairs, persons may sell ale, &c. in booths without license.

VII. And be it further enacted by the authority aforesaid, That in such town or place where any fair shall be kept, for the time only of said fair, it shall be lawful for every person to use common selling of ale, beer, or cider, or other liquors, not spirituous, in booths or other places, in such town or place, as aforesaid, without being required to take out a license for so doing.

Justices shall determine the number of ale houses proper to be

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the magistrate to whom application shall be made for licenses as aforesaid, to determine the number of houses which shall be licensed in each of the said towns and

kept in each town or village.

villages, as aforesaid: Provided always, That if any person or persons shall have been refused a license or licenses by the magistrates, to whom he, she, or they shall have applied for the same, and shall feel aggrieved by such decision, it shall and may be lawful for such person or persons to apply to the magistrates in general quarter sessions assembled, at their next session, for redress; and if the majority of such magistrates, so assembled, shall be of opinion that such applicant or applicants is or are entitled to a license, as aforesaid, it shall be lawful for the chairman of such court of general quarter sessions, and he is hereby required, to grant a license or licenses to such applicant or applicants, upon his, her, or their compliance with the provisions hereinbefore contained.

Continuance of this act.

(Continued for four years, by 7th Geo. IV, c 11. See 8th Geo. IV, c 11.)

IX. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for two years from the passing thereof, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter XVI.

An act to repeal an act passed in the thirty-second year of his Majesty's reign, entitled, "An act to establish the Winchester measure, and a standard for other weights and measures, throughout this province," and to appropriate a sum of money for the purpose of obtaining a standard for weights and measures for this province.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas an uniformity of weights and measures is much desired in this province, and whereas an act passed in the thirty-second year of his late Majesty's reign, entitled, "An act to establish the Winchester measure, and a standard for other weights and measures throughout this province," is found ineffectual to the attainment of that object; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act shall be, and the same is, hereby repealed.

32d Geo. III, c 3, repealed.

II. And whereas a sum of money is required to defray the expenses of procuring a standard for weights and measures, to be used in this province; we, your Majesty's most dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the authority aforesaid, That from and out of the duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and unappropriated, there be granted to his Majesty, his heirs and successors, the sum of seventy-five pounds, sterling, which said sum of seventy-five pounds, sterling, shall be disposed of, appropriated, and applied, towards defraying the expenses of obtaining a complete set of weights and measures, according to the standard of his Majesty's exchequer in England, which said weights and measures shall be placed and remain in the charge and custody of his Majesty's secretary of the province.

£75 sterling appropriated towards purchasing a set of standard weights and measures, to be deposited with the secretary of the province.

Secretary of the province to furnish each district with a standard of such weights and measures as are deposited with him.

III. And be it further enacted by the authority aforesaid, That so soon as the majority of the magistrates in quarter sessions assembled, within any district of this province, shall address the governor, lieutenant governor, or person administering the government of this province, for that purpose, it shall and may be lawful for him to order the said secretary forthwith, at the cost of the said district, to furnish the said district with a true standard of such weights and measures, as may be required by the said address, made of such durable materials as shall, by the said secretary, be deemed most proper for that purpose.

Magistrates of each district to appoint a person to take charge of the district standard, and to be inspector of weights and measures; who shall examine and mark all such weights and measures as are presented to him, found to agree with his standard.

IV. And be it further enacted by the authority aforesaid, That the magistrates in quarter sessions assembled for any district of this province, shall and may appoint a judicious and proper person as inspector, to take charge of all such weights and measures as shall have been by such district obtained as aforesaid, the duty of which inspector it shall be, at all proper times, when application to him for that purpose shall be made, carefully to examine and compare any and all weights and measures which shall be presented to him for that purpose, with the standard in his charge, and when found of the true weight or measure, to mark, stamp, or brand the same (if a measure) as near the two ends, or top and bottom, as may be, G. IV. R., for which he shall receive for every piece so marked, stamped, or branded, as aforesaid, four pence, and no more.

Magistrates may re-

V. And be it further enacted by the authority aforesaid, That the magistrates, as aforesaid, shall have power to remove from such office, any and all inspector or inspectors

appointed as aforesaid, when and so often as they shall think proper, and appoint others to the said office: Provided always, That all and every the inspector or inspectors, so appointed as aforesaid, before, or immediately upon entering upon the duties of his office, shall take and subscribe to the following oath, in open sessions:

Remove inspectors, and appoint others.

Inspectors to take an oath.

"I, A. B., do sincerely promise and swear, that I will carefully preserve all such weights and measures as shall be given me in charge as a standard for the district of and that I will honestly and faithfully discharge the duties of inspector of weights and measures for the said district of , according to the true intent and meaning of an act of the parliament of this province, passed in the fourth year of the reign of King George the Fourth, according to the best of my abilities and knowledge, and deliver them over to my successor in office duly appointed for that purpose, when required so to do. So help me GOD."

Form thereof.

VI. And be it further enacted by the authority aforesaid, That all store keepers, shop keepers, millers, distillers, butchers, bakers, hucksters, and other trading persons, inhabitants of such district, for which a standard of such weights and measures as aforesaid shall have been obtained, who shall, after the expiration of six months after such standard of weights and measures shall have been received, and inspector appointed as aforesaid, have in his possession any weights or measures whereby he sells or buys any article, for the weighing or admeasurement of which such standard of weights and measures are generally used, any other than such weights or measures as have been examined and stamped, or marked as aforesaid, shall forfeit for every offence two pounds, provincial currency, being thereof convicted before any one or more justice or justices of the peace, on the oath of one credible witness, which said penalty, together with all reasonable costs, shall be levied by distress and sale of the offender's goods, and in default of distress, such offender shall be committed to the common gaol of the district for a term not exceeding one month.

Penalty for any trading persons having in their possession any weights or measures, not stamped by the district inspector.

VII. And be it further enacted by the authority aforesaid, That one half of the said penalty, so forfeited as aforesaid, shall be paid to the informer or informers, and the other half to his Majesty's receiver general, to be applied and appropriated towards the support of the civil government of this province, and to be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, may be graciously pleased to direct.

Appropriation of penalties.

VIII. And be it further enacted by the authority aforesaid, That so much of the said sum of seventy-five pounds as shall remain unexpended under the provisions of this act, shall be at the disposition of the provincial parliament, any thing in this act contained to the contrary notwithstanding.

Surplus of the sum hereby granted, to remain at the disposal of parliament.

IX. And be it further enacted by the authority aforesaid, That the sum of seventy-five pounds, hereby granted to his Majesty, shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

The sum of £75 hereby granted, to be paid by the receiver general, and accounted for thro' the lords of his Majesty's treasury.

Chapter XVII.

An act to continue for a limited time an act passed in the fifty-eighth year of his late Majesty's reign, entitled, "An act granting to his Majesty a duty on licenses to auctioneers, and on goods, wares, and merchandize, sold by auction."

[Passed March 19, 1823.]

MOST GRACIOUS SOVEREIGN:

Whereas an act passed in the fifty-eighth year of the reign of our late sovereign lord, King George the Third, entitled, "An act granting to his Majesty a duty on licenses to auctioneers, and on goods, wares, and merchandize, sold by auction," is about to expire; and whereas it is expedient for a limited time to continue the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act be, and the same is, hereby continued for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Preamble.

58th Geo. III, c 5, recited.

58th Geo. III, c 6, continued for four years, and from thence to the end of the next session of parliament.

(Continued for four years, by 9th Geo. IV, c 10.)

Chapter XVIII.

An act to continue for a limited time an act passed in the fifty-eighth year of his late Majesty's reign, entitled, "An act to continue, repeal part of, and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons, therein mentioned, and to extend the provisions of the same.'"

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to continue for a limited time an act passed in the fifty-eighth year of the reign of our late sovereign lord, King George the Third, entitled, "An act to continue, repeal part of, and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned, and to extend the provisions of the same;'" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act be, and the same is, hereby continued for four years, and from thence to the end of the then next ensuing session of parliament.

58th Geo. III, c 5, continued for four years, and from thence to the end of the next session of parliament.

(Continued for four years, by 9th Geo. IV, c 8.)

Chapter XIX.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of the address of the house of assembly of this province.

[Granting £1,747 12s. 7d. to make good a like sum advanced to meet the contingent expenses of the legislature in the session of 1822.]

Chapter XX.

(See 2d Geo. IV, c 10, 2d session.

An act to repeal part of, and to amend and extend the provisions of an act passed in the second year of the reign of his present Majesty, entitled, "An act to repeal the laws now in force relative to the preservation of salmon, and to make further provision respecting the fisheries in certain parts of this province, and also to prevent accidents by fire, from persons fishing by torch or fire light."

[Passed March 19, 1823.]

Preamble.

Whereas it is necessary to repeal part of, and to amend and extend the provisions of an act passed in the second year of the reign of his present Majesty, entitled, "An act to repeal the laws now in force relative to the preservation of salmon, and to make further provision respecting the fisheries in certain parts of this province, and also to prevent accidents by fire, from persons fishing by torch or fire light;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the second clause of the said act be, and the same is, hereby repealed.

Persons prohibited from catching salmon between 10th November and 1st January, in each year.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for any person or persons at any time, from the tenth day of November till the first day of January, in each and every succeeding year, to take, catch, or kill any salmon or salmon fry, in any manner whatsoever.

The provisions of 2d Geo. IV, c 10, session 2d, extended to the whole of the river Trent.

III. And whereas by the act aforesaid, it is among other things enacted, That it shall not be lawful for any person or persons in the Home district, district of Newcastle, and district of Gore, in this province, to take, catch, or attempt to take or catch, by setting any net or nets, wear or wears, any salmon or salmon fry, in any of the creeks or rivers in the aforesaid districts; and forasmuch as part of the river Trent lies in the Midland district, where wears and nets are now commonly set and used, whereby the salutary object of the said recited act is in a great measure defeated; for remedy whereof, be it enacted, and it is hereby enacted by the authority aforesaid, That from and

after the passing of this act, the several clauses, provisions, fines, and forfeitures, in the said recited act contained, except in so far as they are necessarily varied or repealed in this act, shall extend to the whole of the said river Trent, in all its winding and turnings, bays and creeks, running into or communicating with the same.

Penalty for buying salmon of Indians, within the prohibited periods.

IV. And whereas the intention of the said act is in a great measure defeated by persons employing Indians to catch salmon, after the expiration of the time limited by the said act, be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for any person or persons to employ, buy from, or receive, under any pretence whatever, from any Indian or Indians, any salmon, taken or caught within any of the said districts, during the period in which persons are prohibited from taking or attempting to take or catch, any salmon or salmon fry within the said districts, and all and every person and persons convicted of having infringed the provisions of this clause, upon the oath of one or more credible witness or witnesses, before any two of his Majesty's justices of the peace in and for such district, wherein such offence shall have been committed, shall be subject to the same penalty and imprisonment to which persons are now, by the said recited act, liable for infringing the provisions thereof.

Distribution of penalties.

V. And be it further enacted by the authority aforesaid, That one half of any such fine as aforesaid, levied or collected, or to be levied or collected, by virtue of this act, shall be given to the informer, and the other half shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, to be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XXI.

An act to provide an additional allowance to the reverend Robert Addison, chaplain of the house of assembly, for his long and faithful services as chaplain thereof.

[Granting him a pension of £50 per annum during life, for services rendered as chaplain to the house of assembly, for thirty years.]

Chapter XXII.

An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property, of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution.

(Amended by 4th Geo. IV, c 21, 4th session. Repealed by 9th Geo. IV, c 4.)

[Passed March 19, 1823.]

Preamble.

WHEREAS Benjamin Whitney, Smith Bartlet, and others, some time in the year of our Lord one thousand eight hundred and nineteen, did set on foot and establish a certain association, under the style and title of "The president, directors and company of the bank of Upper Canada," and procured subscriptions thereto, to a considerable amount, for the avowed purpose of raising a joint and transferable stock, upon the credit whereof to issue bank bills, and carry on the business of banking at the town of Kingston in the Midland district of this province; and whereas the said association have stopped payment and declared itself insolvent, whereby a great portion of the inhabitants of this province, holding their said bills or notes, and who have taken stock in the said bank, as well as others, have been defrauded of the same, and are likely to be without redress, unless some legislative remedy should be provided for their relief; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the honorable George Herkimer Markland, John Kirby, esquire, and John Macaulay, esquire, shall be and they are hereby appointed commissioners and trustees, to be styled the board for settling the affairs of the pretended bank of Upper Canada, lately established at Kingston in this province, in whom shall be vested all the estate, both real and personal, bonds, bills, notes, and other securities, stock, rights, credits, and effects, of the said institution so established, as aforesaid, and which board, by its name and style aforesaid, shall have full power and authority to ask, demand, sue for, recover, and receive, and notwithstanding a further day may be given for the payment thereof, of and from all persons whatsoever, who are indebted to the said association, or to any person or persons to its use, all the

Board for settling the affairs of the pretended bank of Upper Canada established.

Its powers in recovering debts and applying sums received.

demands due or growing due thereto, and to sell or dispose of, either at private sale or public auction, all such lands, tenements, and hereditaments, goods, chattels, and effects, as may come into their hands by virtue of this act, and to apply the same, after the expenses of carrying this act into effect, in discharge of such certificates as shall be granted to persons having claims or demands: Provided always, That if it shall so happen that the whole or any of the persons herein named, as commissioners and trustees, shall be unwilling to act in such commission and trust, or that any vacancy shall occur therein, then and in such case the honorable George Herkimer Markland, John Kirby, and John Macaulay, or any two of them, shall, and they are hereby authorized and required to, nominate and appoint at their discretion a person or persons to act as commissioner or commissioners, as aforesaid; and, Provided always, That in any subsequent vacancy, the acting commissioners, or a majority of them, shall have power, and they are hereby required, to appoint a fit and discreet person to supply such vacancy.

Power of filling vacancies in the board.

Board to hear and determine claims.

II. And be it further enacted by the authority aforesaid, That the said commissioners, or the majority of them, shall have full power and authority to hear and determine all claims and demands against the said bank, as well by the stockholders, for the amount of the stock originally subscribed for or purchased by them, whether declared forfeited by the rules of the said bank or not, and holders of the notes of the said bank for the value thereof, as by other creditors of the said association, and to grant the claimants certificates of the amount so found due to them, which certificates shall bear interest from the date thereof, and be paid by the said board out of any monies that shall come into their hands by virtue of this act: Provided always, That no certificates that may be granted to the said Benjamin Whitney, Smith Bartlet, or either of them, or to any other director or officer, or stockholder of the said association, shall be paid, until the certificates granted to other persons shall have been first paid and discharged.

Board empowered to bring before them and examine all persons connected with the bank, and to call for their books and papers;

and upon refusal to give evidence, &c. to commit them to gaol.

III. And be it further enacted by the authority aforesaid, That the said board shall have full power and authority to summon or bring before them, by warrant or otherwise, as may be deemed most expedient, all or any of the directors and other officers of the said company, and to require them to produce all the books, papers, and other documents of the said bank, and to examine them touching the affairs of the said bank, and to reduce their examination to writing, to be filed amongst the records of the said board, and also to commit the said persons or any of them, or bind them in recognizances, either alone or with sureties, according as the board shall deem expedient, for further examination; and also, in case they or any of them shall refuse to make a full discovery of the affairs of the said bank, or to produce any books, papers, or documents relating thereto in their possession, power, or control, when thereunto required by the said board, he or they so refusing shall stand committed to the common gaol of the district where the board shall sit, until he or they shall comply therewith.

Board to appoint a clerk.

IV. And be it further enacted by the authority aforesaid, That the said board shall appoint a clerk, who shall sign all warrants, certificates, and other papers, by order of the board, who shall receive such a stipend, while employed, as the said board shall deem proper, to be paid out of such monies as shall come into their hands by virtue of this act.

Days and places of meeting to be published.

V. And be it further enacted by the authority aforesaid, That the said board shall from time to time appoint certain days and places, when and where they will sit for the hearing of claims, and shall publish the same in such newspapers as they shall deem expedient.

Persons authorized to administer oaths.

VI. And be it further enacted by the authority aforesaid, That the said board, their clerk, and all commissioners for taking affidavits in the court of king's bench, shall have power to administer oaths to all persons required to be examined by virtue of this act, and that all and every person or persons who shall forswear himself or themselves in any affidavit or examination, taken in pursuance of this act, shall upon conviction incur all the pains and penalties which may be inflicted upon persons guilty of wilful and corrupt perjury by the laws of this province.

Penalty of perjury inflicted for taking false oaths.

Board to keep an account of all notes redeemed by them.

VII. And be it further enacted by the authority aforesaid, That the said board shall keep an account of all the notes presented to them for payment, and for which they shall give such certificates as aforesaid, and shall, upon giving the said certificates, write upon the said notes in red ink, "cancelled and certified by the board," and shall deposit the same with the records of the board until the affairs of the said bank shall be fully settled and adjusted.

Parties concerned in the said bank authorized to bring actions one against the other.

VIII. And be it further enacted by the authority aforesaid, That if the said board shall find it necessary to appropriate the whole or any part of the share or shares of the profit or stock, found by them to belong to the said Benjamin Whitney, Smith Bartlet, or any other officer, or director, or stockholder of the said pretended bank, they, the said Benjamin Whitney, Smith Bartlet, or other officer, or director, or stockholder, or their respective executors or administrators, shall and may severally and respectively have and maintain an action or actions at law, as for money had and received, the one against the other, his

executors or administrators, for any loss sustained by the party bringing such action against the other by whose fraud, defalcation, abstraction, or misapplication of the funds of the said bank, the board aforesaid may so find it necessary to make such appropriation.

Board to furnish an annual account of their proceedings, to be laid before the legislature.

IX. And be it further enacted by the authority aforesaid, That the commissioners aforesaid, and all such commissioners as may be appointed under and by virtue of this act, shall furnish an annual account and statement of the affairs of the said bank, and their proceedings therein, to be laid before the legislature of this province, the first day of every session, till the final settlement and closure of the said affairs by this act committed to them.

Sales of the estates of the directors prohibited until affairs of the bank are closed.

X. And be it enacted by the authority aforesaid, That all sale, conveyance, or transfer whatsoever, of the private property or estates of the said Benjamin Whitney, Smith Bartlet, John William Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming, Neil M'Leod, or any or either of them, heretofore made in contemplation of the insolvency or failure of the said bank, or in contemplation of evading any remedies to be provided by law for the security of the public against losses by the said institution, are hereby declared to be fraudulent and void, and of none effect; and that no sale, conveyance, or transfer, hereafter to be made by the said Benjamin Whitney, Smith Bartlet, John William Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming, and Neil M'Leod, or any or either of them, or their respective property or estates, shall be good or valid in law, till the final adjustment of the said affairs of the said bank, except with the consent of the said commissioners, or a majority of them, by instrument under their hands and seals, giving and expressing such consent: Provided, nevertheless, That nothing herein contained shall extend, or be construed to extend, to repeal any provisions or remedies made and provided in an act of the British parliament passed in the fourteenth year of the reign of George the Second, chapter thirty-seven, entitled, "An act for restraining and preventing several unwarrantable schemes and undertakings in his Majesty's colonies and plantations in America."

(As regards their personal estates, repealed by 4th Geo. IV, c 21.)

This act not to affect remedies under the 14th Geo. II, c 37.

Chapter XXIII.

An act to provide for the completion of the gaol and court house, in the London district of this province.

[Passed March 19, 1823.]

Preamble.

Whereas it appears by the petition of the magistrates of the London district, that the funds applied to the building of a gaol and court house, in and for the said district, are insufficient for completing the said gaol and court house; and whereas it is expedient to authorize the said magistrates of the said district to raise a loan in aid of the said funds; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, in April next, by an order of court, to authorize and direct the treasurer of the said district to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the district, a sum not exceeding one thousand pounds, to be applied, together with the funds then remaining in the hands of the said treasurer, for the use of the said district, and unappropriated, in the building of the said gaol and court house.

Magistrates may raise by loan a sum not exceeding £1,000 in aid of funds to finish gaol and court house in the London district.

Treasurer to apply a certain sum annually in discharge of the loan.

II. Provided also, and be it further enacted by the authority aforesaid, That the treasurer of the said district, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred and fifty pounds, from and out of the rates and assessments coming into his hands for the use of the district as aforesaid, together with all such monies as may remain in his hands, after the payment of the ordinary and incidental charges of the year.

Chapter XXIV.

An act to provide for the erection of a gaol and court house in and for the Home district.

[Passed March 19, 1823.]

Preamble.

Whereas it appears by the petition of the magistrates of the Home district, that provision by law is required to authorize the erection of a gaol and court house in the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the justices of the peace in and for the said district, in general quarter sessions assembled, in the month of April next, shall be authorized, and they are hereby authorized, by such means as to them shall seem most fitting and convenient, to procure different plans and elevations of a gaol and court house, or either of them, to be laid before them, for the purpose of selecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said justices then and there assembled as aforesaid.

Magistrates of the Home district to procure plans of gaol and court house, to be erected in the said district.

(So much of this clause as relates to the 9th section of 32d Geo. III, c 8, repealed by 4th Geo. IV, c 33.)

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the said justices assembled in manner and form aforesaid, in the name and on the behalf of the inhabitants of the said district, to contract, and they are hereby enabled and authorized to contract, with any person or persons who shall be willing to build the said gaol and court house, or either of them, according to the plan so approved of as aforesaid, upon the gaol reserve, in the town of York, in the district aforesaid, under the like limitations and restrictions as are required by the eighth and ninth clauses of an act passed in the thirty-second year of the late King, entitled, "An act for building a gaol and court house in every district within this province, and for altering the names of the said districts."

Magistrates may contract for the erection of a gaol and court house in the Home district.

All monies in the treasurer's hands not required for the ordinary expenses of the district, to be applied to build the gaol and court house.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, so assembled as aforesaid, and they are hereby authorized to apply towards the expense of building such gaol and court house, or either of them, all such monies arising from such rates and assessments as now are, or may come into the hands of the treasurer of the said district, and applicable to the uses of the same, not required for the payment of the ordinary and incidental expenses of the said district: Provided always, That nothing in this act contained shall authorize the expenditure of a greater sum than four thousand pounds, in the erecting and completing the said gaol and court house, or either of them.

Magistrates authorized to loan not exceeding £4,000, for the same purpose.

IV. And whereas, from the present state of the building used as a gaol in the said district, it is highly expedient that the provisions of this act should be carried into effect without delay, be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, in April next, by an order of court, to authorize and direct the treasurer of the said district to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same, on the credit of the district, a sum not exceeding four thousand pounds, to be applied, together with the funds then remaining in the hands of the said treasurer, for the use of the said district, and unappropriated, in the building of the said gaol and court house, or either of them.

Not exceeding six per cent. interest, to be paid for loan.

V. Provided also, and be it further enacted by the authority aforesaid, That the money so borrowed, under the authority of this act, shall not bear greater interest than six per centum per annum, and that the treasurer of the said district, for the time being, shall annually until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than two hundred and fifty pounds, from and out of the rates and assessments coming into his hands for the use of the district as aforesaid; together with all such monies as may remain in his hands after the payment of the ordinary and incidental charges of the year.

Chapter XXV.

An act granting to his Majesty a sum of money, to be applied in the payment of a salary to the sheriff of the Bathurst district.

[Passed March 19, 1823.]

Most gracious Sovereign:

Whereas it is expedient to provide a salary for the sheriff of the district of Bathurst, in like manner as by law salaries are provided for the different sheriffs in the other districts of this province; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, there be granted to his Majesty, his heirs and successors, the sum of fifty pounds annually, which said sum of fifty pounds shall be appropriated and applied for the payment of a salary to the sheriff of the said district of Bathurst, for the time being. Preamble. £50 annually granted to his Majesty, for the payment of a salary to the sheriff of Bathurst.

II. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the receiver general, in discharge of such warrants as shall for the purposes aforesaid be from time to time issued by the governor, lieutenant governor, or person administering the government, and the said receiver general shall account to his Majesty for the same, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct. Salary to be paid by the receiver general, and accounted for through the lords commissioners of his Majesty's treasury.

III. And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the seventeenth day of July, one thousand eight hundred and twenty-six, and from thence to the end of the then next ensuing session of the provincial parliament. Continuance.

Chapter XXVI.

An act granting to his Majesty a sum of money for the purposes therein mentioned.

[Passed March 19, 1823.]

Most gracious Sovereign:

Whereas it is expedient that the like provision be made by law for the support of common schools in the district of Bathurst, as is extended to the other districts in this province; we beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, there be granted to his Majesty annually the sum of two hundred and fifty pounds; which said sum of two hundred and fifty pounds shall be paid into the hands of the treasurer of the said district of Bathurst, for the support of the said common schools. Preamble. £250 to be paid annually to the treasurer of the district of Bathurst, for the support of common schools.

II. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty shall be paid by the receiver general, in discharge of such warrant or warrants as shall for the purposes aforesaid be from time to time issued by the governor, lieutenant governor, or person administering the government, and the said receiver general shall account to his Majesty through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct. To be paid by the receiver general, and accounted for through the lords commissioners of his Majesty's treasury.

III. And be it further enacted by the authority aforesaid, That this act shall be and continue in force until the seventh day of March, one thousand eight hundred and twenty-four, and from thence to the end of the then next ensuing session of parliament, and no longer. Continuance.

Chapter XXVII.

An act granting to his Majesty a sum of money, for the support of a public school in the Bathurst district.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient that the like provision be made by law for the establishment of a public school in the district of Bathurst, as is extended to the other districts of this province; we beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and unappropriated, there be granted annually to his Majesty, his heirs and successors, the sum of one hundred pounds, which sum of one hundred pounds shall be appropriated, applied, and disposed of, in paying the salary of the teacher of the public school which may be hereafter established in the said district of Bathurst, and shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct.

£100 granted annually as a salary for the teacher of a public school in Bathurst, and shall be paid by receiver general, and accounted for through the lords commissioners of his Majesty's treasury.

Chapter XXVIII.

An act to provide for the establishment of a public school in the district of Ottawa.

[Passed March 19, 1823.]

Most gracious Sovereign:

Preamble.

Whereas it is considered expedient, for the purpose of promoting the education of the youth in the district of Ottawa, that a public school should be established in that district, in like manner as public schools have by law been established in the different districts in this province; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, provision be made by law for the establishing a public school in the said district of Ottawa.

A public school to be established in Ottawa.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and unappropriated, there be granted annually to his Majesty, his heirs and successors, the sum of one hundred pounds, which said sum of one hundred pounds shall be appropriated, and applied and disposed of, in paying the salary of the teacher of the said school; which said sum of one hundred pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct.

£100 granted to pay a teacher's salary.

III. And be it further enacted by the authority aforesaid, That the said school shall be opened and kept in the township of Longuiel, in the county of Prescott, at or near the place of holding the general quarter sessions of the peace for the said district, at such place as the trustees appointed, or hereafter to be appointed, or the majority of them, may think proper.

School to be kept in Longuiel.

IV. And be it further enacted by the authority aforesaid, That the said school shall be established in like manner, and under the same rules, regulations, and restrictions, in

Under the same regulations as other public schools.

every particular, as are mentioned in two several acts of the parliament of this province, the one passed in the forty-seventh year of his late Majesty's reign, entitled, "An act to establish public schools in each and every district in this province," and the other passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal part of, and to amend the laws now in force, for establishing public schools in the several districts of this province, and to extend the provisions of the same."

Chapter XXIX.

An act for the relief of George Delong, George Bates, Alexander Gardener, Thomas Dowsley, and James Smith.

[Allowing them six months, respectively, to traverse any inquisition respecting their estates, under the 54th Geo. III, c 9.]

Chapter XXX.

An act to repeal part of an act passed in the first year of his Majesty's reign, entitled, "An act for altering the time of holding the general quarter sessions of the peace in the Home district, and further to fix the time of holding the said quarter sessions."

[Passed March 19, 1823.]

Preamble.

WHEREAS much inconvenience arises from the periods of holding the courts of quarter sessions of the peace for the Home district happening at the same times with the terms of the court of king's bench; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of an act of the parliament of this province, passed in the second year of his Majesty's reign, entitled, "An act for altering the time of holding the general quarter sessions of the peace, in the Home district," as fixes the periods of holding the quarter sessions in the said district, be, and the same is, hereby repealed.

So much of the 2d Geo. IV, c 16, as regulates the time of holding the quarter sessions in the Home district, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the quarter sessions next ensuing the passing of this act, the court of general quarter sessions of the peace, in and for the said Home district, shall commence on the Tuesday of the week next following the several terms of the court of king's bench.

Time of holding quarter sessions in the Home district.

Chapter XXXI.

An act to authorize the minister and church wardens of St. George's church, Kingston, to surrender certain lands therein mentioned.

[Passed March 19, 1823.]

Preamble.

WHEREAS by letters patent, under the great seal of this province, bearing date the eleventh day of March, in the year of our Lord one thousand eight hundred and five, lots number one hundred and twenty-two and one hundred and thirty-nine, in the town of Kingston, and Midland district, described as containing two-fifths of an acre of land, were granted to the reverend John Stuart, minister, and Jermyn Patrick and Richard Robison, church wardens, of Saint George's church, Kingston, their heirs and assignees, for ever in trust, for the purpose of building a parsonage house for the accommodation of the officiating clergyman, for the time being; and whereas it appears from the representation of the present minister and church wardens of the said church, that the said grant does not answer the purposes for which it was intended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the minister and church wardens, for the time being, of the said church, to surrender the said grant into the hands of his Majesty, his heirs and successors.

Minister and church wardens of St. George's church, Kingston, authorized to surrender a certain grant of land in Kingston.

Chapter XXXII.

An act for the relief of Matthew Crooks, esquire.

[Private.—Allowing him six months to traverse any inquisition affecting his property, (lot number 14, 5th concession of Grantham,) under the 59th Geo. III, c 12.]

Chapter XXXIII.

An act for the relief of John Boswell.

[Passed March 19, 1823.]

Preamble.

(See 2d Geo. IV, c 5.)

Whereas an act was passed in the second year of his Majesty's reign, entitled, "An act to repeal part of and amend an act passed in the thirty-seventh year of his late Majesty's reign, entitled, 'An act for the better regulating the practice of the law,' and to extend the provisions of the same;" and whereas it is among other things enacted, that from and after the passing of the said act, no person shall be admitted by the court of king's bench to practise as an attorney in this province, unless upon an actual service under articles for five years, with some practising attorney in this province; and whereas it appears by the petition of John Boswell, a native of England, now resident in this province, and by certificates and documents produced in support thereof, that he was admitted an attorney of his Majesty's court of king's bench in England, in the year of our Lord one thousand seven hundred and ninety-seven; and also, that he came into this province in the hope of being allowed to practise his profession of the law, but arrived a short time subsequent to the passing of the said first recited act; and whereas the said John Boswell is desirous of practising the law in this province, and it is expedient to relieve him from the disability imposed by the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That any thing in the said act to the contrary notwithstanding, the court of king's bench may at its discretion admit the said John Boswell to practise as an attorney in this province.

Court of king's bench may admit J. Boswell to practise as an attorney of that court;

II. And be it further enacted by the authority aforesaid, That the law society may at its discretion receive into the same, and introduce to the court of king's bench as a barrister, the said John Boswell; and thereupon being received at the bar of the court of king's bench, he shall thenceforth be authorized to practise the profession of the law, as fully to all intents and purposes, as any barrister now practises the same in this province.

and law society may admit him into that society as a barrister.

Chapter XXXIV.

An act to continue and amend an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act for establishing a police in the town of Niagara, in the district of Niagara, and for other purposes therein mentioned."

[Passed March 19, 1823.]

Preamble.

Whereas it is expedient to amend and continue in part an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act for establishing a police in the town of Niagara, in the district of Niagara, and for other purposes therein mentioned;" be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the whole of the same, excepting the second clause in the said act, be continued.

59th Geo. III, c 5, except the second clause, continued.

A sum not exceeding £50 may be raised by assessment on property in Niagara, for certain purposes.

II. And be it further enacted by the authority aforesaid, That the magistrates in quarter sessions assembled, for the said district, or the major part of them, in the month of April, in each and every year, may raise by assessment from the persons rated upon any assessment for property in the said town, a sum not exceeding fifty pounds in any one year, for keeping in repair a market house, now erected in the said town of Niagara, and for purchasing and keeping in repair fire engines, ladders, buckets, and other utensils for

extinguishing fires, and for making any other necessary improvements in the said town, exclusive of the sum such persons may be rated for, in and upon any other assessment of this province; and in order to carry such assessment into effect, it shall be the duty of the clerk of the peace for the said district, to select from the general assessments of the said district, a list or assessment of the rateable property that each and every person owns or possesses in the said town, ready to be laid before the magistrates in quarter sessions assembled, for the said district, in April, in each and every year after the present.

Clerk of the peace to prepare roll.

Chapter XXXV.

An act to repeal part of an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal an ordinance of the province of Quebec passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors and the admeasurement of land,' and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish on a permanent footing, the boundary line of the different townships in this province,' and further to regulate the manner in which lands are hereafter to be surveyed," in so far as it affects the township of Cramahe, and to make further provision for ascertaining the side lines of lots within the same, and also to authorize the correction of the eastern side line of said township.

[Passed March 19, 1823.]

Whereas by an act of the parliament of this province passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors and the admeasurement of lands,' and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish on a permanent footing the boundary line of the different townships of this province, and further to regulate the manner in which lands are hereafter to be surveyed,'" it is among other things enacted, that all boundary lines of townships made in the first survey shall be the true and unalterable boundary lines of all and every such townships respectively, and also, that every licensed surveyor, when and as often as he is employed to run any side line or limit between lots or lines, required to go the same course of the side line or limits between the lots in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done before, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such concession, or that boundary of the township from which the lots are numbered, and run such line or lines as aforesaid, truly parallel to such course, which is hereby declared, and shall be deemed and taken to be the true course of such lines in the several townships in this province; and whereas it appears by the petition of the inhabitants of the township of Cramahe, in the Newcastle district, and also from a report of the surveyor general of this province, that the eastern side line of the said township of Cramahe, whence the lots are numbered, was in the first survey erroneously run, whereby great confusion is daily arising from the surveying of the side lines of lots in the said township, parallel to such erroneous line; and whereas it also appears by the report aforesaid, that the western side line of the said township of Cramahe, toward which the lots are numbered, has been correctly and truly surveyed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when and so often as any licensed surveyor shall be employed to run any side line or limit between lots in the said township of Cramahe, reference shall only be had to the western side line of the township in that concession, in which he is required to survey any such side line or limit, in the same manner as is now directed by the before recited act for such reference to be had to the side line from whence the lots are numbered, any thing in the said act contained to the contrary notwithstanding.

Preamble.

Reference to be had to the western side line of the township of Cramahe in all future surveys of that township.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to direct the surveyor general to order the said erroneous line to be resurveyed and corrected, and that the expenses incurred thereby shall be considered as part of the contingent expenses of the surveyor general's office, and that such line, so corrected as aforesaid, shall be, and it is hereby declared to be, the true and unalterable boundary line of the said township of Cramahe.

Surveyor general to order the eastern line of the said township to be surveyed.

Chapter XXXVI.

An act for the relief of teachers of common schools in the Niagara district.

[Passed March 19, 1823.]

Preamble.

56th Geo. III, c 36, and 60th, c 7, recited.

Whereas it appears that part of the funds advanced to the treasurer of the Niagara district, under the authority of an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools," have been applied under the authority of the board of education for that district, in payment of certain contingent expenses thereof, not authorized by the said act, or any other act of this province; and whereas, in consequence thereof, the sum granted by an act passed in the sixtieth year of his late Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools," has been withheld from the treasurer of the said district; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue his warrant upon the receiver general, in favor of the treasurer of the Niagara district, for all such sum or sums of money as may appear to be in arrears for the support of common schools therein, for the year one thousand eight hundred and twenty, under and by virtue of the said act of the legislature of this province, made and passed in the sixtieth year of the reign of his late Majesty; and also such sum or sums of money as may have thereafter accrued by virtue of the said act, upon the said treasurer accounting for the expenditure of the first sum so to be issued by the receiver general of this province, according to the laws now in force for that purpose: Provided always, That nothing in this act contained shall extend, or be construed to extend, to repeal any part of the said act, or any other act of the legislature of this province, making the treasurer, or any other person or persons, accountable for the monies placed in his or their hands by virtue of this act.

Arrears for the support of common schools in Niagara during 1820, and since, to be paid to the treasurer, on his accounting for sums received for the arrears of 1820, according to law.

Trustees to make reports, and treasurers to pay teachers their salaries.

II. And be it further enacted by the authority aforesaid, That if the trustees of any common school shall have omitted to make their quarterly reports, in consequence of the non-payment of their certificates in favor of school masters, it shall and may be lawful for such trustees to make reports of such schools as shall have been regularly kept, in pursuance of the above recited act; and it shall and may be lawful for the treasurer of the said district to pay to the teachers of such schools respectively, when the payments shall be approved of by the board of education, and a certificate of good conduct shall be produced from the trustees, such sum or sums of money as such teachers would respectively have been entitled to receive, had the reports of their schools been regularly made.

Chapter XXXVII.

An act for the better preservation of the herring fishery at the outlet of Burlington bay.

[Passed March 19, 1823.]

Preamble.

Whereas it is expedient to provide for the preservation of the herring fishery at the outlet of Burlington bay, in the Gore district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall not be lawful for any person or persons to take or catch, or attempt to take or catch, by setting or drawing any net or nets, wear or wears, seine or seines, any herring at the outlet of Burlington bay, or within two hundred yards of the said outlet, on the shore of lake Ontario, between the first day of September and the first day in January inclusive, in each and every year, at any other days or times, than Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays.

No person to take any herring at the outlet of Burlington bay between 1st September and 1st January, except on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays.

Penalty for infringing the before mentioned regulation.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall be convicted before any two of his Majesty's justices of the peace for the Gore district, on the oath of one credible witness other than the informer, of infringing the provisions of the foregoing clause, such person or persons respectively shall forfeit and pay a sum not exceeding five pounds, nor less than five shillings, with costs, or in default of payment, be committed to the common gaol of the district for a term not exceeding thirty days, nor less than two days, unless the penalty and costs shall be sooner paid; one half the said penalty to be paid to the informer or informers, and the other half into the hands of his Majesty's receiver general, to and for the public uses of this province, to be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Distribution of penalty.

Chapter XXXVIII.

An act for the division of the township of Ameliasburgh, in the county of Prince Edward.

[Passed March 19, 1823.]

Preamble.

WHEREAS from the great extent of the township of Ameliasburgh, in the county of Prince Edward, in the Midland district of this province, and from the increase of population therein, many great inconveniences occur to the inhabitants of the said township, in meeting together upon public occasions; and whereas it becomes expedient and necessary to divide the said township of Ameliasburgh into two parts; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of January next ensuing, the aforesaid township of Ameliasburgh shall constitute and form two townships, and shall be divided by the line running between the fourth and fifth concessions of the said township, as follows: commencing on the eastern boundary line of the said township, in the centre of the allowance for road between the fourth and fifth concessions, from the bay of Quinty, along the said concession line, then south fifty-eight degrees thirty minutes west, to Consecon lake, then through the same to the outlet from the said lake; thence along the said outlet to Wellar's lake; thence through Wellar's lake north eighty-three degrees west, until it intersects the beach on lake Ontario, and crossing the beach to lake Ontario; the north part to constitute and form the township of Ameliasburgh.

The township of Ameliasburgh divided into two townships.

South part to be called Hillier;

II. And be it further enacted by the authority aforesaid, That the south or lower part of the aforesaid township of Ameliasburgh, shall constitute and form the township of Hillier.

and to have the same privileges as other townships.

III. And be it further enacted by the authority aforesaid, That the said township of Ameliasburgh, and the said township of Hillier respectively, shall be under the same regulations, and entitled to the same privileges, as any other township within this province.

Not to affect any commission or other matter heretofore existing.

IV. Provided always, and be it further enacted by the authority aforesaid, That such division shall not by any means invalidate the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said townships, or to make void or otherwise affect any grant of lands, or other legal proceedings, within the limits of the said townships, any law or usage to the contrary notwithstanding.

Fourth Session of the eighth Provincial Parliament.

MET AT YORK, ON THE ELEVENTH DAY OF NOVEMBER, 1823, AND PROROGUED ON THE NINETEENTH DAY OF JANUARY, 1824, IN THE FOURTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1824.

Chapter I.

(As to the rate of duty, see imperial act, 3d Geo. IV, c 119.)

An act further to regulate by law the commercial intercourse of the province of Upper Canada with the United States of America.

[EXPIRED.]

Chapter II.

An act further to continue an act passed in the thirty-third year of his late Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province."

[Passed January 19, 1824.]

Preamble.

WHEREAS an act passed in the thirty-third year of his late Majesty's reign, entitled, "An act to provide for the appointment of returning officers of the several counties within this province," unless continued, will shortly expire; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said first recited act shall continue, and be in force for eight years, and from thence to the end of the then next ensuing session of parliament.

33d Geo. III, c 12, continued for eight years.

Chapter III.

An act to repeal the several statutes of this province respecting the election of members of the house of assembly, and the qualification of voters and candidates at such elections, and to reduce the provisions thereof, with some amendments, into one act, and also to provide against fraud in obtaining qualifications to vote at elections.

[Passed January 19, 1824.]

Preamble.

Acts regulating the electing members to serve in the house of assemby, and the qualification of voters and candidates at such elections, hereby repealed, viz.

WHEREAS it is expedient to repeal the several statutes of this province respecting the election of members to serve in the house of assembly, and the qualification of voters and candidates at such elections, and to reduce the provisions thereof, with some amendments, into one act, and also to provide against fraud in obtaining qualifications to vote at elections; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the thirty-fifth year of his late Majesty's reign, entitled, "An act to ascertain the eligibility of persons to be returned to the house of assembly;" an act passed in the fortieth year of his late Majesty's reign, entitled, "An act for the more equal representation of the commons of this province in parliament, and for the better defining the qualification of electors;" an act passed in the forty-eighth year of his late Majesty's reign, entitled, "An act for the better representation of the commons of this

35th Geo. III, c 2.

40th Geo. III, c 3.

48th Geo. III, c 11.

province in parliament," and to repeal part of an act passed in the fortieth year of his Majesty's reign, entitled, "An act for the more equal representation of the commons of this province, and for the better defining the qualification of electors;" an act passed in the fifty-fourth year of his late Majesty's reign, entitled, "An act to repeal and amend part of an act passed in the thirty-fifth year of his Majesty's reign, entitled, 'An act to ascertain the eligibility of persons to be returned to the house of assembly;'" an act passed in the fifty-eighth year of his late Majesty's reign, entitled, "An act to repeal an act passed in the thirty-fifth year of his Majesty's reign, entitled, 'An act to ascertain the eligibility of persons to be returned to the house of assembly;'" and also to repeal an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to repeal and amend part of an act passed in the thirty-fifth year of his Majesty's reign, entitled, 'An act to ascertain the eligibility of persons to be returned to the house of assembly,' and to make further and more effectual provision for securing the freedom and constitution of the parliament of this province;" and an act passed in the second year of his present Majesty, entitled, "An act to render ineligible to a seat in the commons house of assembly of this province, certain descriptions of persons therein mentioned;" be, and the same are, hereby repealed.

54th Geo. III, c 4.

58th Geo. III, c 9.

2d Geo. IV, c 4.

Persons having resided in a foreign country, or taken the oath of allegiance to a foreign state, shall not be eligible unless they have resided in this province seven years next before the election at which they shall be chosen

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person or persons, of what condition soever, having been a bona fide resident in any country, not being under his Majesty's government, or who shall have taken the oath of allegiance to any other state or power, shall be eligible to be proposed, chosen, or elected as a representative or representatives of any city, county, riding, or borough, or other place of any description, now or hereafter sending a representative or representatives to the house of assembly of this province, until such person or persons shall have resided in this province for and during the space of seven years next before the election at which any such person or persons shall be proposed, elected, or chosen as a representative or representatives, as aforesaid.

Penalty on such persons offering themselves as candidates, unless they shall have resided seven years.

III. And be it further enacted by the authority aforesaid, That if any person or persons, as aforesaid, not having resided in this province for seven years, as aforesaid, shall propose or offer himself, or themselves, as a candidate or candidates to become a representative or representatives of any county, city, riding, or borough, or other place, now or hereafter sending a representative or representatives, and shall be thereof convicted by the oath of one credible witness, he or they shall forfeit and pay the sum of two hundred pounds.

Penalty on persons so disqualified if being elected they shall presume to sit.

IV. And be it further enacted by the authority aforesaid, That if any person or persons, as aforesaid, not having resided in this province for seven years, as aforesaid, whether such person or persons shall have proposed or offered him or themselves as a candidate or candidates, or not, for any county, city, riding, or borough, or other place of any description, now or hereafter sending a representative or representatives to the house of assembly of this province, as aforesaid, shall presume, upon such choice or election, to obtrude or present himself, or themselves, into the said house, as a representative or representatives, as aforesaid, he or they shall forfeit and pay the sum of forty pounds, over and besides the foregoing penalty, if such person or persons shall have incurred the same, for every day that he shall so obtrude or present himself or themselves.

Persons having abjured allegiance to his Majesty, or having held certain offices in the United States of America, or being convicted of offences in a foreign country, subjecting them to infamous punishment, shall be disqualified to sit in the house of assembly of this province.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person or persons, now resident within this province, or who shall or may at any time hereafter come into this province to reside, who shall or may have taken the oath of abjuration against his Majesty's government, or who shall have been a member of the senate or house of representatives of the United States of America, or any one of the said United States, respectively, or who may have held any office in any of the executive departments of state in the said United States, or state, respectively, or who shall be, or may have been, convicted in any foreign country of felony, or of any offence, which, if committed in this province, would subject the offender to infamous punishment, shall be capable of being elected to serve as a member in the house of assembly of this province, any thing in this act, or any other law, usage, or custom, to the contrary notwithstanding.

Qualification with respect to estate required for a member to serve in the assembly.

VI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person or persons shall be eligible to be proposed, chosen, or elected, as a representative or representatives of any county, city, riding, borough, or other place, of any description, now or hereafter sending a representative or representatives to the house of assembly of this province, unless he shall be possessed of an unincumbered freehold in lands or tenements in this province, to the assessed value of eighty pounds, lawful money of this province.

Oath which any candidate may be required to take.

VII. Provided always, and be it further enacted by the authority aforesaid, That every person who, from and after the passing of this act, shall appear as a candidate, or shall, by himself or any others, be proposed to be elected to serve as a member for any county, city, riding, borough, or any part or place now or hereafter sending a member to the house of assembly of this province, shall, and he is hereby enjoined and required, upon reason-

able request to him, to be made at the time of such election, or before the day prefixed in the writ of summons for the meeting of parliament, by any other person who shall stand a candidate at such election, or by any two or more persons having a right to vote at such election, take a corporal oath, in the following form, or to the following effect:

"I, A. B., do swear, that I truly and bona fide have such a freehold estate, [here describe the estate,] over and above all incumbrances that may affect the same; and am otherwise qualified according to the provisions of law, to be elected and returned to serve as a member in the commons' house of assembly, according to the tenor and true meaning of the act of parliament in that behalf; and that I have not obtained the same fraudulently, for the purpose of enabling me to be returned member to the commons' house of assembly of this province. So help me God."

Oath as to residence required in certain cases.

VIII. And be it further enacted by the authority aforesaid, That if any candidate, as aforesaid, shall have resided in the United States of America, he shall, if required, in addition to the foregoing oath, take the following:

"I, A. B., do sincerely and solemnly swear, that during my residence in the United States of America, I have not taken or subscribed any oath of abjuration of allegiance to the crown of Great Britain; and further, that during my said residence, I have not held the office or appointment of senator, or member of the house of representatives of the said United States, or of either of the said United States, respectively, or held or enjoyed any office in any of the executive departments of state in the said United States, or state, respectively. So help me God."

By whom such oaths are to be administered;

IX. And be it further enacted by the authority aforesaid, That the oaths required by this act shall and may be administered by the sheriff for any such county, as aforesaid, or by the mayor, bailiff, or other officer or officers for any county, city, borough, riding, place or places, as aforesaid, to whom it shall appertain to take the poll, or make the return at such election for the same county, city, riding, borough, place or places, respectively, or by any two or more justices of the peace within this province; and the said sheriff, mayor, or bailiff, or other officers, and the said justices of the peace, respectively, who shall administer the said oaths, are hereby required to certify the taking thereof into his Majesty's court of king's bench, within three months after the same, under the penalty of forfeiting the sum of two hundred pounds; and if any of the said candidates, or persons proposed to be elected, as aforesaid, shall wilfully refuse, upon reasonable request to be made at the time of election, or at any time before the day upon which such parliament by the writ of summons is to meet, to take the oath or oaths hereby required, then the election and return of such candidate shall be void.

and certified.

The electing any candidate who shall refuse to take such oath, shall be void.

Fee for administering the oath and giving certificate.

X. And be it further enacted by the authority aforesaid, That no fee or reward shall be taken for administering any such oath, or making, receiving, or filing the certificate thereof, except two shillings and six pence for administering the oath, and five shillings for making the certificate, and five shillings for receiving and filing the same, under the penalty of one hundred pounds.

How fines imposed by this act are to be collected and applied, and accounted for.

XI. And be it further enacted by the authority aforesaid, That the fines and penalties imposed by this act may be recovered in his Majesty's court of king's bench in this province, by action of debt, bill, plaint, or information, wherein no essoigne, privilege, protection, or wager of law, shall be allowed, and only one imparlance, and one moiety thereof shall be immediately paid into the hands of the receiver general, for the use of his Majesty, his heirs and successors, towards the support of the civil government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall please to direct, and the other moiety to the person who shall sue for the same.

Voters having taken the oath of allegiance to a foreign state, or were resident in the same, must reside seven years in the province, and take the oath of allegiance to his Majesty, before their vote can be received.

XII. And be it further enacted by the authority aforesaid, That no person shall be qualified to vote at any election of a member or members of the house of assembly, who shall have sworn allegiance to any foreign state, or have been a stated resident in the dominions of the same, unless such person or persons shall have been previously and bona fide resident in this province, or in some other of the dominions of his Majesty, for and during the term of seven years next preceding such election, and shall have taken the oath of allegiance to his Majesty.

Voters required (except in certain cases) to have been in possession of the estate in right of which they tender their votes, above twelve months before the elections.

XIII. And be it further enacted by the authority aforesaid, That no person shall be qualified to vote as aforesaid, in respect of any estate sufficient to qualify him by law, not having come to him by grant from the crown, descent, devise, or marriage, unless the deed of conveyance under which he claims to hold such estate shall have been registered three calendar months before the holding of such election, or unless he shall have been in actual possession, or in the receipt of the rents and profits thereof, for his own use, above twelve calendar months next before such election.

Election not to continue beyond six days.

XIV. And be it further enacted by the authority aforesaid, That no returning officer or officers shall continue any election more than six successive days, (Sunday, Christmas day, and Good Friday, excepted.)

XV. And be it further enacted by the authority aforesaid, That before any elector shall vote at any election of a member or members of the house of assembly of this province, he shall, if required by the returning officer, or any candidate at such election, in addition to the oath required by the act of the parliament of Great Britain, passed in the thirty-first year of his late Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" take an oath in the form following; that is to say:

Oath which voters may be required to take.

"I, A. B., do swear, that the estate, in right of which I vote at this election, is—[here describe the estate, as the case may be,]—which I hold by grant from the crown, descent, devise, marriage, or conveyance, [as the case may be,] and, [in case such estate shall have been derived otherwise than by grant from the crown, descent, marriage, or devise,] that I have been in actual possession, or in the receipt of the rents and profits thereof, to my own use, above twelve calendar months, or, [as the case may be,] that the conveyance to me of the same has been registered three calendar months."

Swearing falsely in any oath required by this act, or by 31st Geo. III, c 31, to be deemed wilful and corrupt perjury.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall be guilty of false swearing in any oath required by this act, or by an act of the parliament of Great Britain, passed in the thirty-first year of his late Majesty's reign, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province;'" he shall, on conviction thereof, suffer the like pains and penalties, to which any other person convicted of wilful and corrupt perjury is liable, by the laws and statutes of this province.

Chapter IV.

(Amended and continued, by 8th Geo. IV, c 5.)

An act to repeal an act passed in the forty-fifth year of his late Majesty's reign, entitled, "An act to regulate the trial of controverted elections, or returns of members to serve in the house of assembly," and to make more effectual provision for such trials.

[Passed January 19, 1824.]

Preamble.

WHEREAS the present mode of decision upon petitions complaining of undue elections or returns of members to serve in parliament, frequently obstructs public business, occasions much expense, trouble, and delay to the parties, and is attended with many other inconveniences; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act of the parliament of this province passed in the forty-fifth year of his late Majesty's reign, entitled, "An act to regulate the trial of controverted elections, or returns of members to serve in the house of assembly," be, and the same is, hereby repealed.

45th Geo. III, c 3, repealed.

Proceeding upon petition complaining of an undue election.

II. And be it further enacted by the authority aforesaid, That after the passing of the present act, whenever a petition complaining of an undue election, or return of a member or members, to serve in parliament, shall be presented to the house of assembly, a day and hour shall by the said house of assembly be appointed for taking the same into consideration, and notice thereof, in writing, shall be forthwith given by the speaker to the petitioner or petitioners, and the sitting member or members, or their respective agents, accompanied with an order to them, to attend the house at the time appointed, by themselves, their counsel, or agents; and if several parties, on distinct interests or grounds of complaint, shall present separate petitions, the like notices and orders shall be given to all such parties, or their respective agents.

Notice to petitioners, &c. to attend.

No petition to be taken into consideration within fourteen days from the same having been presented, unless by consent.

III. And be it further enacted by the authority aforesaid, That no such petition or petitions shall be taken into consideration within fourteen days after the same shall have been first read in the house by the clerk, unless by consent of parties: Provided also, That the house may alter the day and hour so appointed for taking into consideration such petition, and appoint some subsequent day and hour for the same, as occasion shall require,

Time first appointed may be altered.

giving to the respective parties the like notice of such alteration and order to attend on the subsequent day and hour, as aforesaid.

Proceedings on the day appointed for hearing.

IV. And be it further enacted by the authority aforesaid, That at the time appointed for taking such petition into consideration, and previous to the reading of the order of the day for that purpose, the serjeant at arms shall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members, on the business of the house, and that after his return, the house shall be counted, and if there shall be less than thirty members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, (Sunday, Good Friday, and Christmas day, always excepted,) and the house shall then adjourn to the said day, and the proceeding of all committees subsequent to such notice from the said serjeant, shall be void; and on the said following day, the house shall proceed in the same manner, and so from day to day, till there shall be an attendance of thirty members at the reading the order of the day, to take such petition into consideration.

Thirty members must be present;

or house must adjourn from day to day.

How the house is to proceed when sufficient members attend.

V. And be it further enacted by the authority aforesaid, That if after the summoning the members and counting the house, as aforesaid, thirty members shall be found present, the petitioners, by themselves, their counsel, or agents, and the counsel or agents of the sitting member or members, shall be ordered to attend at the bar, and then the door of the house shall be locked, and no member shall be suffered to enter into or depart from the house, until the petitioners, their counsel, or agents for the sitting member or members, shall be directed to withdraw, as hereinafter mentioned; and when the door shall be locked as aforesaid, the order of the day shall be read, and the names of all the members of the house written or printed on distinct pieces of parchment or paper, being all, as near as may be, of equal size, and rolled up in the same manner, shall be put in equal numbers, as near as may be, into three boxes or glasses, to be placed on the table for that purpose, and shall then be shaken together; and then the clerk shall publicly draw out of the said three boxes or glasses, alternately, the said pieces of parchment or paper, and deliver the same to the speaker, to be by him read to the house, and so shall continue to do until twenty-three names of the members then present be drawn: Provided always, That if the name of any member who shall have given his vote at the election so complained of, as aforesaid, or who shall be a petitioner complaining of an undue election or return, or against whose return a petition shall be then depending, or whose return shall not have been brought in fourteen days, shall be drawn, his name shall be set aside, with the names of those who are absent from the house: Provided also, That if the name of any member of sixty years of age, or upwards, be drawn, he shall be excused from serving on the select committee to be appointed, as hereinafter mentioned, if he require it, and verify the cause of such requisition upon oath: Provided also, That if the name of any member who has served in such select committee during the same session be drawn, he shall, if he require it, be excused from serving again in any such select committee, unless the house shall, before the day appointed for taking the said petition into consideration, have resolved that the number of members who have not served on such select committee in the same session, is insufficient to fulfil the purposes of this act, respecting the choice of such select committee: Provided always, That no member who, after having been appointed to serve in any such select committee, shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such select committee.

Twenty-three members taken by ballot.

Certain persons who shall be set aside if drawn.

Members over sixty years may be excused.

Members who have served in a select committee upon an election during the same session shall be excused, unless the house resolves that the number is insufficient without such members.

Further exception.

How the house shall proceed, if twenty-three members cannot be got, not liable to exception, nor entitled to be excused.

VI. And be it further enacted by the authority aforesaid, That if at the time of drawing by lot the names of the members, in manner hereinbefore prescribed, the number of twenty-three, not set aside or excused, cannot be completed, the house shall proceed in the same manner as is hereinbefore directed, in case there be less than thirty members present at the time prescribed for counting the house; and so from day to day, as often as the case shall happen.

Petition shall be the first matter proceeded in, on the day appointed, except swearing in members.

VII. And be it further enacted by the authority aforesaid, That on the day appointed for taking any such petition into consideration, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading of the order of the day for that purpose.

Other excuses may be allowed by resolution of the house.

VIII. And be it further enacted by the authority aforesaid, That if any other member shall offer, and verify upon oath, any other excuse, the substance of the allegations, so verified upon oath, shall be taken down by the said clerk, in order that the same may be afterwards entered on the journals, and the opinion of the house shall be taken thereon; and if the house shall resolve that the said member is unable to serve, or cannot without great and manifest detriment, serve in such select committee, he also shall be excused from such service.

Members to be chosen in place of those set aside or excused.

IX. And be it further enacted by the authority aforesaid, That instead of the members so set aside and excused, the names of other members shall be drawn, who may in like manner be set aside or excused, and others drawn to supply their places, until the whole

number of members, not liable to be set aside or excused, shall be complete; and the petitioners or their agents shall then name one, and the sitting members or their agents another, from among the members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot: Provided always, That either of the members so nominated shall or may be set aside for any of the same causes as those chosen by lot, or shall, if he require it, be excused from serving on the said select committee; and the party who nominated the member so set aside or excused, shall nominate another in his stead, and so continue to do, as often as the case shall happen, until his nominee is admitted.

One member to be nominated by each of the parties.

Such nominees may be set aside or excused, in the same manner as the members balloted for, and other members shall be nominated in their place.

X. And be it further enacted by the authority aforesaid, That as soon as the said twenty-three members shall have been so chosen, by lot, and the two members to be added thereto shall have been so nominated, as aforesaid, the door of the house shall be opened, and the house may proceed upon any other business; and the names of the twenty-three members so chosen, by lot, shall then be given to the petitioners, their counsel, or agents, and the counsel or agent of the sitting members, who shall immediately withdraw, together with the clerk appointed to attend the said select committee; and the said petitioners and sitting members, their counsel or agents, beginning on the part of the petitioners, shall alternately strike off one of the said twenty-three members, until the said number be reduced to nine; and the said clerk, within one hour at farthest from the time of the parties withdrawing from the house, shall deliver into the house the names of the nine members then remaining, and the said nine members, together with the two members nominated as aforesaid, shall be sworn at the table, well and truly to try the matter of the petition referred to them, and a true judgment to give, according to the evidence; and shall be a select committee to try and determine the merits of the return or election appointed by the house, to be that day taken into consideration; and the house shall order the said select committee to meet at a certain time, to be fixed by the house, which time shall be within twenty-four hours of the appointment of the said select committee, (unless a Sunday, Good Friday, or Christmas day, shall intervene,) and the place of their meeting and sitting shall be some convenient room or place adjacent to the house of assembly, properly prepared for that purpose: Provided always, That upon the parties withdrawing, as aforesaid, the house shall continue sitting, and the said nine members, so chosen and nominated, shall not depart the house till the time for the meeting of the said select committee shall be fixed.

When the twenty-three members shall be chosen, and the two nominees appointed, the parties shall withdraw, and reduce the twenty-three to nine, by striking off one alternately.

Such nine members and the two nominees to be sworn, and to compose a select committee, to try the merits of the return or election petitioned against.

Time and place of their meeting.

Members of the committee not to depart the house till the time appointed for their meeting.

XI. And be it further enacted by the authority aforesaid, That if in such petition or petitions there be more than two parties before the house on distinct interests, complaining or complained of on different grounds, whose right to be elected or returned may be affected by the determination of the said select committee, each of the said parties shall successively strike off a member from the twenty-three members to be chosen by lot, until the said number be reduced to nine, in the same manner as before directed for the striking off a member alternately, by the parties mentioned in the last clause; and the lists of the twenty-three members chosen by lot shall for this purpose be given to all the said parties, and the order in which the said parties shall strike off the said members shall be determined by lot, after they are withdrawn from the bar, and in such case, neither of the said parties (there being more than two) shall be permitted to name a member, to be added to the numbers so drawn by lot, as aforesaid, but as soon as the list of nine members shall be returned by the parties to the house, such nine members shall immediately withdraw, and shall, by themselves, choose two members, then present in the house, whose names shall not have been drawn, to be added to the said nine members; and shall, within one hour from the time of their withdrawing, report the names of such two members to the house; which two members shall be liable to be set aside on the like objections for which nominees may be set aside, by virtue of this act; and in case such two members, or either of them, shall be set aside for any of the causes aforesaid, then the said nine members shall choose one or two other members, as the case shall require, until two members are chosen against whom none of the objections to nominees mentioned in this act shall be taken and allowed; and that the names of such two members shall be then added to the said list of nine members; and all the said eleven members shall be sworn at the table, and they shall be the select committee appointed for the purposes expressed in this act.

How the house shall proceed when there are more than two parties before them upon distinct interests.

XII. And be it further enacted by the authority aforesaid, That when the said nominees are by this act directed to be named by the said nine members, no member present at the time of the ballot shall depart from the house until the time of the meeting of the said select committee shall be fixed.

Members not to depart from the house, after ballot, until the time of meeting fixed.

XIII. Provided always, and be it further enacted by the authority aforesaaid, That if upon the drawing out the name of any member, by lot, as aforesaid, the said petitioners, or sitting members, or their agents, shall declare that such member is intended to be one of the two nominees, to be nominated by them respectively, and if such member shall

If any member shall be drawn at the ballot whom either party intends shall be their nominee, he shall be set

aside, and unless objected to, shall serve as such nominee.

consent to such nomination, the name of such member so drawn by lot shall be set aside, and unless objected to as aforesaid, he shall serve as such nominee, and the name of another member shall be drawn to supply his place, to complete the number of twenty-three members to be drawn by lot; and if the said petitioners, or sitting members, or their agents, shall not respectively nominate a member then present, who shall be admitted according to the directions of this act, then the want of such nomination shall be supplied by drawing out, instead thereof, the name of one or two members, as the case shall require, who shall be drawn by lot in the like manner and subject to the like objections and excuses, as the other twenty-three members already drawn by lot, and shall be added to the list of the said twenty-three members, and shall be liable to be struck off in the same manner, leaving always the number of eleven members in the whole, and no more, as a select committee, for the purposes aforesaid.

If either of the parties decline to nominate a member, his place shall be supplied by a member chosen by ballot.

What proceedings shall take place when a writ of election shall not be returned as by law it ought to be.

XIV. And be it further enacted by the authority aforesaid, That if upon any writ or writs, to be issued for the election of any member or members to serve in parliament, no return shall be made to the same on or before the day on which such writ is made returnable, or if a writ shall have been issued during any session or prorogation of parliament, no return shall be made to the same within forty days after the day on which such writ bears date, it shall and may be lawful for any person or persons having had, or claiming to have had, a right to vote at such election, or claiming to have had a right to be returned as duly elected thereat, who shall think himself or themselves aggrieved, to petition the house of assembly concerning the same; and upon such petition being presented, a day and hour shall be appointed for taking the same into consideration, and notice thereof in writing shall be forthwith given by the speaker to the petitioners, and to the returning officer or officers by whom such return ought to have been made, or shall have been made, accompanied with an order to him or them to attend the house at the time appointed, by himself or themselves, his or their counsel or agents; and a select committee shall be appointed according to the directions of this act, which said committee shall try and determine whether any and which of the person or persons named in such petition ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intents and purposes, and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for ordering a return to be made, or for altering the return, if made, or for issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require: Provided always, That if the returning officer or officers, by whom such return ought to have been made, or has been made, cannot be found, so as to be served with the notice or order hereinbefore mentioned, or, being served, shall not appear by himself or themselves, his or their counsel or agents, at the day or time appointed for taking such petition into consideration, it shall and may be lawful for the house to permit or authorize any person to appear in the stead of him, or them; and in case there shall be more petitions than one presented, complaining of such return, or omission of a return on distinct interests, or complaining upon different grounds, the house shall determine, from the nature of the case, whether the returning officer or officers, or person appearing in the stead of him or them, shall, together with such petitioners, be entitled to strike off from the list of members, drawn by lot in the manner hereinbefore directed in the case where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting the said petitions only.

The names of members to be ballotted, shall, previous to the day appointed for ballotting, be sealed up by the clerk in a box.

Speaker shall also set his seal thereto.

XV. And for the greater despatch and certainty in the proceeding hereinbefore described, be it further enacted by the authority aforesaid, that the names of all the members so written and rolled up, as hereinbefore directed, shall, previous to the day appointed for taking such petition into consideration, be prepared by the said clerk, and by him put into a box or parcel, in the presence of the speaker, together with an attestation signed by the said clerk, purporting that the names of all the members were by him put therein, the day of , in the year , which said box or parcel the speaker shall seal with his own seal, and to the outside thereof shall annex an attestation signed by himself, purporting that the said box or parcel was, on the day of , in the year , made up in his presence, in the manner directed by this act: and that as soon as the parties shall be withdrawn, as aforesaid, and before the house shall enter on any other business, any member may require that the names of all the members which remain undrawn shall be drawn and read aloud by the said clerk.

After the ballot, the names undrawn shall, if required, be read aloud by the clerk.

Chairman of select committee, how appointed.

XVI. And be it further enacted by the authority aforesaid, That the said select committee shall, on their meeting, elect a chairman from amongst such of the members thereof as shall have been chosen by lot; and if in the election of a chairman there be an equal number of voices, the member whose name was first drawn in the house shall have a casting voice; so likewise, in case there should ever be occasion for electing a new chairman, on the death or necessary absence of the chairman first elected.

Committee to have power to send for persons and papers. Examine witnesses on oath.

XVII. And be it further enacted by the authority aforesaid, That the said select committee shall have power to send for persons, papers, and records, and shall examine all the witnesses who come before them upon oath, and shall try the merits of the return or election, or both, and shall determine, by a majority of voices of the said select committee, whether the petitioners, or the sitting members, or either of them, be duly returned or elected, or whether the election be void, which determination shall be final between the parties, to all intents and purposes; and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered on their journals, and give the necessary directions for confirming or altering the return, or for the issuing of a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Their decision to be final.

Directions as to the sitting of the committee.

XVIII. And be it further enacted by the authority aforesaid, That the said select committee shall sit every day, (Sunday, Christmas day, and Good Friday, only excepted,) and shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas day, or Good Friday, intervene, without leave first obtained from the house, upon motion and special cause assigned for a longer adjournment; and in case the house shall be sitting at the time to which the said select committee is adjourned, then the business of the house shall be stayed, and a motion shall be made for a further adjournment for any time to be fixed by the house, not exceeding twenty-four hours, unless a Sunday, Christmas day, or Good Friday, intervene.

Their adjournment.

Intervention of holidays.

XIX. And be it further enacted by the authority aforesaid, That when the time prescribed for the meeting, sitting, or adjournment of the said select committee shall, by the intervention of a Sunday, Christmas day, or Good Friday, exceed twenty-four hours, such meeting, sitting, or adjournment, shall be within twenty-four hours of the time of appointing of fixing the same, exclusive of such Sunday, Christmas day, or Good Friday.

No member of committee to be absent without leave.

XX. And be it further enacted by the authority aforesaid, That no member of the said select committee shall be allowed to absent himself from the same, without leave obtained from the house, or an excuse allowed by the house at the next sitting thereof, or special cause shewn, and verified upon oath; and the said select committee shall never sit until all the members, to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the said select committee shall have been adjourned, a further adjournment shall be made in the manner as before directed and reported, with the cause thereof, to the house.

Committee not to sit unless all are present.

Members absent without leave, to be reported to the house.

XXI. And be it further enacted by the authority aforesaid, That the chairman of the said select committee shall, at the next meeting of the house, always report the name of every member thereof who shall have been absent therefrom without such leave or excuse, as aforesaid, and such member shall be directed to attend the house at the next meeting thereof, and shall then be ordered to be taken into the custody of the serjeant at arms attending the house, for such neglect of his duty, and otherwise punished or censured at the discretion of the house, unless it shall appear to the house, by facts specially stated and verified upon oath, that such member was, by a sudden accident, or by necessity, prevented from attending the said select committee.

Proceedings thereupon

If more than two members be absent committee shall adjourn.

XXII. And be it further enacted by the authority aforesaid, That if more than two members of the said select committee shall, on any account, be absent therefrom, the said select committee shall adjourn in the manner hereinbefore directed; and so from time to time, until nine members are assembled.

If the committee shall be unavoidably reduced to less than nine, it shall be dissolved and a new one chosen.

XXIII. And be it further enacted by the authority aforesaid, That in case the number of members able to attend the said select committee shall, by death or otherwise, be unavoidably reduced to less than nine, and shall so continue for the space of three sitting days, the said select committee shall be dissolved, and another chosen, to try and determine the matter of such petition, in manner aforesaid; and all the proceedings of the said former select committee shall be void, and of no effect.

Committee may, in some cases, report resolutions to the house for their opinion.

XXIV. And be it further enacted by the authority aforesaid, That if the said select committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the house for their opinion, at the same time that the chairman of the said select committee shall inform the house of such determination, and the house may confirm or disagree with such resolution, and make such orders thereon as to them shall seem proper: Provided always, That if any person summoned by the said select committee shall disobey such summons, or if any witness before such select committee shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, the chairman of the said select committee, by their direction, may at any time during the course of their proceedings, report the same to the house for the interposition of their authority or censure, as the case shall require.

Punishment of persons who disobey the summons of the committee, and of witnesses who prevaricate.

Committee may deliberate in private.

XXV. And be it further enacted by the authority aforesaid, That whenever the said select committee shall think it necessary to deliberate, amongst themselves, upon any question which shall arise in the course of the trial, or upon the determination thereof, or

upon any resolution concerning the matter of the petition referred to them, as aforesaid, as soon as the said select committee shall have heard the evidence and counsel on both sides relative thereunto, the room, or place wherein they shall sit, shall be cleared, if they shall think proper, while the members of the said select committee consider thereof; and all such questions, as well as such determination, and all other resolutions, shall be by a majority of voices, and if the voices shall be equal, the chairman shall have a casting voice: Provided always, That no such determination, as aforesaid, shall be made, nor any question be proposed, unless nine members shall be present; and no member shall have a vote on such determination, or on any other question or resolution, who has not attended during every sitting of the said select committee.

All questions to be decided by a majority of voices.
Casting voice.
No vote to be taken unless nine members chosen; nor any member to vote who has not attended during the sitting.

How oaths to be administered.

XXVI. And be it further enacted by the authority aforesaid, That the oaths by this act directed to be taken in the house, shall be administered by the said clerk, in the same manner as the oath of allegiance is administered in the house of assembly; and that the oaths by this act directed to be taken before the said select committee, shall be administered by the clerk attending the said select committee; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the house, or the said committee, in consequence of the oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable by the laws and statutes of this province.

False swearing herein made perjury.

Recognizances to be entered into before any petition shall be proceeded in.

XXVII. And be it further enacted by the authority aforesaid, That no proceeding shall be had upon any petition by virtue of this act, unless the person or persons subscribing the same, or one or more of them, shall, within fourteen days after the same shall have been presented to the house, or within such further time as shall be limited by the house, personally enter into a recognizance to our sovereign lord the King, according to the form hereunto annexed, in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration, and also to appear before any select committee which shall be appointed by the house for the trial of the same, or until the same shall have been withdrawn by permission of the house; and if, at the expiration of the said fourteen days, such recognizance shall not have been so entered into, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless upon matter specially stated and verified to the satisfaction of the house, the house shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration, shall, if necessary, be postponed, so that no such petition shall be taken into consideration till after such recognizance shall have been entered into, and received by the speaker: Provided always, That the time for entering into such recognizance shall not be enlarged more than once, nor for any number of days exceeding twenty.

Time for entering into such recognizance may be enlarged.

Recognizance to be entered into before the speaker, who shall judge of the sufficiency of the sureties.

XXVIII. And be it further enacted by the authority aforesaid, That the said recognizance shall be entered into before the speaker of the house of assembly, who is hereby authorized and empowered to take the same, and the sufficiency of the sureties named therein shall be judged of and allowed by the said speaker.

By what default such recognizance shall be forfeited.

XXIX. And be it further enacted by the authority aforesaid, That if the petitioner or petitioners who shall have entered into such recognizance, as aforesaid, shall not appear before the house by himself or themselves, or by his or their counsel or agents, within one hour after the time fixed, in pursuance of this act, for calling on the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee, or if the select committee appointed, in pursuance of this act, for the trial of such petition, shall inform the house that such person or persons did not appear before the said committee, by himself or themselves, or by his or their counsel or agents, to prosecute their said petition, or if such person or persons shall neglect to renew their said petition within four sitting days after the day of the commencement of every session of the same parliament, subsequent to that in which such petition was first presented, and until a select committee shall have been appointed for the trial of the same, or until the same shall have been withdrawn by the permission of the house, in every such case, such person or persons shall be held to have made a default in his or their said recognizance, and the speaker of the house of assembly shall thereupon certify such recognizance into the court of king's bench, and shall also certify that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default; and the recognizance being so certified, shall have the same effect as if the same were estreated in a court of law: Provided always, That such recognizance and certificate shall in every such case be delivered by the clerk of the house of assembly into the hands of the chief justice of the court of king's bench.

Proceedings in estreating recognizance.

Committee to report whether the petition before them, or the defence, be frivolous and vexatious.

XXX. And be it further enacted by the authority aforesaid, That every such committee, at the same time that they report to the house their final determination on the merits of the petition which they were sworn to try, shall also report to the house whether such petition did or did not appear to them to be frivolous or vexatious; and they shall in like manner report with respect to every party or parties who shall have appeared before them in opposition to such petition, whether the opposition of such party or parties respectively did or did not appear to them to be frivolous or vexatious; and that if no party shall have appeared before them in opposition to such petition, they shall then report to the house whether such election or return, or such alleged insufficiency of a return, as shall be complained of in such petition, according as the case shall be, did or did not appear to them to be vexatious or corrupt.

And when there is no opposition to a petition, they shall report whether the election or return complained of, be vexatious or corrupt.

Costs in certain cases to be awarded to the party opposing the petition.

XXXI. And be it further enacted by the authority aforesaid, That whenever any such committee shall report to the house, with respect to any such petition, that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the committee in opposition to such petition, shall be entitled to recover from the person or persons, or any of them, who shall have signed such petition, the full costs and expenses which such party or parties shall have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

Costs in certain cases to be awarded, to be paid to the petitioning party by the persons opposing such petition.

XXXII. And be it further enacted by the authority aforesaid, That whenever any such committee shall report to the house with respect to the opposition made to such petition by any party or parties, who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such reports shall be made, the full costs and expenses which such petitioner or petitioners shall respectively have incurred in prosecuting their said petition, such costs and expenses to be ascertained in the manner hereinafter directed.

In what cases costs shall be paid to the partypetitioning,where no opposition has been made, and by whom such costs are to be paid.

XXXIII. And be it further enacted by the authority aforesaid, That whenever in any case, where no party shall have appeared before such committee in opposition to such petition, such committee shall report to the house with respect to the election or return, to the alleged omission of a return, or to the alleged insufficiency of a return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member, or sitting members, (if any,) whose election or return shall be complained of in such petition, such sitting member or sitting members not having given notice of his or their intention not to defend the same, or from any other person or persons whom the house shall have admitted or directed to be made a party or parties, to oppose such petition, the full costs and expenses which such petitioner or petitioners shall have incurred in prosecuting their said petition; such costs and expenses to be ascertained in the manner hereinafter directed.

How costs in the above cases are to be ascertained.

XXXIV. And be it further enacted by the authority aforesaid, That in the several cases hereinbefore mentioned, the costs and expenses of prosecuting or opposing any such petition shall be ascertained in manner following, that is to say; that on application made to the speaker of the house of assembly, by such petitioner or petitioners, or party or parties, as before mentioned, for ascertaining such costs and expenses, he shall direct the same to be taxed by the clerk of the house and the clerk of the crown in chancery; and the persons so authorized and directed to tax such costs and expenses, shall, and they are hereby required to, examine the same, and report the amount thereof to the speaker of the said house, who shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expenses allowed in such report; and the persons so appointed to tax such costs, and report the amount thereof, are hereby authorized to demand and receive, for such taxation and report, such fees as shall from time to time be fixed by any resolution of the house.

How the same are to be recovered.

XXXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the party or parties entitled to such costs and expenses, or his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively, who are hereinbefore made liable to the payment thereof, in the several cases hereinbefore mentioned, and in case of non-payment thereof, to recover the same by action of debt in his Majesty's court of king's bench in this province; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them, (in the sum to which the costs and expenses, ascertained in manner aforesaid, shall amount,) by virtue of this act, and the certificate of the speaker of the house of assembly, under his signature, of the amount of such costs and expenses, together with an examined copy of the entries in the journals of the house of assembly, of the resolution or resolutions of the said select committee or committees, shall be deemed full and sufficient evidence in the support of such action of debt: Provided always, That in every such action of debt, no wager of law, or

more than one imparlance shall be allowed, and the party or parties in whose favor judgment shall be given in any such action, shall recover his or their costs.

Action for contribution against those equally liable.

XXXVI. And be it further enacted by the authority aforesaid, That in every case when the amount of such costs and expenses shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in the like manner from the other persons, or any of them, if such there shall be, who shall be liable to the payment of the said costs and expenses, a proportionable share thereof, according to the number of persons so liable.

Committee not to be dissolved by a prorogation of parliament, but to be adjourned to the day next after the meeting of parliament, and continue their proceedings.

XXXVII. And be it further enacted by the authority aforesaid, That whenever it shall happen that the parliament shall be prorogued while any select committee shall be sitting for the trial of any such petition, as aforesaid, and before they shall have reported to the house their determination thereon, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock, on the day immediately following that on which parliament shall again meet for the despatch of business, (Sundays, Good Fridays, and Christmas days, always excepted;) and all former proceedings of the said committee shall remain and continue to be of the same force and effect as if the parliament had not been so prorogued; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day, in the manner provided in this act, until they shall have reported to the house their determination on the merits of such petition.

This act to be in force for two years.

(See 8th Geo. IV, c 5. Continued for four years.)

XXXVIII. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the term of two years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Form of the Recognizance referred to in this Act.

Recognizance.

Be it Remembered, That on the day of , in the year of our Lord , before me, A. B. [speaker of the house of assembly,] came C. D., E. F., and I. G., and severally acknowledged themselves to owe to our sovereign lord the King the following sums, that is to say: The said C. D. the sum of one hundred pounds, and the said E. F. and the said I. G. the sum of fifty pounds each, to be levied on their respective goods and chattels, lands and tenements, to the use of our said sovereign lord the King, his heirs and successors, in case the said C. D. shall fail in performing the condition hereunto annexed.

Condition.

The Condition of this recognizance is, that if the said C. D. shall duly appear before the house of assembly at such time or times as shall be fixed by the said house for taking into consideration the petition signed by the said C. D. complaining of an undue election or return of a member to represent the county, city, borough, or riding, [as the case may be,] in the house of assembly of this province, or complaining that no return has been made for the said county, city, borough, or riding, within the time limited by law, or that the return made for the said county, city, borough, or riding, is not a return of a member or members, according to the requisition of the writ, and shall appear before any select committee which shall be appointed by the house of assembly for the trial of the same, and shall renew his said petition in every subsequent session of this present parliament, until a select committee shall have been appointed by the said house, for the trial of the same, or until the same shall have been withdrawn by the permission of the said house; then this recognizance to be void, otherwise to be of full force and effect.

Chapter V.

An act to divide the county of Carleton, in the Bathurst district.

[Passed January 19, 1824.]

Preamble.

Whereas the great extent of the county of Carleton, and the rapid increase of its population, render a division thereof necessary and expedient; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the ninth clause of an act passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act for the better division of this province," also so much of the tenth clause of the said recited act as declares that the county of Carleton shall form a part of the district of Johnstown, and also the third clause of an act passed in the second year of his present Majesty's reign, entitled, "An act to repeal part of an act passed in the thirty-eighth year of his late Majesty's reign, entitled, 'An act for the better division of this province,' and to make further provision for the division of the same into counties and districts," be, and the same are, hereby repealed.

9th clause 38th Geo. III, c 5, repealed; and so much of the 10th clause as declares the county of Carleton a part of the district of Johnstown.
3d clause 2d Geo. IV, c 4, repealed.

County of Lanark.

II. And be it further enacted by the authority aforesaid, That the townships of Bathurst, Drummond, Beckwith, Dalhousie, Lanark, Ramsay, Darling, Levant, North Sherbroke, South Sherbroke, together with all the unsurveyed lands within the limits of the district of Bathurst, with such of the islands in the Ottawa river as are wholly or in greater part opposite to the said townships, and unsurveyed land, shall constitute and form the county of Lanark.

III. And be it further enacted by the authority aforesaid, That the townships of Nepean, Goulbourne, Huntley, March, Pakenham, Fitzroy, and Torbolton, together with such of the islands in the Ottawa river as are wholly or in greater part opposite thereto, do constitute and form the county of Carleton: Provided always, That nothing in this act contained shall extend, or be construed to extend, to give the said counties of Lanark and Carleton a greater increase of representation in the house of assembly of this province than by law the present county of Carleton would be entitled to at the next general election; but that the said counties of Lanark and Carleton, formed by this act, shall be each represented by one member, any thing in an act passed in the sixtieth year of his late Majesty's reign, entitled, "An act to provide for increasing the representation of the commons of this province in the house of assembly," to the contrary thereof in any wise notwithstanding.

County of Carleton.

Representation of said counties not to be increased by this act.

Notwithstanding the provisions of 60th Geo III, c 2.

Chapter VI.

An act to repeal an ordinance of the late province of Quebec made in the twenty-eighth year of his late Majesty's reign, entitled, "An ordinance for promoting the inland navigation."

[Passed January 19, 1824.]

Whereas doubts are entertained whether an ordinance of the late province of Quebec, entitled, "An ordinance for promoting the inland navigation," passed in the twenty-eighth year of the reign of his late Majesty, chapter three, is in force in this province, and the same is no longer applicable to the circumstances thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said ordinance of the late province of Quebec, and every part thereof, be, and the same is, hereby repealed.

Preamble.

Ordinance of Quebec, 28th Geo. III, c 3, repealed.

II. And be it further enacted by the authority aforesaid, That no proceedings shall be hereafter had or continued under the authority of the said ordinance, for, or on account of, any matter or thing at any time heretofore done, or omitted, contrary to the provisions thereof.

No proceedings to be had for any thing heretofore done contrary thereto.

Chapter VII.

An act to repeal part of the second clause of an act passed in the thirty-third year of his late Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers, within this province," and to make more effectual provision for obtaining an accurate census of the population of this province.

[Passed January 19, 1824.]

Whereas it is expedient that an accurate census of the population of this province should from time to time be obtained, and deposited in the office of the governor, lieutenant governor, or person administering the government of this province; and whereas the laws now in force for that purpose are found not to answer the end, and it is therefore expedient to repeal the same, and to make other provision by law for obtaining such census; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, so much of the second clause of an act passed in the thirty-third year of his late Majesty's reign, entitled, "An act to provide for the nomination and appointment of parish and town officers within this province," as relates to the taking a true and complete list of every male and female inhabitant, by the town clerk, within the limits of his parish, town, or township, and returning the same to the justices in general quarter sessions assembled, in the month of April, be, and the same is, hereby repealed.

Preamble.

So much of the 33d Geo. III, as relates to the taking a complete list of every male and female by town clerk, &c. repealed.

Assessors to take a correct list of the inhabitants of the parish, &c. for which they are appointed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall be the duty of the assessors chosen or appointed for any parish, township, place, or places, in this province, to take a true and correct list of all the inhabitants of the parish, township, reputed township, place, or places, for which they may be chosen or appointed; which list shall be in the following form:

In the following form.

Names of Heads of Families.	Number in each Family.				Total.
	Males, under Sixteen.	Females, under Sixteen.	Males, above Sixteen.	Females, above Sixteen.	

Assessors to demand a correct list of persons composing each family and their ages, including persons employed or resident therein.

And it shall and may be lawful for the assessors, or one of them, and they are hereby required to demand from every inhabitant householder or head of a family, at the usual place of residence of such householder or head of a family, a true and correct list of the number of persons composing such family, male and female, and their respective ages, including therein persons employed by or resident with such householder or head of a family; and if such inhabitant householder or head of a family, shall refuse to give in a true and correct list, or shall neglect to do so for ten days after the same shall have been demanded, as aforesaid, he or she shall, for every such refusal or neglect, forfeit and pay a fine of forty shillings.

And in case of refusal, shall forfeit forty shillings.

Assessors shall subscribe such list, and deliver the same to the clerk of the peace before 1st of April in each year;

and shall make oath to the correctness of such list.

III. And be it further enacted by the authority aforesaid, That the said assessors shall severally subscribe such list, to be taken by them, and shall deliver the same to the clerk of the peace for the district in which they may reside, on or before the first day of April in each and every year; and at the same time, they, or one of them, shall make oath before the clerk of the peace, (which oath he is hereby authorized to administer,) that such list hath been faithfully taken, by attendance at the usual place of residence of the several householders, or heads of families therein named, and contains a true and correct statement of the number of inhabitants in the township, place, or places, for which the same shall have been taken, according to the best of his or their knowledge and belief.

Town clerk to notify to persons chosen as assessors their being so chosen;

and to require them to take the oath prescribed for parish and town officers.

Town clerk to transmit to clerk of the peace, names and descriptions of assessors chosen, with affidavit that he had notified them of their election;

and in case of neglect, shall forfeit £3.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerk in each and every town or township in this province, within ten days after the holding of the town meeting for such town, township, or place, to notify the persons chosen at such town meeting as assessors, by leaving a notice in writing at their usual place or places of residence, or by personally acquainting them thereof, of their having been so chosen; and to require of such persons immediately to take the oath prescribed for parish and town officers; and further, it shall be the duty of the town clerk to transmit to the clerk of the peace, within twenty days after the holding of the town meeting, the names and descriptions of the persons who may have been chosen assessors at such town meeting, accompanied by affidavit that he hath duly notified them of their election or appointment as assessors, as required by this act; and if such town clerk shall neglect, or refuse so to notify the assessors, and to acquaint the clerk of the peace of the names and descriptions of such assessors, he shall pay a fine of three pounds.

If assessors neglect the duties imposed upon them, clerk of the peace to summons them to answer as herein directed;

and if they do not appear justices to impose a fine not more than £10, nor less than £5.

Nothing herein contained to authorize justices to fine upon any one assessor from goods, &c. of another.

V. And be it further enacted by the authority aforesaid, That if any assessor or assessors shall neglect to perform the duties hereby imposed upon him or them, it shall be the duty of the clerk of the peace to cause such assessor or assessors to be summoned by any one of his Majesty's justices of the peace, to appear at the next general quarter sessions of the peace, or before any two justices of the peace, to answer for such neglect or refusal; and if such assessor or assessors shall be convicted before the said court or justices of such neglect or refusal, or shall not appear before such court or justices, in obedience to such summons, due proof of the service thereof being first made, the court or justices shall impose a fine upon him or them, not exceeding ten pounds, nor less than five pounds: Provided nevertheless, That nothing herein contained shall be construed to authorize the said court or justices to levy the fine imposed upon any one assessor from the goods or chattels of the other.

VI. And be it further enacted by the authority aforesaid, That in case of the neglect or refusal of the assessor or assessors, chosen and appointed at the town meeting, to discharge the duty hereby imposed upon him, or in case no assessors are chosen and appointed at the town meeting, or in case of the death, removal, or sickness of any assessor or assessors, it shall be lawful for the justices assembled at the said court of general quarter sessions, or any adjourned or special session, to appoint two fit and discreet persons to perform the duties of assessors; and the clerk of the peace shall forthwith notify them, respectively, of their appointment, and such persons so appointed, or either of them, shall be liable to be proceeded against, at any adjourned meeting of the said court, or before any two justices of the peace, for neglecting to take the oath of assessor for the space of ten days after a notice of appointment shall have been served; or for any neglect or refusal to perform the duty by this act required to be performed by assessors, and shall be liable, upon conviction, on the oath of one or more credible witness or witnesses, to a like fine as is hereby prescribed respecting the assessor or assessors, chosen at the town meeting; and the court or justices before whom any conviction shall take place under this act, shall continue to appoint another or other assessor or assessors, and to punish the same for neglect or refusal to act as such in the manner pointed out by this act, until the duties hereby required shall be performed.

In case of neglect or refusal of assessor to discharge duties, or in case no assessors chosen, or in case of death, &c. justices of general quarter sessions to appoint two persons to perform their duties;

and the clerk of the peace to notify them of appointment, and they shall be liable to be proceeded against, for neglecting to take oath; or neglecting to perform duties, shall be liable to same fine as prescribed respecting assessors chosen at town meetings.

Certain justices to appoint other assessors, and to punish for neglect, &c. in manner pointed out by this act.

VII. And be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of the peace to make out a general return of the population of his district, from the several returns which he may receive from the assessors, and to transmit the same to the office of the governor, lieutenant governor, or person administering the government of this province, for the time being, on or before the first day of June, in each and every year; and if such general return shall not contain the whole population of his district, he shall send in a return of such townships or places as may be deficient, as soon as practicable, after he shall be enabled so to do, by the assessor or assessors of such townships or places.

Clerk of the peace to make a general return of population, and transmit it to the office of the lieutenant governor;

and in case return be deficient, shall supply that deficiency as soon as practicable.

VIII. And be it further enacted by the authority aforesaid, That the clerk of the peace, assessors, and town clerk, shall be entitled, for the duties by this act imposed upon them, to demand and receive from the treasurer of the district, from and out of any monies in his hands for the public uses of the district, the sums following, that is to say; the clerk of the peace, for each return, one pound; the assessor, three pounds for every hundred pounds upon the assessment roll, in addition to the remuneration now afforded by law; the town clerk, five shillings for each notification: Provided, nevertheless, That the assessor or assessors of or for any town, township, or place, shall not receive any fee or reward whatever for the performance of any duty, as assessor or assessors, until the return of the population in this act required shall have been filed in the office of the clerk of the peace, and a certificate thereof produced to the treasurer, any law to the contrary notwithstanding.

Fees to be taken by clerk of the peace, assessors, and town clerk.

Provided that they shall not receive any reward until return filed and certificate produced.

IX. And be it further enacted by the authority aforesaid, That the fines and forfeitures imposed by this act, except as is herein otherwise provided for, together with costs of conviction, shall and may be recovered before any two or more of his Majesty's justices of the peace, on the oath of one or more credible witness or witnesses, or by the confession of the party, and shall and may be levied by distress and sale of the goods and chattels of the person or persons so convicted, under and by virtue of a warrant for that purpose issued by the justices, or any two of them, before whom he or they may have been convicted; one half of which fines shall be paid to the informer or person who shall sue for the same, and the other half into the hands of the treasurer, for the public uses of the district.

Fines and forfeitures with costs of conviction to be recovered as herein directed;

and half paid to informer, and other half into the hands of the treasurer, for the uses of the district.

Chapter VIII.

An act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of common schools throughout this province, and for granting to his Majesty a further sum of money to promote and encourage education within the same.

[Passed January 19, 1824.]

Most gracious Sovereign:

Whereas it would greatly tend to advance the happiness of society to disseminate moral and religious instruction among the people, and to render permanent the laws now in force relating to common schools; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, most humbly beseech your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of

Preamble.

an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for the benefit of all classes of his Majesty's subjects, and for the encouragement of Sunday schools, and for affording the means of moral and religious instruction to the more indigent and remote settlements in the several districts throughout this province, there shall be annually paid, in addition to the sum now by law directed to be paid for the use and benefit of common schools, the further sum of one hundred and fifty pounds; which said sum of one hundred and fifty pounds shall be appropriated and applied in manner and form as is hereinafter directed.

£150 per annum, in addition, granted for the encouragement of common and Sunday schools (As to the county of Prince Edward, see 1st Will. IV, c 7.)

II. And be it further enacted by the authority aforesaid, That the monies hereby granted shall be at the disposal of the general board that is, or may be, appointed by the governor, lieutenant governor, or person administering the government of this province, for the superintendence of education within the same, to be by them laid out and expended for the purchasing of books and tracts, designed to afford moral and religious instruction; which said books and tracts, when so purchased, shall be distributed by the said general board, in equal proportion, amongst the several district boards of education throughout this province.

The money so granted to be at the disposal of the general board of education for this province, for the purchase of books.

Which shall be distributed by the general board to the several district boards.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the several district boards of education to make and order at their discretion, a distribution of such books and tracts for the use and encouragement of Sunday schools, and to the benefit of the more indigent and remote settlements in their respective districts.

District boards, at their discretion, to distribute such books, &c. For the use of Sunday schools, and the remote settlements.

IV. And be it further enacted by the authority aforesaid, That the eighth clause of an act passed in the first year of the reign of his present Majesty, entitled, "An act to amend and continue, under certain modifications, an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools,'" be, and the same is, hereby repealed.

8th clause 1st Geo. IV, c 7, repealed.

V. And be it further enacted by the authority aforesaid, That the provisions of the above recited act, and so much of an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act granting to his Majesty a sum of money, to be applied to the use of common schools throughout this province, and to provide for the regulation of the said common schools," as is now in force, shall be, and the same is hereby declared to extend to all schools that are now or may hereafter be established and kept among the Indians, who shall be resident within the limits of any organized county or township within this province, excepting such schools as shall or may be otherwise provided for: Provided, nevertheless, That in all reports that may be made to the board of education before the first day of June next after the passing of this act, from any school kept for the instruction and education of the children of the Indians, it shall not be necessary to certify to such board, that the trustees of the school so reporting were chosen on the first day of June last, any law or usage to the contrary in any wise notwithstanding.

The provisions of the above act, and the 56th Geo. III, c 36, to extend to the Indians.

Certificate in such cases dispensed with.

VI. And be it further enacted by the authority aforesaid, That every teacher of a common school, before he shall be entitled to receive any portion of public money, shall be examined by the board of education in the district in which he shall have taught, or is about to teach, a common school, or shall obtain a certificate from at least one member of such board, certifying his ability and fitness to teach the same, due regard at all times being had to the degree of education wanting, or to the branches necessary to be taught in the township, village, or place, in which such teacher hath undertaken, or is about to undertake, to teach a common school.

No teacher to receive any money before examination by the district board;

or a certificate from at least one member of said board, certifying his ability.

VII. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for the purpose herein set forth be issued by the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall be accounted for by the receiver general to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Monies hereby granted, how to be paid.

Accounted for.

Chapter IX.

An act to amend and make perpetual an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province;" and also to amend an act passed in the fiftieth year of his late Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province," and to repeal the laws now in force for that purpose.

(See 4th Geo. IV, c 10.)

[Passed January 19, 1824.]

Preamble.

WHEREAS it is expedient to amend and make perpetual a certain act of the parliament of this province, passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fourteenth clause of the said recited act shall be, and the same is, hereby repealed.

14th clause 59th Geo. III, c 8, repealed.

II. And be it further enacted by the authority aforesaid, That any person liable to perform statute labor on the highways, (except such persons as being resident in any town in this province, shall be liable by law to perform more than six days' labor,) may compound for such duty, if he or they think fit, by paying to the officer hereinafter mentioned, the sum of two shillings and six pence for, and in lieu of, each day's duty or labor respectively, at the time and in the manner directed by law.

Every person liable to perform statute labor, (except persons resident in any town liable to more than six days,) may compound by paying 2s. 6d. per diem, in lieu, &c.

III. And be it further enacted by the authority aforesaid, That when any person residing in any town in this province shall be liable by law to work on the highways and roads more than six days in any one year, he shall, in lieu of such labor, pay to the surveyor of streets, to be appointed as is hereinafter mentioned, for such town, on or before the first day of May in each year, the sum of two shillings and six pence for, and in lieu of, each day's duty or labor respectively.

Persons resident in any town liable to more than six days' labor, shall in lieu thereof pay to the surveyor of streets on 1st May, in each year, 2s. 6d. per diem.

IV. And be it further enacted by the authority aforesaid, That after the present year, the justices of the peace in and for the several districts of this province, shall have power, at any general or adjourned sessions of the peace in and for such district, to appoint a surveyor of streets in and for each town within their respective districts, and to remove such officer, so appointed, at their will and pleasure.

Justices of the peace at any session may appoint a surveyor of streets for every town in their district, and to remove him at pleasure.

V. And be it further enacted by the authority aforesaid, That such surveyor of streets shall, before entering upon his office, take an oath in open court, before such justices, that he will well and faithfully execute the duties thereof, and shall, with two sureties, to be approved of by such justices, enter into a bond to his Majesty, his heirs and successors, in such sum as to the justices may seem meet, to account well and truly for all such monies as shall come into his hands by virtue of his said office.

Surveyor of streets to take an oath in open court that he will faithfully perform his office.

Shall enter into a bond, with two securities.

(Repealed as to such street surveyor's oath, except in towns where the quarter sessions are held. See 8th Geo. IV, c 14.)

VI. And be it further enacted by the authority aforesaid, That the justices of the peace, acting within their respective divisions for the time being, shall and may, (at any special session to be holden for that purpose,) order the surveyor of streets in any town within their division, to make or amend any street, highway, or road, within such town, as they shall think necessary; and the said surveyor of streets shall, within ten days after having received such order, summon such persons within the said town as are obliged to perform statute labor, and order them to work on such part of the streets, highways, or roads, within the said town, or adjacent thereto, as they shall be directed to make or repair; and every person neglecting or refusing to obey such order, shall be subject to the like penalties, to be recovered and applied in the like manner as in case of persons refusing to obey the order of any overseer of highways in this province, under the laws now in force.

Justices at any special session holden for that purpose may order surveyor of streets to amend any street, &c.

Within ten days after, surveyor shall summon such persons as are liable, and order them to repair and amend such street, &c.

Penalty for neglecting and refusing.

VII. And be it further enacted by the authority aforesaid, That the monies which shall be paid to any surveyor of streets under this act, in commutation of labor, shall be expended by him, under the direction of the justices acting within the division in which the town is situated, for which such surveyor is appointed, in making or amending the streets, highways, or roads, in such town.

Commutation money to be expended by surveyor of streets, under the direction of the justices, in making, &c. streets, &c. in such town.

Justices at any special session may direct surveyor to expend part of the money on statute labor, in repairing any highway or bridge in the vicinity of such town.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace acting within any division in any district of this province, at any special sessions holden for that purpose, if they shall see fit, to direct the surveyor of streets, to be appointed under this act for any town within their division, to expend part of the monies to be paid into his hands, or to apply part of the statute labor to be done under his orders, in amending any highway or bridge in the vicinity of such town.

Surveyor and persons under him, in executing orders of justices relative to their duty, discharged from any action of trespass, &c.

IX. And be it further enacted by the authority aforesaid, That the surveyor of streets, and all persons acting under their directions, in the execution of such orders as they shall have received from the justices of the peace relative to the performance of their duty on streets and highways, are hereby discharged from any action of trespass which may be brought in any of his Majesty's courts within this province, for any act or acts that the said surveyors, or any person or persons acting under their directions, as aforesaid, may in the execution of such orders or directions, have committed or done.

Laws of the province relative to appointing overseers of highways for any town, repealed.

X. And be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of the several laws of this province as relates to the choosing or appointing of overseers of highways for any town, shall be, and the same is, hereby repealed.

Surveyor of streets to be remunerated by order of justices in general quarter sessions;

and he may detain the same out of such monies as he may receive.

XI. And be it further enacted by the authority aforesaid, That the justices of the peace in and for each district of this province, in general quarter sessions assembled, shall have power from time to time to limit and appoint, by order, the remuneration which shall be paid to the surveyors of streets in the several towns within their respective districts, and shall authorize the same to be deducted and retained by such surveyors out of the monies which they shall receive by virtue of this act.

If persons liable to pay money, neglect or refuse ten days after the demand, two justices acting within the division, upon proof, may issue a warrant to levy double the amount, together with costs, &c. Money so levied, how applied.

XII. And be it further enacted by the authority aforesaid, That if any person liable to pay money, in lieu of statute labor, under this act, shall refuse or neglect to pay the same to the surveyor of streets authorized to demand the same, within ten days after demand made for that purpose, it shall be lawful for any two justices of the peace acting within the division, upon proof thereof on oath, to issue their warrant for levying double the amount thereof, together with costs, by distress and sale of the goods and chattels of such person so neglecting or refusing, which money so levied shall be applied in the same manner as the composition money directed to be paid by this act.

10th clause 59th Geo. III, c 8, as far as relates to the payment of money by treasurer to overseers, repealed.

Treasurer shall pay to the order of the magistrates in sessions, in the month of March, all such money as may have been collected by the rate of one eighth of a penny per annum. Such money so paid how to be laid out.

XIII. And whereas the money received by treasurers of districts, and by them paid over to the overseers of highways in the township where the land lies, on which the said money was collected, may be more beneficially expended under the direction of the justices of the peace, be it therefore enacted by the authority aforesaid, That the tenth clause of the said act, in so far as relates to the same, shall be, and the same is, hereby repealed; and that the treasurer of each and every district of this province shall, after the passing of this act, pay to the order of the magistrates, in special sessions of the peace, in the month of March, in their respective divisions assembled, or any other special sessions within the divisions where such land is situated, all such sum or sums of money as may have been paid in or collected for the said rate of one-eighth of a penny per annum, to be by the said justices of the peace laid out, by contract or otherwise, to the best advantage on the highways within the township where the land lies, from which the said rate was paid or collected.

Chapter X.

An act to repeal part of and amend an act passed in the fiftieth year of his late Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose;" and also to repeal part of and amend the provisions of an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province."

[Passed January 19, 1824.]

Preamble.

Whereas it is expedient to repeal part of and amend an act passed in the fiftieth year of his late Majesty's reign, entitled, "An act for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose, and also to extend the provisions of the said act; and also to repeal part of and amend the provisions of an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act

passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fifth clause of the said recited act, and the sixth clause of the said last mentioned act be, and the same are, hereby repealed.

5th clause 30th Geo. III, c 1, and 6th clause 59th Geo. III, c 8, repealed.

II. And be it further enacted by the authority aforesaid, That no road hereafter to be laid out under the provisions of the said first recited act shall be more than sixty-six, nor less than forty feet, in the width: Provided always, nevertheless, That nothing in this clause contained shall extend, or be construed to extend, to affect any road now established under the provision of the said recited act.

No road under 50th Geo. III, c 1, to be more than sixty-six, or less than forty feet, in width.
This not to affect any road now established under the said act.

III. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That when any road now or hereafter established, shall be altered, it shall not be lawful for the surveyor of roads reporting such alteration, to lay out such new road of a less width than the one proposed to be altered.

If any road shall be altered, the new one shall not be less in width than the old.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for his Majesty's justices of the peace, at their special sessions, in the month of March in each and every year, or at any general quarter sessions of the peace, upon application in writing, signed by at least twelve freeholders residing in any town, township, or place, of this province, requesting permission to lay out and apply part of the statute labor of such town, township, or place, on the highways and roads of any adjoining town, township, or place, for the said justices, so assembled, to permit the same, when it shall appear manifestly advantageous to the inhabitants making such application, in such proportion as to the majority of the said justices then and there present, may seem meet.

Justices of the peace in March, in each year, or in general quarter sessions, by application in writing, signed by at least twelve freeholders of any town, may apply part of the statute labor of such town on any highways adjoining it, if it shall appear advantageous, in such proportion as the majority may think fit.

V. And be it further enacted by the authority aforesaid, That when any person or persons liable to the rate of one-eighth of a penny per acre on land, for the purposes of the highways, shall lay out any money on roads in the town, township, or place, where the same is situated, or cause labor to be done thereon, the approbation of the justices of the peace, or the majority of them, assembled in any general quarter sessions for the district in which such land is situated, having been first obtained, it shall and may be lawful for the justices, or the majority of them, so assembled at any subsequent sessions, when application shall be made for that purpose, if it shall appear to them, or the majority of them, that the same has been judiciously laid out, and manifestly for the public advantage, by their order to the treasurer of such district, [to direct] the amount to be set off and allowed against any arrears that may have already accrued, or may hereafter accrue, on the said lands, or such part thereof as may to them appear to have been expended for the general good of the town, township, or place, where the same is situated.

When any person liable to one-eighth of a penny per acre, shall expend any money on roads in the town, where the same is situated, or cause it to be done, the approbation of the majority of the justices in any general quarter sessions having been obtained, the said justices, upon application in any subsequent sessions, if it appear that the same has been laid out to advantage, to order the treasurer to set off the amount against any arrears that may have or may accrue on said lands, or such part as may appear expended for the good of the town where it is situated.

VI. And be it further enacted by the authority aforesaid, That in all cases when application shall be made to any surveyor or surveyors of the highways, to have any new road laid out, or any road already laid out altered, those making the application, (after a sale of the old road, so altered, shall have taken place, and the proceeds of such sale been paid over to the owner of the land through which the new road may pass,) shall be deemed liable to pay any further sum, which shall be ascertained by a jury, in manner as by the laws now in force is directed; and in case the owner or owners, agent or agents thereof, shall, within three months from the date of the report of such new road, or the alteration of such road or roads, make application to be compensated for the land taken for the same, in manner as by the laws now in force is directed, no order shall issue directing statute labor thereon, unless a discharge or acquittal for the same, or release for the land taken for such purpose from the owner or owners thereof, or proof of a tender having been made for the value thereof, so ascertained, be produced to the general quarter sessions: Provided, nevertheless, That nothing in this act contained shall extend, or be construed to extend, to prevent the said justices of the peace from directing the same to be paid out of the public money of the district, if to them it shall appear that the said alteration is of manifest utility to the public at large, and not of a local nature.

When application is made where any road laid out or altered, those making it (after sale of old road and proceeds paid to the owner of the new) shall be liable to pay any sum which a jury as by law directed shall ascertain; if the owner or agent, &c. shall within three months from the date of the report of such new road, &c. make application for compensation according to law, no order shall issue for statute labor to be performed, unless a discharge, &c. be taken from the owner, &c. or proof of tender of the value so ascertained be produced to general quarter sessions. Nothing in this act to prevent the justices from directing same to be paid out of the general fund of the district, if the same shall appear of manifest utility.

9th clause of the 50th Geo. III, c 1, as far as relates to the sale of government appropriations and allowances for highways, &c. repealed.

VII. And whereas much inconvenience has arisen by the sale of portions of the original government appropriations and allowances for highways and roads in the several townships in this province; be it therefore enacted by the authority aforesaid, That the ninth clause of the act passed by the legislature of this province in the fiftieth year of the reign of his late Majesty, King George the Third, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," be repealed, and the same is hereby repealed, so far as regards the aforesaid government appropriations for such highways and roads: Provided always, That nothing in this clause contained shall restrain any surveyor of highways from selling and conveying any road which he is now by law authorized to sell and convey.

This clause not to prevent any surveyor from selling any road which he is legally authorized to sell.

Any person liable, may compound by paying overseer 5s. per diem for each cart, &c.

And two shillings and six pence for each day's duty.

VIII. And be it further enacted by the authority aforesaid, That any person liable to perform the duty imposed by this or any other law now in force, may compound for such duty, if he or she may think fit, by paying to the overseer the sum of five shillings for each cart or waggon team, and driver, for each day; and every person liable to perform such labor may compound for the same, if he or she should think fit, by paying to the overseer the sum of two shillings and six pence, for and in lieu of such day's duty or labor respectively, at the time and in the manner directed by law.

Chapter XI.

An act to repeal an act passed in the forty-first year of his late Majesty's reign, entitled, "An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places;" and also an act passed in the forty-third year of his late Majesty's reign, entitled, "An act to explain and amend an act passed in the forty-first year of his Majesty's reign, entitled, 'An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places,' and to provide more effectually for the collection and payment of duties on goods and merchandize coming from the United States of America into this province; and also to establish a fund for the erection and repairing of light houses," and to make more effectual provision for the due collection of duties on goods imported into this province.

[Passed January 19, 1824.]

Preamble.

Whereas it is expedient to repeal the laws now in force for securing the payment of duties, and to reduce the same into one act, and also to extend the provisions thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the forty-first year of his late Majesty's reign, entitled, "An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places;" also an act passed in the forty-third year of his late Majesty's reign, entitled, "An act to explain and amend an act passed in the forty-first year of his Majesty's reign, entitled, 'An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places,' and to provide more effectually for the collection and payment of duties on goods and merchandize coming from the United States of America into this province; and also to establish a fund for the erection of light houses," be, and the same are, hereby repealed.

41st Geo. III, c 3;

and 43d Geo. III, c 2, repealed.

Appointment of collectors.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, by commission under his hand and seal at arms, to nominate and appoint one or more collectors at the ports of entry and clearance, now or hereafter to be established.

Collectors to give security.

III. And be it further enacted by the authority aforesaid, That each and every collector shall give security, by way of recognizance or obligation to his Majesty, with two sureties

in five hundred pounds each, and himself in one thousand pounds, for the due performance of his office.

May appoint deputies.

IV. And be it further enacted by the authority aforesaid, That the said collectors shall, and they are hereby authorized to, appoint one or more deputy or deputies, and that the said collectors and deputies shall have power and authority, and they are hereby required, to seize and secure any vessel, boat, raft, or carriage, goods, wares, or merchandize, which shall be liable to seizure under the authority of this act, or under any other laws of this province, as well without as within their respective districts.

Authority to seize.

Hours of attendance at collector's office.

V. And be it further enacted by the authority aforesaid, That the collector or collectors, deputy or deputies, of and for the said ports, shall attend every day except Sundays, Christmas day, and Good Friday, at a certain place to be named for each port, for the discharge of the duties of their respective offices, between the hours of nine and twelve of the clock in the forenoon, and three and six of the clock in the afternoon, from the first day of May to the first day of October, and from ten to three, from the first day of October to the last day of April, and shall not receive the report or entry of any vessel, boat, raft, or carriage, at any other place.

Report of entries, where to be made.

Collectors, where and how to account to the inspector general.

VI. And be it further enacted by the authority aforesaid, That the said collectors shall make a report to the inspector general of this province, four times in every year, of all entries made at their port or ports of entry, which reports shall also severally comprise a faithful statement of all duties paid or secured, and the proceeds of all seizures and penalties received, or which shall have accrued due within the periods following, that is to say, between the first day of January and the last day of March, the first day of April and the last day of June, the first day of July and the last day of September, and the first day of October and the last day of December, and that the first and last days of such periods shall be inclusive; and that the said returns shall be transmitted to the office of the inspector general, within forty days next after the expiration of every quarter, as aforesaid, and shall also report to the inspector general all seizures by him, or any of his deputies, made within twenty days after making the same; and the full amount of the duties and proceeds of all seizures as shall in such returns be stated to have come into the hands of such collector or collectors, shall, within the term of forty days, be paid by him or them into the hands of his Majesty's receiver general for this province.

Account of seizures to be rendered.

When proceeds of seizures, &c. duties received by collectors shall be paid over.

Penalty if collectors shall neglect to account.

VII. And be it further enacted by the authority aforesaid, That if any collector shall neglect or refuse to make such report, or to pay such duties, in manner and form as aforesaid, and within the times prescribed, he shall not be entitled to any per centage on the amount of duties collected for the period in which such default shall be made.

Remuneration of collectors.

VIII. And be it further enacted by the authority aforesaid, That every collector shall be authorized to retain the sum of fifty pounds per centum on the amount of duties by him collected, until the same amounts to one hundred pounds per annum, and no more.

How vessels, boats, carriages, &c. are to be reported.

IX. And be it further enacted by the authority aforesaid, That the master, or person having the charge or command of any vessel, boat, raft, or carriage, of what nature or kind soever, having goods, wares, or merchandize on board thereof, arriving at, or coming into, any port of entry, shall make a report to the collector of the arrival of any such vessel, boat, raft, or carriage, in the following form:

NAME OF OWNER OF VESSEL, BOAT, RAFT, OR CARRIAGE.	LADING	WHENCE SHIPPED.	WHITHER DESTINED.

[Signed] A. B., master, [or person having charge or command.]

Fee.

And which form, if required, shall be furnished by the collector, for which he shall receive the sum of one shilling and three pence; and that if the master, or person having the charge or command of any such vessel, boat, raft, or carriage, shall neglect or refuse to make such report, he shall for every such offence forfeit and pay the sum of five pounds; and that it shall and may be lawful for the collector to seize and detain such vessel, boat, raft, or carriage, until the said penalty shall be paid, or security given for the payment thereof, by bond to his Majesty, on conviction of such neglect or refusal; and that if any master, or person having the charge or command of any vessel, boat, raft, or carriage,

Penalty in case of failing to report.

On making a false report.

shall make a false report, such vessel, boat, raft, or carriage, and the tackle, apparel, furniture, cattle, horse, or horses, and harness, thereunto respectively belonging, shall be forfeited, and liable to seizure by such collector: Provided always, That nothing in this clause contained shall be construed to extend to require the report of the arrival of any carriage from any part of this province: Provided also, That nothing in this act contained shall extend, or be construed to extend, to require the report, in writing, of any boat owned, and managed by any inhabitant or inhabitants of this province, and exclusively laden with any article or articles being the growth, produce, or manufacture thereof.

Exemption from reporting.

No dutiable goods to be imported except at a port of entry, or until duties have been first paid or secured.

X. And be it further enacted by the authority aforesaid, That no goods, wares, or merchandize, upon which any duties are, or shall be by law imposed, shall be imported into this province at any other place than a port of entry, nor be unladen until the duties payable on such goods, wares, and merchandize shall have been first paid or secured; and the master, or person having the charge or command of the vessel, boat, raft, or carriage, in or upon which the same shall be imported, shall have received a permit in writing so to do; and that all the goods, wares, or merchandize, which shall be imported into this province, from the United States of America, and which shall not be entered according to the provisions of this act, shall be forfeited, together with the vessel, boat, raft, or carriage, in or upon which the same shall be found, or shall have been imported, and the tackle, apparel, furniture, cattle, horse, or horses, and harness, thereunto respectively belonging.

Permit.

Forfeiture, if illegally imported.

When time may be given for the payment of duties, on taking security.

XI. And be it further enacted by the authority aforesaid, That when the amount of duties imposed by law upon any goods, wares, or merchandize, lawfully imported into this province, at any one time, shall amount to twenty pounds, it shall and may be lawful for the collector or deputy of the port where such goods, wares, and merchandize, shall be entered, to take security for the due payment of such duties, one half within two months, and the other half in four months, after such importation, by bond, in double the amount thereof, to his Majesty, from the owner, or person importing the same, with one or more good and sufficient sureties, at the discretion of the collector.

Permit to be given for removal of dutiable goods from a port of entry to any other port or place.

XII. And be it further enacted by the authority aforesaid, That when any person or persons shall have occasion to remove from any port of entry, aforesaid, to any other port or place, any goods, wares, or merchandize, (subject to the payment of any duty,) duly imported into any port, as aforesaid, on which the duties imposed by law shall have been paid, or secured to be paid, the collector or deputy of any such port, upon requisition in writing for that purpose made, and signed by such person or persons, specifying the particular goods, wares, and merchandize to be removed, and the number of packages in which the same are contained, with their marks and numbers, shall, and he is hereby required to, give a permit in writing, signed by the said collector or deputy, specifying the particular goods, wares, and merchandize, to be removed, the number of the packages containing such goods, wares, and merchandize, with the marks and numbers, and certifying that such goods, wares, and merchandize, had been duly entered in that port, and that the duties thereon had been paid, or secured to be paid; and the collector or deputy giving such permit, shall limit therein the time within which such goods, wares, or merchandize, shall be removed from such port, and also the time within which such permit shall be in force.

Goods not to be unladen but in open day, or at any other place than a port of entry, without a special license.

XIII. And be it further enacted by the authority aforesaid, That no goods, wares, or merchandize, imported into this province in or upon any vessel, boat, raft, or carriage, from the United States of America, shall be unladen or laid on land, from such vessel, boat, raft, or carriage, except in open day, that is to say; between the rising and setting of the sun, nor at any other place than a port of entry, without a special license for that purpose first had and obtained from the collector or deputy of the port where the same shall have been entered; and if any goods, wares, or merchandize, shall be unladen or laid on land, contrary to the directions of this act, the master, or person having the command or charge of such vessel, boat, raft, or carriage, and every other person who shall knowingly be concerned in aiding therein, or in removing, or otherwise securing the goods, wares, or merchandize, shall forfeit and pay double the value thereof.

Penalty.

Officers may examine packages suspected to be untruly entered.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collector or deputy of any port, after entry made of any goods, wares, or merchandize, on suspicion of fraud, to open and examine, in the presence of two or more credible witnesses, any package or packages thereof; and if, upon examination, they should be found to agree with the entries, the said collector or his deputy, shall cause the same to be repacked at his own expense, and redelivered to the owner thereof; but if any package or packages, so examined, should be found to differ in their contents from the entry, then the goods, wares, and merchandize, contained in such package or packages shall be forfeited: Provided always, That the said forfeiture shall not be incurred, if it shall be made to appear, to the satisfaction of the collector or deputy, or to the court in which a prosecution shall be had for the condemnation thereof, that such difference proceeded from mistake or accident, and not from any intention to defraud the revenue.

No forfeiture, if there is no intention to defraud by such false entry.

Penalty for concealing, buying, selling, or exchanging goods, illegally imported.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly harbor, keep, conceal, purchase, sell, or exchange, any goods, wares, or merchandize, illegally imported into this province, he shall forfeit for every such offence, double the value thereof.

Kegs of tobacco to be branded.

XVI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall be the duty of each and every collector in this province to mark, by branding with a proper iron, to be by him provided for that purpose, all kegs of tobacco which may be entered at his office, specifying the number of the keg, as inserted in his books, and also the name of the port.

Authority to search for and seize goods suspected to be illegally imported.

XVII. And be it further enacted by the authority aforesaid, That the collector or deputy of any port, or other person by either of them for that purpose specially appointed, shall have full power and authority to enter into and upon any vessel, boat, raft, or carriage, in or upon which he or they shall have reason to suspect any goods, wares, or merchandize, not reported, to be concealed, and therein and thereupon to search for, seize, and secure the same; and if any collector or deputy shall have cause to suspect that any goods, wares, or merchandize, illegally imported, are harbored, kept, or secreted in any dwelling house, shop, warehouse, or other building or place, it shall and may be lawful for such collector or deputy, upon making oath before a justice of the peace of the facts forming the grounds of such suspicion, to obtain a warrant to enter therein, (in the day time only,) and there to search for any such goods, wares, or merchandize, and if any such be found, to seize and secure the same.

Commissioners of customs to be appointed, with jurisdiction to levy seizures not exceeding a certain value.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time to appoint in each and every district, three commissioners of customs, any two of whom shall be a quorum, to hear and determine, in a summary way, all informations exhibited before them for the condemnation of any goods, wares, or merchandize, seized as forfeited under the provisions of this act, when the value thereof, together with the vessel, boat, raft, or carriage, in or upon which the same shall be found, or shall have been imported, shall not exceed forty pounds; and also to hear and determine, in like manner, all informations which may be exhibited before them for penalties to be recovered under and by virtue of this act: Provided, nevertheless, That if the owner of any goods, wares, or merchandize, or the owner or commander of any vessel, boat, raft, or carriage, seized as forfeited, or any person against whom any information shall be exhibited before the said commissioners for the recovery of any penalty in the provisions of this act, shall be desirous of having the same tried and determined in his Majesty's court of king's bench, and shall, previous to the said commissioners giving judgment thereon, enter into a bond, with sufficient sureties, in the penalty of fifty pounds, conditioned for the payment of all costs, charges, and expenses already incurred, and such as may attend the condemnation of such goods, wares, and merchandize, vessel, boat, raft, or carriage, attending the determination of any information filed against him for the recovery of any such penalty, in case such person shall be convicted therein; the said commissioners shall not determine upon the legality of such seizure, or proceed to the conviction of any person against whom any information shall have been exhibited, as aforesaid, but shall forthwith report the proceedings had in the premises to the inspector general of this province, when the like proceedings shall be had in his Majesty's said court of king's bench, for the condemnation of such goods, wares, or merchandize, vessel, boat, raft, or carriage, or for the recovery of such penalty, as if the same had respectively exceeded the sum of forty pounds.

(As to their remuneration, see 4th Geo. IV, c 12.)

And to try informations for penalties.

Such cases nevertheless to be removed to the king's bench at the desire of the party.

On what terms.

Clerk to the said commissioners.

XIX. And be it further enacted by the authority aforesaid, That the said commissioners shall from time to time have power to appoint a clerk, whose duty it shall be to receive and file all informations, and keep a record of the proceedings of the said commissioners.

Commissioners may report the circumstances of any seizure for the information of the lieutenant governor, in council, who, in cases of forfeiture under this act, may order the seizure to be restored, if cause appear.

XX. And be it further enacted by the authority aforesaid, That in all cases of seizure for any cause of forfeiture contained in this act, the commissioners of customs for the district in which the same shall have been seized, shall, as well before as after the said seizure shall be claimed, have full power and authority to examine into the circumstances, and take affidavits of all facts relating thereto, and report thereon for the information of the governor, lieutenant governor, or person administering the government of this province; and in case the governor, lieutenant governor, or person administering the government of this province, in council, shall deem it expedient and proper so to do, he may order the said seizure to be restored to the owner or owners, upon such terms as he may think fit to impose.

Goods seized to be appraised.

XXI. And be it further enacted by the authority aforesaid, That within forty-eight hours after the seizure of any goods, wares, and merchandize, under the provisions of this act, supposed to be under the value of forty pounds, the collector, or person seizing the same, shall cause such goods, wares, and merchandize, to be duly appraised by the oath of two indifferent persons, which oath any justice of the peace is hereby authorized and

required to administer; and that such appraisement shall be annexed to, and filed with, the information hereinbefore required to be exhibited before the said commissioners, within eight days after making such seizure, which information the said clerk, at the request of any collector, or other person seizing, is hereby required to draw, for which he shall be entitled to receive five shillings, and no more.

How claim to be preferred.

XXII. And be it further enacted by the authority aforesaid, That so soon as any information shall have been exhibited before the said commissioners, a notice thereof shall be put into the office of the said clerk, and also in the office of the collector or deputy residing nearest to the place where such seizure shall have been made; and that if the owner or person having charge of any goods, wares, and merchandize, vessel, boat, raft, or carriage, so seized as aforesaid, shall exhibit a claim to the same, or any part thereof, then it shall and may be lawful for the said commissioners, after the said notice shall have been put up fifteen days, as aforesaid, to proceed to hear and determine any claim which may in the mean time have been filed with the clerk, or to the condemnation thereof, if no such claim shall have been made.

Commissioners may administer oaths.

XXIII. And be it further enacted by the authority aforesaid, That the said commissioners, or any one of them, shall have power and authority to administer all oaths, and take any affidavits required for carrying the provisions of this act into effect; and that if

False swearing before them, perjury.

any person or persons shall at any time forswear him, her, or themselves, before such commissioner or commissioners, he, she, or they shall incur and be liable to the same penalties as would have been incurred upon conviction of wilful and corrupt perjury, in any evidence given in his Majesty's court of king's bench in this province, in any cause there depending.

Claimants to give bond for costs.

XXIV. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the said commissioners to entertain any claim of any goods, wares, and merchandize, vessel, boat, raft, or carriage, until the person exhibiting the same shall have entered into a bond, with sufficient sureties, in the penalty of twenty pounds, conditioned for the payment of such costs as shall be awarded by the said commissioners, in case the said goods, wares, and merchandize, vessel, boat, raft, or carriage, shall be condemned.

Provision for payment of costs, when the goods shall be adjudged to be restored, or being condemned, shall be insufficient to pay the costs of condemnation.

XXV. And be it further enacted by the authority aforesaid, That in case any proceedings shall be had for the condemnation of any goods, wares, and merchandize, vessel, boat, raft, or carriage, under the provisions of this act, as well in cases when the goods seized shall be adjudged to be restored, or if condemned, shall be insufficient to pay the costs and expenses of the proceedings had respecting the same, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to discharge, satisfy, and pay all such costs and expenses out of any monies which shall be then in the hands of his Majesty's receiver general of this province, which shall have arisen out of any duties imposed, or to be imposed, on any goods, wares, and merchandize, arriving from the said United States; and the said receiver general is hereby required to pay and discharge all such warrant and warrants as shall for such purposes be issued by the governor, lieutenant governor, or person administering the government of this province, for the time being.

Time and place of meeting for commissioners.

XXVI. And be it further enacted by the authority aforesaid, That the said commissioners in each and every district, shall meet on the last Saturday of every month, at the court house in the town in which the quarter sessions shall be holden for the purposes mentioned in this act, in case any information shall have been filed, and not decided upon, and notice thereof given by the said clerk to the said commissioners.

Protection of persons prosecuted for acts done under the authority of this statute.

XXVII. And be it further enacted by the authority aforesaid, That if any collector or deputy, or other person aiding or assisting in the seizure of any vessel, boat, raft, or carriage, cattle, horse, or horses, harness, tackle, or furniture thereunto respectively belonging, goods, wares, or merchandize, or other thing whatsoever, shall be sued or

General issue.

prosecuted for any thing done in virtue of the powers of this act, he may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff

Double costs.

shall be non-suited, or judgment be given against him, the defendant shall recover double costs; and in case any information shall be commenced and brought to trial on account of the seizure of any vessel, boat, raft, or carriage, cattle, horse, or horses, harness, tackle, apparel, furniture, goods, wares, or merchandize, or other things whatsoever, as forfeited by this act, wherein a judgment shall be given for the claimant, and it shall appear to the court before whom the same shall be tried, that there was a probable cause of seizure,

How, if probable cause of seizure appear.

the court shall certify on the record, that there was a probable cause for seizing the same, and in such case, the defendant shall not be entitled to any costs whatsoever, nor shall the person who seized be liable to any action or prosecution on account of such seizure; and in case any action or prosecution shall be commenced and brought to trial against any person whatsoever, on account of the seizure of any such vessel, boat, raft, or carriage, cattle, horse, or horses, harness, tackle, apparel, furniture, goods, wares, or merchandize,

or other thing, where no information shall be filed or exhibited or brought to trial, to condemn the same, and a judgment shall be given upon such action or prosecution against the defendant, if the court before whom such action shall have been brought, shall certify, in like manner as aforesaid, that there was a probable cause for such seizure, then the plaintiffs, (besides the vessel, boat, raft, or carriage, cattle, horse, or horses, harness, tackle, apparel, furniture, goods, wares, merchandize, or other thing or things, so seized, or the value thereof, where the same shall not have been restored,) shall not be entitled to above one shilling damages, nor to any costs of suit.

Sale of goods condemned under this act.

XXVIII. And be it further enacted by the authority aforesaid, That all such goods, wares, or merchandize, vessel, boat, raft, or carriage, horse, or horses, cattle, harness, tackle, apparel, or furniture, which shall be forfeited and condemned by virtue of this act, shall be advertised for sale at the port where the same shall have been seized, eight days previous to such sale, and not less than fifteen days after such condemnation, and shall be sold by the collector or deputy of the port where the same shall have been seized, by public auction, to the highest bidder.

Persons may be held to bail by commissioners, on information for penalties.

XXIX. And be it further enacted by the authority aforesaid, That upon exhibiting or filing of any information for the recovery of any penalty under the provisions of this act, it shall be lawful for any one of the said commissioners, upon affidavit first filed with the said clerk by the person exhibiting such information, that he is apprehensive the person against whom such information shall be filed will leave this province without satisfying the said penalty, to issue a warrant under his hand and seal, for the arrest and detention of such person, until he shall have given security for the payment of such penalty, in case he shall be convicted; and that such penalties, when such security shall not be required, may be recovered by distress and sale of the goods and chattels of any offender, and in default of such goods and chattels, it shall be lawful for the said commissioners to commit the offender to the common gaol of the district where the offence shall be committed, for a period not longer than six months.

Onus probandi to lie on claimants.

XXX. And be it further enacted by the authority aforesaid, That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise, whether the duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods are brought, then, and in such cases, the proof thereof shall lie on the owner or claimant of such goods, and not on the officer or person who shall seize or stop such goods.

How, if owner shall refuse to pay duties on goods imported.

XXXI. And be it further enacted by the authority aforesaid, That if the importer or owner of any goods imported as aforesaid, shall refuse to pay the duties imposed thereon by law, it shall and may be lawful for the collector or his deputy, where such goods shall be imported, and he is hereby required to take and secure the same, with the casks or other packages thereof, and to cause the same to be publicly sold within the space of twenty days after such refusal made, and at such times and places as such officer shall (having given at least four days' public notice thereof) appoint; which goods shall be sold to the highest bidder, and the money arising from such sale shall be applied to the payment of the legal duties, together with all charges occasioned by such sale, and the overplus, (if any,) shall be paid to such importer or owner, by the officer who may cause the same to be sold, on demand for that purpose made.

How penalties and forfeitures to be recovered;

and disposed of.

XXXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures declared by this act shall be recovered, (except in cases hereinbefore provided,) in his Majesty's court of king's bench in this province, as penalties and forfeitures are heard and determined in his Majesty's court of exchequer in England; and in all cases of forfeiture and condemnation of any goods, wares, or merchandize, vessel, boat, raft, or carriage, horse, or horses, tackle, or furniture, by virtue of this act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be divided as follows: one half to his Majesty, and the other half to the person seizing the same; and in all cases of penalties recovered before any commissioners of customs, as hereinbefore directed, after deducting the costs of prosecution, one half to be paid to the receiver general of this province, and the other half to the person exhibiting such information.

Monies how to be accounted for.

XXXIII. And be it further enacted by the authority aforesaid, That all monies directed by this act to be paid to his Majesty, shall be accounted for through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall direct.

Clerks to commissioners to report quarterly to the inspector general

XXXIV. And be it further enacted by the authority aforesaid, That each of the said clerks shall report to the inspector general of this province, quarterly, within forty days next after the periods following, that is to say; between the first day of January and last day of March, the first day of April and last day of June, the first day of July and last day of September, and the first day of October and the last day of December,—a full and correct statement of the proceedings of the commissioners, of whom he is clerk, comprising a schedule of the articles condemned, the value thereof, the name of the claimant,

(if any,) the names of the persons against whom information shall be exhibited for penalties, the amount of the penalties recovered, and the person at whose instance such information shall have been filed.

Perishable articles, and also cattle, horses, &c. seized, may be sold before condemnation or trial.

XXXV. And be it further enacted by the authority aforesaid, That in case of the seizure of any cattle, horse, or horses, or any perishable articles, it shall be lawful for the collector, or deputy, or person seizing the same, after legal appraisement thereof, to sell the same, in the same manner as if they had been condemned, and keep in his hands the proceeds of such sale, till the said cattle, horse, or horses, or perishable articles, shall be condemned, or ordered to be restored to the claimant; and that in case judgment shall be for the claimant, the court before whom such matters shall be heard, shall order the collector or deputy collector making such seizure, to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution.

Horses, cattle, or perishable articles seized, may be delivered to claimants, on security before trial, &c.

XXXVI. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any collector or deputy collector, and he is hereby required to deliver up to the claimant or claimants of any cattle, horse, or horses, or of any perishable article or articles, seized as aforesaid, upon such claimant or claimants, depositing in the hands of the collector of the port at which such seizure shall have been made, the sum of money at which such seizure shall have been appraised in manner hereinbefore enacted, at any time before the sale of such seizure, or upon giving security to the satisfaction of such collector that the amount at which such seizure shall have been appraised shall be paid to his Majesty, his heirs and successors, to and for the public uses of this province, within three months after judgment of condemnation shall have been had thereon.

Collectors' fees.

XXXVII. And be it further enacted by the authority aforesaid, That the collectors and deputies of the said ports shall cause to be affixed and kept in some public and conspicuous place in their office, a table of the fees to be taken and received by the said collectors and deputies; which fees shall be as follows: for any permit to unload any vessel, boat, or batteau, under five tons' burthen, one shilling and three pence; for any permit to unload any vessel, boat, or batteau, of five tons, or upwards, and not exceeding fifty tons, two shillings and six pence; for any permit to unload any vessel, exceeding fifty tons, ten shillings; for any permit to unload any raft, one shilling and three pence; for any permit to unload any cart, sleigh, waggon, or other carriage, one shilling and three pence; for every certificate of goods, having paid duty, with a permit to remove the same, two shillings and six pence; for every clearance, when required, five shillings; for every bond for payment of duties, five shillings.

No other or greater fee to be allowed.

XXXVIII. And be it further enacted by the authority aforesaid, That no collector, deputy collector, or clerk, shall receive any other or greater fee than is set down for him in this act, for any business done by him under the provisions thereof.

Clerk's fees.

XXXIX. And be it further enacted by the authority aforesaid, That the said clerk shall be entitled to receive the following fees: for every paper filed, six pence; for every judgment recorded, five shillings; to be paid by the collector, or person prosecuting; and when the said judgment shall be for the claimant or defendant, upon the certificate of the commissioners of the existence of probable grounds for exhibiting an information, the said collector or deputy shall be authorized to retain the amount expended in such prosecution, out of any monies which may come into his hands as such collector: for every copy of any paper, per folio of seventy-two words, (to be paid by the person requiring, or for whose benefit the same shall be given,) six pence; for every information by him drawn, five shillings.

This act not to affect any existing commission or proceedings.

XL. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to annul or make void any existing commission, issued under the authority of any law repealed by this act, nor to affect any proceedings now pending under the provisions of any law repealed as aforesaid, but that the same shall proceed and be determined in the same manner as if this act had never passed.

Collectors not to retain per centage on duties paid on goods imported by or for themselves.

XLI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to authorize any collector to retain any per centage on duties payable on any goods, wares, or merchandize, imported into this province from the United States of America, by or for any such collector, either directly or indirectly.

Chapter XII.

An act to compensate the services of the commissioners of customs.

[Passed January 19, 1824.]

Preamble.

Whereas it is expedient to compensate the services of the commissioners of customs, appointed under the provisions of an act passed in the present session of parliament,

entitled, "An act to repeal an act passed in the forty-first year of his late Majesty's reign, entitled, 'An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places;'" and also an act passed in the forty-third year of his late Majesty's reign, entitled, "An act to explain and amend an act passed in the forty-first year of his Majesty's reign, entitled, 'An act for granting to his Majesty, his heirs and successors, to and for the uses of this province, the like duties on goods and merchandize brought into this province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places, and to provide more effectually for the collection and payment of duties on goods and merchandize coming from the United States of America into this province,' and also to establish a fund for the erection and repairing of light houses;" and to make more effectual provision for the due collection of duties on goods imported into this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the collector of any port of entry in this province to pay to the said commissioners of customs the sum of ten shillings each, for every day which any such commissioners shall actually attend at the place appointed for the discharge of the duties imposed upon them, pursuant to the provisions of the said recited act: Provided always, That a statement of such attendance shall be made upon, and certified under, oath, once in three months, by the clerk of the said commissioners.

The collector of any port shall pay to the commissioners of customs 10s. each, per diem, for every day they actually attend.

A statement of such attendance, certified on oath, shall be made every three months by the clerk of said commissioners.

II. And be it further enacted by the authority aforesaid, That such statement shall be a sufficient voucher for the inspector general of this province to credit the collector paying the amount thereof, with the sum so paid in his quarterly account with the said inspector general.

Such statement a sufficient voucher for inspector general to credit the collector in his quarterly account with the amount so paid.

Chapter XIII.

An act to prohibit banks from carrying on business in this province, that do not return their notes in specie within the same.

[Expired.]

Chapter XIV.

An act to repeal an act passed in the forty-fourth year of his late Majesty's reign, entitled, "An act to promulgate the provincial statutes, and also to repeal so much of an act passed in the forty-first year of the reign of his present Majesty, as relates to printing the journals;" and to provide more adequate remuneration for printing annually the statutes of this province.

[Passed January 19, 1824.]

Whereas the sum of eighty pounds, allowed for the annual printing of the laws of this province, by a certain act of the parliament thereof, passed in the forty-fourth year of his late Majesty's reign, entitled, "An act to promulgate the provincial statutes, and also to repeal so much of an act passed in the forty-first year of the reign of his present Majesty as relates to printing the journals," is inadequate, from the increase in the annual number of laws, and of the copies thereof required to be printed since the passing of the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the fourth clause of the said act passed in the forty-fourth year of his late Majesty's reign, shall be, and the same is, hereby repealed.

Preamble.

4th clause 44th Geo. III, c 5, repealed.

II. And be it further enacted by the authority aforesaid, That the person who shall be employed to print the laws of this province, passed in the present session of parliament,

Persons employed to print the laws of this

session may make out an account against the government, which shall be paid and accounted for in the same manner as other accounts against government.
The printing of the statutes hereafter provided for in the contingent charges of public service.

may make out an account against the government of this province for the same, which account shall be paid, and the monies accounted for, in the same manner as other accounts against the government for similar services; and that after the present year, the expense of printing annually the statutes of this province shall be provided for in the same manner as other contingent charges for the public service.

Chapter XV.

An act to continue for a limited time an act passed in the second year of his Majesty's reign, entitled, "An act to make provision for the improvement of the internal navigation of this province, as amended by an act passed in the third year of his Majesty's reign, entitled, 'An act to amend and extend the provisions of an act passed in the second year of his Majesty's reign, entitled, 'An act to make provision for the improvement of the internal navigation of this province, (except so much thereof as is thereby repealed,) and to grant a further sum of money for such improvement.'"

[Passed January 19, 1824.]

Most gracious Sovereign:

Preamble.

Whereas an act of the parliament of this province was passed in the second year of his Majesty's reign, entitled, "An act to make provision for the improvement of the internal navigation of this province," which act was amended by an act passed in the fourth year of his Majesty's reign, entitled, "An act to amend and extend the provisions of an act passed in the second year of his Majesty's reign, entitled, 'An act to make provision for the improvement of the internal navigation of this province;'" and whereas it is expedient to continue for a limited time the said first recited act, as amended by the said second recited act, excepting as is hereinafter provided for, and also to make further provision for the improvement of the internal navigation of this province; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said first recited act, as amended, excepting so much thereof as relates to the sum of two thousand pounds thereby granted for the purposes thereof, be, and the same is, hereby continued.

Reciting 2d Geo. IV, c 2, and 4th Geo. IV, c 1.

2d Geo. IV, c 2, as amended by 3d Geo. IV, c 1, continued.

II. And be it further enacted by the authority aforesaid, That there be granted to his Majesty the sum of one thousand pounds, to be appropriated, applied, paid, and accounted for, in such manner and form as is provided for in the said first recited act.

£1000 in addition granted for the purposes of the 2d Geo. IV, c 2.

III. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for two years, and no longer.

Continuance of this act.

IV. And be it further enacted by the authority aforesaid, That the said commissioners shall have power to cause a survey to be made by competent persons of the isthmus between the Presque isle harbor, in the Newcastle district, and the head of the bay of Quinty, and estimates to be prepared of the sum necessary to connect the same by a navigable canal.

Commissioners may cause a survey of the isthmus between Presque isle harbor and bay of Quinty, and estimates of the sum necessary.
(See 9th Geo. IV, c 14.)

Chapter XVI.

An act to amend and extend the provisions of an act passed at the last session of parliament, entitled, "An act to provide for constructing a navigable canal between Burlington bay and lake Ontario."

[Passed January 19, 1824.]

Preamble.

Whereas an act was passed at the last session of this present parliament, entitled, "An act to provide for making a navigable canal between Burlington bay and lake Ontario," and providing for a loan of five thousand pounds, province currency, to carry the same into effect, redeemable in sixteen years, by means of a toll to be thereon established; and whereas it is found from the experience of the past season, that the produce of the said toll will greatly exceed the sum estimated, and enable the commissioners to be appointed by virtue of the said act, to construct the same on a more extensive scale, and also to reduce the rate of toll established by the said act; be it therefore enacted by the King's

Reciting 4th Geo. IV, c 8.

most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for the purpose of making a canal, on a more extensive scale between Burlington bay and lake Ontario, than that proposed by the above recited act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, so soon after the passing of this act as he may deem expedient, to authorize and direct his Majesty's receiver general of this province to raise by loan the further sum of three thousand pounds, province currency, in addition to the sum of five thousand pounds, authorized to be borrowed by the said act, and to grant debentures for the same, in the same manner, and on the same terms, regulations, and conditions, and to be redeemed in the same time as in the said act is directed for the redemption of the said sum of five thousand pounds, the said additional sum of three thousand pounds to be issued on the warrant of the governor, lieutenant governor, or person administering the government of this province, in favor of the commissioners to be appointed by virtue of the first recited act, to be by them applied in causing the said canal to be constructed upon a more extensive scale than is therein directed, at the discretion of the said commissioners, and to be accounted for through the lords commissioners of his Majesty's treasury, in the same manner as is directed by said act.

Receiver general to raise a loan of £3,000 in addition to the £5,000 authorized by 4th Geo. IV, c 8, under the same regulations.

Governor to issue his warrant in favor of the commissioners to be appointed under said act.

How applied, and accounted for.

II. [Repealed. See 11th Geo. IV, c 12.]

Such commissioners to have power to lower the rate of toll.
Such abatement not to leave a less sum than will pay the interest of the sum borrowed, and redeem the principal within sixteen years.

III. And be it further enacted by the authority aforesaid, That the commissioners so to be appointed shall have full power and authority to make such rules and regulations as to them may seem meet, regulating the passing of vessels, boats, rafts, and craft, into and through the said canal, and to alter and amend the same from time to time as they may deem proper; and also regulating the discharging of ballast, as well within Burlington bay as in lake Ontario, adjacent thereto, a copy of which regulations the said commissioners shall cause to be stuck up in not less than three public places adjacent to Burlington bay; and should any person or persons, masters of vessels, or others, evade or infringe such rules or regulations, they and each of them shall, on conviction thereof, upon the oath of one or more credible witness or witnesses, before one or more justice or justices of the peace, pay a fine not exceeding the sum of five pounds for each offence, and in default of payment thereof, shall be confined in the common gaol of the district for the period of twenty days, unless the said fine and reasonable costs, to be fixed by the said justice or justices, thereon accruing, are sooner paid; the said fine so to be levied, to be transmitted by the justice or justices imposing the same, to his Majesty's receiver general of this province once in every six months, to be by him applied to the general purposes of this province, and accounted for to his Majesty, through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty may be pleased to direct.

Commissioners shall have full power to make regulations from time to time as they see fit.

Copy of such regulations to be affixed in not less than three public places near Burlington bay.

Persons infringing them (on the oath of witness) convicted before a justice, to pay a fine not exceeding £5; or in default, to be imprisoned twenty days, unless the fine and costs be paid.

Such fines to be transmitted to the receiver general every six months.

How applied, and accounted for.

IV. And be it further enacted by the authority aforesaid, That if at any time after the passing of this act, his Majesty's government should think fit to aid in making the said canal, upon a scale to admit vessels of war, it shall be the duty of the commissioners to be appointed by virtue of the before recited act, to cause the same to be constructed on an enlarged scale, equal to the sum which may be so provided; the same to be contracted for in the same manner and conditions as is directed by the said act.

Should his Majesty's government think proper to enlarge the canal so as to admit vessels of war, the commissioners to cause the same to be enlarged in proportion to the sum provided to be contracted for, according to 4th Geo. IV, c 8.

V. And be it further enacted by the authority aforesaid, That nothing in this act, or in the before recited act contained, shall extend, or be construed to extend, to authorize the levying any toll or dues upon any vessel, boat, or other craft, or property belonging to his Majesty, his heirs and successors, passing through or into the said canal.

No boat, &c. belonging to his Majesty passing through canal to pay toll.

VI. And be it further enacted by the authority aforesaid, That so much of the ninth section of the said act passed in the fourth year of his present Majesty's reign, as respects the dimensions of the proposed canal, shall be, and the same is, hereby repealed; and that the said proposed canal shall not contain less than twelve feet depth of water, nor be less than seventy-two feet in width at the top: Provided nevertheless, That the said

9th sec. 4th Geo. IV, c 8, as respects dimensions of proposed canal, repealed.

Canal not to be less than twelve feet deep,

and seventy-two feet wide at top.

Commissioners not to exceed the sum of £8,000.
(See 7th Geo. IV, c 31.)

commissioners so to be appointed shall not contract for any part of the said work, unless the whole is contracted for, to be done on the scale herein mentioned, for the said sum of eight thousand pounds.

Chapter XVII.

(See 6th Geo. IV, c 2.)
(Altered and amended. See 7th Geo. IV, c 19.)

An act to incorporate certain persons therein mentioned under the style and title of "The Welland Canal Company."

[Passed January 19, 1824.]

Preamble.

Petition of certain persons to be incorporated.

Whereas George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, William Hamilton Merritt, and others, have petitioned to be incorporated for the purposes of this act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, and William Hamilton Merritt, or either of them, together with all such persons as shall become stockholders of the company hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic, in fact, and by the name of "The Welland Canal Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of "The Welland Canal Company," shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary or expedient.

Incorporation of a company, to be called the Welland canal company.

Directors of said company empowered to survey the country between river Welland and lake Ontario, and said river and the Ouse.

To have and hold the line, &c. of two intended canals with the necessary locks, &c.
(As to mill sites, see 7th Geo, IV, c 19.)

On convenient sites to erect mills, &c. as may be required, and to purchase the same for the use of the company.

No person compelled by this act to sell such site, &c.

The owner of mills using any additional supply of water by means of such canal, to pay a reasonable compensation.

II. And be it further enacted by the authority aforesaid, That the directors of the Welland canal company shall have full power and authority to explore the country lying between the river Welland, in the district of Niagara, and lake Ontario, and between the said river Welland and the Grand river, or Ouse, in the said district, and to designate and establish, and for the said company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of two intended canals, with their necessary locks, towing paths, basons, and railways, the one to connect the river Welland with lake Ontario, and the other to connect the river Welland with the said Grand river, as near the mouth as practicable, and also to select such convenient sites for such and so many mills, manufactories, warehouses, and other erections, as may be required by the said company for the purposes thereof, and to purchase the same to and for the use of the said company: Provided always, That nothing hereinbefore contained shall extend, or be construed to extend, to compel the owner or owners of any mill seat to sell, convey, or otherwise depart with, the same to the said company: Provided also, That the owner or owners of any mill seat or mill seats, using any additional supply of water brought thereto by the said canal, shall pay a reasonable compensation therefor to the said company, to be determined as hereinafter provided for determining any damage done to property by the said company.

Company to supply the canal with water from springs, &c. found in making same within one thousand yards therefrom, except as before and after mentioned.

Empowered to make one or more reservoirs and feeders, and to supply canal with water.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company, and they are hereby authorized and empowered, from and after the passing of this act, to supply the said canal, whilst making and when made, with water from all such brooks, springs, streams, water courses, hollows, or other repositories of water, as shall be found in making the said canal, or within the distance of one thousand yards, (except as hereinbefore or hereinafter mentioned,) from any part of the said canal, or from any reservoir or reservoirs to be made for supplying the said canal with water; and the said company are hereby also authorized and empowered, by themselves and their deputies, agents, servants, and workmen, to make one or more reservoir or reservoirs, and such or so many feeders, tunnels, and aqueducts, for supplying the said reservoirs and canal with water, and conveying water from any such reservoir or reservoirs to the said canal, as to them shall seem necessary and proper, (excepting as hereinafter or above

mentioned;) and for the purposes aforesaid, the said company and their agents, servants, and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of, or belonging to, the King's Majesty, his heirs or successors, or to any other person or persons, bodies politic or corporate, (excepting as is hereinbefore provided,) and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said canal, and any such reservoir or reservoirs, feeders, tunnels, and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, and using in the said intended navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay, earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug or got in the making of the said canal, or in making of any reservoir or reservoirs, feeders or aqueducts, or out of any lands or grounds of any person or persons adjoining or laying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing, or repairing the said canal, or other the said works, or which may hinder, prevent, or obstruct the making, using, completing, or maintaining the same; and also to make, build, erect, and set up in and upon the said canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing places, and other works, ways, roads, and conveniences, as the said company shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, repair, amend, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and from the said canal, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of, and belonging to, the said navigation; and also place, lay, work, and manufacture the said materials on the grounds near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired, or done, and to build and construct the several locks, bridges, works, and erections belonging thereto; and also to make, maintain, repair, and alter any fences or passages over, under, or through the said canal, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses and sluices respectively, which shall communicate therewith; and also to make, set up, and appoint drawing boats, barges, vessels, or rafts, passing in, through, along, or upon the said canals, as they, the said company, shall think convenient; and to construct, erect, and keep in repair, any piers, arches, or other works, in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said canal, and the towing paths on the sides thereof; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said canal, in pursuance, and within the true meaning of this act; they, the said commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction, in manner hereinafter mentioned, for all damages to be sustained by the owner or occupiers of such lands, tenements, or hereditaments: Provided, That nothing in this act contained shall extend, or be construed to extend, to authorize the said company to divert or take away for the use of the said canal, the water of any stream or river, so as to injure any mills within the limits of the said intended canal, without the consent of the owner or owners thereof.

For this purpose may enter upon lands of his Majesty or other persons, (except as provided for,) and survey such parts as they think necessary for making canal and reservoirs, &c.

And such matters, &c. as are necessary for making, &c. such navigation.

May bore, dig, &c. carry away, and lay rubbish, soil, clay, stone, &c. for making such canal, &c. on the grounds of persons adjoining.

May erect on said canal, or lands adjoining, bridges, tunnels, &c.

May from time to time alter, repair, &c. if necessary.

May place, work, &c. materials on grounds adjoining.

May repair and alter fences.

May make and appoint boats, barges, &c. on said canal.

May construct and keep in repair, piers, arches, &c. on any brook, river, &c. for making, &c. said canal and towing paths, and other matters and things necessary and convenient for the purposes of this act.

Doing as little damage as possible, and making satisfaction as hereinafter mentioned.

Not to take away any water belonging to any mills, without the consent of owner, &c.

IV. And be it further enacted by the authority aforesaid, That should the owner or owners, occupier or occupiers, of any mill seats on the line of the said canal, or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated, from the erection of rival establishments, or from any other cause growing out of the cutting and making the said canal, and for the compensation of which no provision is made in this act, it shall and may be lawful for the said company, and they are hereby required to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by arbitrators, as hereinafter provided, to ascertain the value of lands and tenements to be purchased, or the amount of damages in any case sustained: Provided always, That nothing herein contained shall extend, or be construed to extend, to compel the said owner or owners, occupier or occupiers of any such mill seats, to sell, convey, or otherwise dispose of the same to the said company.

Should owners of mill seats on the line of the canal, or within five hundred yards thereof, consider the same injured or value diminished from rival establishments, or by means of the canal, the company required to purchase the same at a fair valuation, to be ascertained by arbitrators, as hereinafter provided.

This not to compel any person to sell such mill seat.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company, in constructing and making the said canal from lake Ontario to the river Welland, and from the said Grand river to the river Welland, to take and appropriate for the use of the said canal as much water as they may find necessary, from out of the Niagara river, the said Grand river, and river Welland; and it shall be lawful for the said company to erect at the mouth of the river Welland a pier, and at the points of departure of the said canal from the said Grand river and from the river Welland, and at the place of its termination at lake Ontario, such and so many wharves, quays, piers, forebays, locks,

Company in making such canal, may take as much water as they think necessary from Niagara, Grand, and Welland rivers.

May erect a pier at the mouth of the river Welland and other places, and as many wharves, quays, &c. as may be

necessary for transporting, etc.
No such erections to obstruct the navigation, etc.
Not to prejudice any establishment of the royal navy, or other public departments, etc.
Power of obtaining land for such purposes, governed by provisions herein contained.

and other erections, as may be necessary for the use of the said company, and the purposes of transport on the said canal: Provided always, That no such erection, work, or device of the said company, shall obstruct the navigation of the said river Welland, or the said Grand river, or in any manner prejudice any establishment, work, or depot, of or for the use of the royal navy, or other department of the public service, now formed and situate at or near the mouth of the Grand river or river Welland, or upon the banks thereof, or be placed on any ground more than one hundred yards distant from such points of departure and termination, as aforesaid, and that the powers of obtaining any land for that purpose shall be governed by the provisions herein contained.

After ground ascertained to be necessary for making the canal, all bodies, corporations, guardians, trustees, etc. not only for themselves heirs, etc. but also for those whom they represent, whether infants, etc. femmes coverts, idiots, etc. interested in such lands may sell the same, and all such sales shall be valid: amount to be ascertained as hereinafter mentioned.

VI. And be it further enacted by the authority aforesaid, That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said canal, and other purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, communities, corporations, aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, or other person or persons, who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell, and convey unto the said company all or any part of such lands or grounds, which shall from time to time be set out and ascertained as aforesaid; and that all such contracts, agreements, and sales, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, or usage to the contrary thereof in any wise notwithstanding; and the amount thereof shall be established in the manner hereinafter mentioned, for the determination of the value of lands or other tenements to be purchased by the said company, and of the amount of damages committed thereby.

The directors may contract with the owners of land through which the canal shall pass, for the absolute purchase of so much as they require;

or for damages occasioned by said canal, etc.

VII. And be it further enacted by the authority aforesaid, That the directors of the said company shall be, and the same are hereby empowered, to contract, compound, compromise, and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended canal, with all necessary and convenient locks, towing-paths, rail-ways, and other erections and constructions contemplated by this act, to be cut, erected, constructed, and built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said company, or for the damages which he, she, or they shall and may be entitled to recover from the said company, in consequence of the said intended canal, locks, towing-paths, rail-ways, and other constructions and erections being cut and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said directors and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful from time to time, as often as the said directors shall think fit, for each owner or occupier so disagreeing with the said directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one indifferent person, and for the said directors to nominate and appoint an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the said persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the route of the said intended canal, to be appointed by the said directors, within eight days after notice be given them by the said directors for that purpose, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of his Majesty's justices of the peace in and for the said district, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: Provided always, That no arbitrator shall be compellable to attend any such meeting of the arbitrators aforesaid, who shall usually reside more than fifty miles from the place of meeting.

In case of disagreement each party to nominate arbitrators, together with one chosen by ballot by said arbitrators, the majority of whom shall award the sum to be paid by the company.

(Power of the arbitrators extended. See 7th Geo. IV, c 19, s 4 and 5.)

Arbitrators to attend within eight days after notice, at a place appointed by the directors, there to decide.

Arbitrators to be sworn by a justice of the peace to assess the damages well and truly.
No arbitrator compelled to attend, if not residing within fifty miles of the place of meeting.

Such award may be set aside by the court of king's bench the same as ordinary submission.
Reference again to arbitrators.

VIII. And be it further enacted by the authority aforesaid, That any award made under this act shall be subject to be set aside, on application to the court of king's bench, in the same manner, and on the same grounds, as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitrators, as hereinbefore provided.

Property of the Indians to be ascertained the same as other individuals.
Arbitrator on their part to be named by the chief officer of their department, to whom the sum awarded shall be paid.

IX. Provided always, and be it further enacted by the authority aforesaid, That if any part of the said canal shall pass through any tract of land in the possession of any tribe or tribes of Indians in this province, or if any act occasioning damage to their property or their possessions shall be done under the authority of this act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possessions, or rights of other individuals; and that in any arbitration required for settling the amount of such compensation, the chief officer of the Indian department within this province

is hereby authorized and required to name an arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any such case shall be paid to the said chief officer of the Indian department, to the use of the said Indians.

X. And be it further enacted by the authority aforesaid, That when and so often as it shall be necessary to cut into any highway, in order to conduct the said canal through the same, the said company of proprietors shall, within one month, cause to be constructed a secure, sufficient, and commodious bridge, for the passing of carriages, in order to re-establish the communication between the several parts of such highways, under the penalty of five pounds currency for each and every day after the expiration of the said time, which the said company shall neglect to construct such secure, sufficient, and commodious bridge, as aforesaid.

If it be necessary to cut into any highway, company within one month shall build a bridge, under the penalty of £5 per day.

Any proprietor of land may (at his own cost) erect bridges to connect his property, separated; but not to obstruct the navigation more than the other bridges.

XI. [Repealed by 7th Geo. IV, c 19, s 7.]

Any person destroying any work erecting by this act, shall pay the damages and costs, to be recovered by action, or committed to the gaol for a time not exceeding three months.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully, maliciously, or to the prejudice of the said company, break, throw down, damage, or destroy any bank, lock, gate, sluice, or any works, machine, or device, to be erected or made, by virtue of this act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, or maintaining the said canal, every such person or persons so offending, shall forfeit and pay to the said company the value of the damage, proved by the oath of two or more credible witnesses, to have been done; such damages, together with costs of suit in that behalf incurred, to be recovered by action in any court of law in this province, having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time, not exceeding three months, at the discretion of the court before which such offender shall be convicted.

Every person obstructing the canal with boat, timber, &c. and upon due notice not removing the same, shall forfeit £5.

XIII. And be it further enacted by the authority aforesaid, That if any person shall float any timber upon the said canal, or shall suffer the loading of any boat, or vessel, or raft, navigating in or upon the said canal, so as by such over loading, to obstruct the passage of any other boat, vessel, or raft, and shall not immediately, upon due notice given to the owner, or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same, so as to make a free passage for the other boats, vessels, or rafts, every such owner or person floating such timber, or having the care of such boat, vessel, or raft, so obstructing the passage, as aforesaid, shall forfeit and pay for every such offence, the sum of five pounds currency; and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said canal, every such person shall for every such offence forfeit a sum not exceeding five pounds currency; which said respective forfeitures shall be paid to the company, to be by them applied for the purposes of the said navigation.

Persons throwing gravel, &c. in the canal, shall forfeit not more than £5.

Such forfeitures, how applied.

Persons placing any vessel, &c. so as to obstruct the navigation, and not removing the same at request, shall pay 10s. for every hour.

XIV. And be it further enacted by the authority aforesaid, That if any boat, vessel, or raft, shall be placed in any part of the said canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel, or raft, shall not immediately, upon the request of any of the servants of the said company, made for that purpose, remove the same, he shall for every such offence forfeit a penalty of ten shillings of lawful money of Upper Canada, for every hour such obstruction shall continue; and it shall be lawful for the agents or servants of the said company to cause any such boat, vessel, or raft, to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in the said canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time, weigh or draw up the same, it shall be lawful for the agents or servants of the said company to cause such boat or vessel to be weighed or drawn up, and to obtain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Company may cause such boat, &c. to be unloaded and removed; and may detain the same until all charges are paid.

If any boat, &c. is sunk in canal, and the owner not drawing up the same, the company, &c. may do it, and detain the same until all expenses are paid.

Owners of land adjoining may use pleasure boats, or boats for conveying cattle from one fence to the other, without the interruption of the company, &c. without paying toll, (not passing thro' a lock without consent.)

But not for the carriage of goods, &c. to market, or for the purposes

XV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said canal to use any pleasure boats or any boats upon the said canal, for the purpose of husbandry, or for conveying cattle from one farm, or part of a farm or lands, to any other farm or lands of the same owner or occupier, (not passing through any lock without the consent of the said company, their successors, or their principal agent for the time being,) without interruption from the said company, or their successors, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandize, to market, or for sale, or for any person or persons for hire, and

of gain; and not to obstruct the navigation.

shall not obstruct or prejudice the navigation of the said intended canal, or the towing-paths thereof.

If the wears, flood-gates, etc. give way, company, or their servants, etc. may enter upon any land and dig and take stone, gravel, etc. for the purpose of repairing the same, doing as little damage as possible, and making reparation within six months, as before mentioned.

XVI. And whereas it may hereafter happen from floods, or from some unexpected accident, that wears, flood-gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands, or the property thereon, thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further damages, be it therefore further enacted by the authority aforesaid, That when and so often as any such case may happen, it shall be lawful for the said company, from time to time, or for their or any of their servants, agents, or workmen, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds, or hereditaments adjoining or near to the said intended canal, or branches, reservoirs, or trenches, or any of them, (not being an orchard, garden, or yard,) and to dig for, work, get, and carry away and use all such stones, gravel, and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in, such lands, grounds, or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in, such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them; which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined, by the ways and means hereinbefore described, with respect to other damages done by the making and completing the said navigation.

Directors, &c. may cut spaces for boats to turn and lie in, in adjoining lands.

XVII. And be it further enacted by the authority aforesaid, That the said company shall and may, in such parts of the said canal as shall not be of sufficient breadth for admitting a boat, vessel, or raft, to turn about, or lie, or for two boats, or other vessels or rafts to pass each other, to open or cut proper spaces or places in the lands adjoining to the said canal, at convenient distances from each other, for the turning, lying, and passing of any such boat, vessel, or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the said canal, shall, upon meeting any other boat or vessel, stop at, or go back to, and lie in the said places or spaces, in such manner as the said directors, or the major part of them, under their hands shall direct and appoint.

Boats meeting shall go back and lie in such spaces, as the majority of directors under their hands shall direct.

President, &c. may regulate the toll.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and directors of the said company to regulate from time to time, and establish the rates of toll, payable by persons navigating upon the said canal; and the said company shall annually, if required, exhibit an account to either branch of the legislature, of the tolls collected upon the said canal, and of the sums expended in keeping the same in repair, and also of the goods, wares, and merchandize, transported in and along the same: Provided always, That if at any time after the expiration of five years from the time of the commencement of the navigation upon any part of the said canal, the legislature shall deem the tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said company less than twenty per cent. on the capital actually expended in making the said canal.

Shall if required exhibit to the legislature the amount collected and expended; and of goods, &c. transported.

After five years from commencement of navigation, the legislature, if they deem the tolls too high, may reduce them at a rate not less than twenty per cent. on capital expended.

Such canal from lake Ontario to the river Welland, (as surveyed by Mr. H. Tibbet,) to be completed in five years; and from Welland to Grand river in seven years; so as to be navigable for boats, under forfeiture of charter.

If the cut to the river Welland is finished in five years, they shall be entitled to the privileges of this act, as far as relates to the same.

XIX. And be it further enacted by the authority aforesaid, That the said company, to entitle themselves to the benefit and advantages to them granted by this act, shall, and they are hereby required to, make and complete the said canal, rail-way, towing-paths, and other erections required for the navigation thereof, (as laid down in the report of Mr. Hiram Tibbet, engineer,) from lake Ontario to the river Welland, within five years from the date hereof, and from the river Welland to the said Grand river, within seven years from the date hereof, so as to be navigable for boats, barges, and rafts; otherwise this act, and every matter and thing herein contained, shall cease, and be utterly null and void: Provided, nevertheless, That the said company shall be entitled to all the advantages of this act, inasmuch as relates to the cut to the river Welland, in case they complete and finish that part of it within the time limited by this act.

After any part of the canal is finished, the company at a general meeting to fix the rate of toll.

Directors may alter the same after three months' notice.

Schedule to be affixed in public places.

XX. And be it further enacted by the authority aforesaid, That the said company shall, at their first general meeting held after any part of the canal shall be finished, ascertain and fix the rates and dues to be taken by virtue of this act; and that it shall and may be lawful for the directors of the said company to alter the said rates at any subsequent meeting, after giving three months' public notice of the same, and that a schedule of rates shall be affixed on the different public places on the route of the said canal.

XXI. And for preventing disputes touching the damage of any boat, barge, or other vessel, navigating upon the said canal, be it further enacted by the authority aforesaid, That the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or vessel, to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of forty shillings currency; and it shall be lawful for the said company, or their toll-gatherer, or such person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues; and if such owner or master shall refuse or decline to choose a person in his behalf, as aforesaid, then the person appointed by the said company, or their toll-gatherer, shall have alone the power of ascertaining such tonnage.

Persons refusing to have their boats measured shall forfeit 40s. Company, or their toll gatherer, and owner of boats, shall choose a person to ascertain the measurement of the same, whose decision shall be evidence of the tonnage in all questions about the toll.
If the owner shall refuse to choose, the person chosen by the company shall ascertain it.

XXII. And be it further enacted by the authority aforesaid, That all persons whatsoever shall have free liberty to use, with horses, cattle, and carriages, the private roads and ways to be made as aforesaid, (except the towing-paths,) for the purpose of conveying any goods, wares, merchandize, timber, and commodities whatsoever, to and from the said canal, and also to navigate on the said canal with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber, and commodities, and also to use the said towing-paths with horses, for drawing and hauling such boats and vessels, upon payment of such rates or dues as shall be established by the said company.

Persons allowed to use with horses the private roads for the purposes of transportation; and to navigate the canal with boats, and use the quays; and towing paths, at a rate to be established by the company.

XXIII. And be it further enacted by the authority aforesaid, That the said several dues shall be paid to such person or persons, at such place or places near to the said canal, in such manner and under such regulations as the said directors shall direct or appoint; and in case of denial, or neglect of payment of any such rates or dues, or any part thereof, on demand to the person or persons appointed to receive the same, as aforesaid, the said company may sue for and recover the same in any court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are, hereby empowered to seize and detain such boat, vessel, barge, or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

Said dues to be paid to persons, and at places which the directors shall appoint.

May sue for the same if refused; or detain such vessel, &c. until payment thereof.

XXIV. [Repealed by 6th Geo. IV, c 2.]

Stock of said company not to exceed £40,000.

XXV. And be it further enacted by the authority aforesaid, That each share in the said company shall be twelve pounds ten shillings, provincial currency, and the number of shares shall not exceed three thousand; and that books of subscription shall be opened in the several assize towns in this province, within two months after the passing of this act, by such person or persons, and under such regulations, as the majority of the said petitioners, assembled at a meeting to be called by any one of them in the town of Niagara for that purpose, shall direct.

Each share to be £12 10s.
Number of shares not to exceed three thousand.
Books of subscription within two months shall be opened in all the assize towns, by such persons, and under such regulations, as the majority of petitioners to meet at Niagara, shall direct.
(Repealed in part by 6th Geo. IV, c 2, as to the number of shares; which may be sixteen thousand.)

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, his Majesty's subjects, or others, to subscribe for any number of shares, (not exceeding in the first instance eighty,) the amount whereof shall be due and payable to the said company in the manner hereinafter mentioned, that is to say; ten per cent. on each share so subscribed shall be payable to the said company immediately after the stockholders shall have elected the number of directors hereinafter mentioned, and the remainder by instalments of not more than ten per cent. at such periods as the president and directors shall from time to time direct and appoint for the payment thereof: Provided, That no instalment shall be called for in less than thirty days after public notice shall have been given in all the newspapers in every district of this province where any stock shall have been subscribed: Provided always, That if any stockholder or stockholders, as aforesaid, shall neglect or refuse to pay to the said company the instalment due on any share or shares held by him, her, or them, at the time required by law, such stockholder or stockholders shall forfeit such share, as aforesaid, with the amount previously paid thereon; and the share or shares shall be sold by the directors at public auction, after having given thirty days' notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said company: Provided always, That such purchaser or purchasers shall pay to the said company the amount of the instalment required,

Persons taking any number of shares, (not more than eighty in first instance,) shall pay ten per cent. on each share, immediately after election of directors.
The remainder by instalments of not less than ten per cent. as the directors shall appoint.
Thirty days' notice to be given in all the newspapers in district where stock is subscribed.
Stockholders refusing to pay the instalment, shall forfeit their shares and the amount previously paid thereon.
Directors may sell the same at auction, and may apply the proceeds, with the account previously paid,

for the use of the company.
The purchasers shall pay the instalment required, besides the purchase money, immediately, and before certificate of transfer.

over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased as aforesaid.

If the whole number of shares shall not be subscribed within two months after opening the books, any person may increase his subscription.
After first instalment, shares transferable.
Until the canal is complete from river Welland to lake Ontario, no money to be expended for any other purpose.
Not more than five thousand pounds shall be expended in erecting machinery, until the whole canal is finished.

XXVII. And be it further enacted by the authority aforesaid, That if the whole number of shares shall not be subscribed within two months after the books of subscription shall have been opened, as aforesaid, then, and in such case, it shall and may be lawful for any former subscriber to increase his, her, or their subscription; and that after the first instalment shall have been paid to the said company, the said shares shall become transferable on the books of the said company: Provided always, That until the said canal shall be completed from the river Welland to lake Ontario, no part of the funds paid in shall be applied to any other purpose whatsoever, and after the same is completed, not more than five thousand pounds shall be expended in the erection of machinery, until the cut to the said Grand river is completed; and the said company shall proceed to the completion of the whole with as little delay as possible.

After £5000 subscribed, subscribers may call a meeting to elect directors.
Directors shall be elected by the majority of shares voted for.
Directors so elected, shall serve until the first Monday in April, succeeding such election.
Directors, so soon as they receive £500, to commence operations.
No meeting of the subscribers until at least thirty days' notice in all the newspapers.

XXVIII. And be it further enacted by the authority aforesaid, That so soon as five thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named, (in the town of Niagara,) for the purpose of proceeding to the election of the number of directors hereinafter mentioned; and such election shall then and there be made by a majority of shares, voted for in manner hereinafter prescribed, in respect of the annual election of directors, and the persons then and there chosen shall be the first directors, and be capable of serving until the first Monday in April succeeding their election; and the directors so chosen shall, as soon as a deposit amounting to five hundred pounds, upon the shares subscribed as aforesaid, shall be paid to the said directors, commence the business and operations of the said company: Provided always, That no such meeting of the said subscribers shall take place, until a notice is published in all the newspapers in this province, at the distance of not less than thirty days from the time of such notification.

The affairs of the company to be managed by five directors, of whom one shall be president.

Such directors, &c. how chosen and elected.

XXIX. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, one of whom shall be chosen president, who shall hold their offices for one year, which directors shall be stockholders, and shall be inhabitants of this province, and be elected on the first Monday in April in every year, at such time of the day and at such place, near the line of the said intended canal, as a majority of the directors, for the time being, shall appoint; and public notice shall be given by the said directors in the different newspapers printed within this province, of such time and place, not more than sixty nor less than thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose in their own proper persons, or by proxy; and all elections for directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders, hereinbefore authorized to hold such election, shall proceed by ballot a second time, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be the director or directors, so as to complete the whole number of five; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president, and two of the directors which shall be chosen at the preceding year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than three of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of such person or persons, above the said number, and who shall have the fewest votes, shall be considered void, and such other of the stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible, as aforesaid; and the president, for the time being, shall always be eligible to the office of director, but stockholders not residing within the province shall be ineligible; and if any director shall absent himself from this province,

The directors by ballot to elect a president.
Two directors shall be ineligible the next year.

If more than three elected, the election of those having fewest votes to be void.

The president for the time being shall always be eligible to the office of director.

and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the directors, or if the office of president, by death, resignation, or removal from the said province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the directors: Provided always, That no person shall be eligible to be a director who shall not be a stockholder to the amount of at least ten shares.

If any director shall absent himself for six months from the province, his office shall be void.
Such vacancies, how filled up.
A director must be a stockholder of at least ten shares.

XXX. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say; at the rate of one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Stockholders to have votes according to the number of shares.

XXXI. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

If directors not elected on the proper day, charter not void.
But may elect the same on any other day, according to their by-laws.

XXXII. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said company, as to them, or to the majority of them, shall appear advisable; and that once in every three years, and oftener, if thereunto required by a majority of the votes of the stockholders, to be given agreeable to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus profits, if any, after deducting losses, dividends, and expenditures.

Dividend to be made half yearly, by the directors, if they think it advisable.
If required by the stockholders, a general statement to be given once in three years, or oftener.

XXXIII. And be it further enacted by the authority aforesaid, That the directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects, of the said corporation, and touching the duty and conduct of the officers, clerks, and servants, employed by the said company, and all such other matters as appertain to the business of the said company, and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: Provided, That such rules and regulations be not repugnant to the laws of this province.

Directors for the time being may make such laws as they think necessary;
and appoint officers, clerks, &c. with proper salaries.
No by-law to be contrary to the laws of this province.

XXXIV. And be it further enacted by the authority aforesaid, That every treasurer, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the directors, with condition for the faithful discharge of his duty.

Treasurer, with two securities, to give bond.

XXXV. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this act, or against any rule, order, or by-law of the said company, to be made in pursuance thereof, for the levying and recovering whereof, no particular mode is hereinbefore directed, shall, upon proof of the offences respectively, before any two justices of the peace for the district of Niagara, either by confession of the party or parties, or by the oath of one credible witness, (which oath such justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such justices, (which warrant such justices are hereby empowered to grant,) and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common gaol of the district of Niagara, there to remain without bail or mainprize, for such time as such justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; all which said penalties and forfeitures, when levied and satisfied in manner aforesaid, shall be paid to the said company, to be by them applied for the purposes of the said navigation.

The penalties for infringing such by-laws, upon proof before two justices of the Niagara district, shall be levied by distress, by warrant of the justices.
If no distress, the party refusing to pay the penalty and costs, shall be committed to the gaol of the Niagara district for a time not exceeding twenty days.
Such penalties, how applied.

XXXVI. And be it further enacted by the authority aforesaid, That the land and ground to be taken and used for the said canal, the towing-paths, and the ditches, drains, and fences, to separate any such towing-paths from the adjoining lands, shall not exceed forty yards in breadth, except in such places where the said canal shall be raised higher,

The canal not to exceed forty yards in breadth, including ditches, drains, &c., except where boats are to lie

and pass each other, without the consent of the owners of the land adjoining.

or cut above five feet deeper, than the present surface of the land; and in such places where it shall be judged necessary for boats, and other vessels and rafts, to turn, lie, or pass each other, not more than sixty-five yards in breadth in any of those places, without the consent of the owner or owners of such land or ground respectively, under his, her, or their hand or seal, in writing, first had and obtained; nor shall any land or ground be let out, ascertained, contracted for, or sold, for the purpose of making any navigable cut, trench, or sluice, to convey goods or other things to or from the said canal, without such consent, as aforesaid, any thing in this act contained to the contrary notwithstanding.

At the expiration of thirty years, his Majesty may assume the property of the canal, by paying to the company, their heirs, &c. the full amount of their shares, and an advance of twenty-five per cent.

XXXVII. And be it further enacted by the authority aforesaid, That after a period of thirty years after the making and completing of the said canal, it shall and may be lawful for his Majesty, his heirs and successors, to assume the possession and property of the same, and of all and every the works and dependencies thereon belonging, or in any wise appertaining, upon paying to the said company, their heirs, executors, administrators, and assigns, the full amount of their respective shares, or of the sums furnished and advanced, by each subscriber towards the making and completing of the said canal, together with such further sum, as will amount to twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such company; and the said canal shall, from the time of such assumption, in manner aforesaid, appertain and belong to his Majesty, his heirs and successors, who shall from thenceforth be substituted in the place or stead of the said company, their heirs and assigns, for all and every the purposes of this act, in so far as regards the said canal.

And shall belong to his Majesty in the stead of the company, for all the purposes of this act.

All actions brought for any thing done in pursuance of this act, must be brought in six months.

XXXVIII. And be it further enacted by the authority aforesaid, That if any plaint shall be brought or commenced against any person or persons for any thing done, or to be done, in pursuance of this act, or in execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereon, and that the same was done in pursuance, and by the authority of this act; and if it shall appear to be so done, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

Defendants may plead the general issue and give the special matter in evidence.

If brought after the expiration of six months, a verdict for defendant.

Nothing in this act contained shall affect the right of his Majesty, or any other person, except as herein provided.

XXXIX. And be it further enacted by the authority aforesaid, That nothing herein contained shall affect in any manner or way whatsoever the right of his Majesty, his heirs and successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided.

This act a public act.

XL. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

Chapter XVIII.

An act to repeal part of, continue, and amend the laws now in force, imposing a duty on licenses to innkeepers within this province.

[Passed January 19, 1824.]

Preamble.

Whereas an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace, in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses;" and to continue for a limited time by an act passed in the second year of his present Majesty's reign, entitled, "An act to continue for a limited time a certain act of the parliament of this province, passed in the fifty-ninth year of his late Majesty's reign, entitled, 'An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace, in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses,'" will shortly expire; and whereas it is expedient to continue the same, except such parts thereof as are hereby repealed, and further to amend the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government

of the said province,'" and by the authority of the same, That from and after the first day of March next, so much of the second clause of the said act passed in the fifty-ninth year of his late Majesty's reign, as relates to the adjournment of the general quarter sessions to the last Monday in December, and the third clause of the said act, shall be, and the same are, hereby repealed; and that the magistrates in general quarter sessions assembled in each and every district in this province, at their meeting next preceding the fifth day of January, shall have power and authority to adjourn the general quarter sessions to the fifth day of January in each and every year, or if the same shall be on a Sunday, then to the Monday following, for the purpose of receiving applications and granting approvals to innkeepers, and for other purposes specified in the said act.

After 1st March, 1824, 2d clause 59th Geo. III, c 2, as relates to the adjournment of general quarter sessions to last Monday in December, and 3d clause, repealed. Justices in sessions, at the preceding meeting may adjourn until 5th January, or to the Monday after, if 5th January be on Sunday, for the purpose of granting licenses to innkeepers.

II. And be it further enacted by the authority aforesaid, That the said first recited act, except such parts thereof as are hereby repealed, shall continue and be in force for four years, and from thence to the end of the then next ensuing session of parliament.

Continuance of 59th Geo. III, c 2. (See 11th Geo. IV, c 9.)

Chapter XIX.

An act to continue and amend an act passed in the fifty-eighth year of his late Majesty's reign, entitled, "An act to continue the laws now in force for granting an additional duty on shop licenses," and to require persons selling spirituous liquors by wholesale, to take out a license for that purpose.

[Passed January 19, 1824.]

MOST GRACIOUS SOVEREIGN:

Whereas an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to continue the laws now in force for granting additional duty on shop licenses," will shortly expire; and whereas it is expedient to continue and amend the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act shall continue and be in force for and during the continuance of this act.

Preamble.

Reciting 59th Geo. III, c 6.

II. And be it further enacted by the authority aforesaid, That from and after the first day of June next, and from and after the fifth day of January in each and every ensuing year, there shall be taken out a license by every merchant, shopkeeper, trader, or dealer, who may sell or vend any wines, brandy, or other spirituous liquors, by wholesale, that is to say, three gallons, or upwards, and who has not taken out any license to sell, vend, and retail, wines, brandy, or other spirituous liquors; for which license there shall be paid at the time such license shall be taken out, the sum of five pounds.

After 1st June, 1824, and 5th January in every other year, every shopkeeper, &c. selling spirituous liquors, by wholesale, and not having taken out a license to retail, shall take out a license and pay five pounds for the same.

III. And be it further enacted by the authority aforesaid, That the licences to wholesale dealers, as aforesaid, shall be issued in the like manner as licenses are by law directed to be issued to retail dealers in wines, brandy, and other spirituous liquors.

Wholesale licenses to be issued the same as the retail.

IV. And be it further enacted by the authority aforesaid, That any person or persons who shall sell or vend any wines, brandy, or other spirituous liquors, by wholesale, after the first day of June next, without having first obtained a license so to do, as hereinbefore enacted, shall be subject to the like penalties as by law are imposed on any person or persons selling wines, brandy, or other spirituous liquors by retail, without a license authorizing such person or persons so to do; which penalties shall be levied, collected, and appropriated, in the same manner as other penalties are by the provisions of this law ordered to be levied, collected, and appropriated.

Wholesale persons selling without license after 1st June, liable to the same penalties as persons selling by retail.

Such penalties how levied and accounted for.

V. And whereas doubts have been entertained whether, under the existing laws, any individual taking out a shop license can, under the authority of such a license, sell spirituous liquors, by retail, in more than one shop within the district, be it therefore further enacted and declared by the authority aforesaid, That no shop license to be hereafter taken out, shall be considered to authorize the person taking out the same, to retail spirituous liquors in more than one shop or place, any thing in any former law to the contrary thereof notwithstanding; and that in every application for a shop license, after the passing of this act, the premises or shop to which such license is meant to extend, shall be particularly specified, and the same shall also be inserted in the license to be issued thereupon.

Persons taking out license to retail, the same shall not sell in more than one shop.

The shop to which such license shall extend, shall be particularly described therein.

VI. And be it further enacted by the authority aforesaid, That if it shall appear, upon any prosecution for selling liquor by retail, without license, that the shop which shall have been mentioned in any license shall have been removed, and the business wholly transferred to any other place within the district, such shop being the same in respect to which the

If the shop be removed and the business wholly transferred, the same shall be considered as licensed.

complaint shall have been instituted, shall and may be considered as licensed, notwithstanding the provision hereinbefore contained.

The provisions of this act not to extend to prohibit persons selling liquor distilled from grain raised on their own farms.

Or distilleries.

VII. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to prohibit any person or persons from exposing to sale, and vending by wholesale, such liquors as they obtain from the distillation of grain raised upon their own farms, or to prohibit any person who shall have taken out, or who may hereafter take out, a license for the distillation of spirituous liquors, from selling such liquors by wholesale in his distillery, only as he shall have distilled without taking out the license required by this act.

Money raised under this act to be paid to the receiver general.

How accounted for.

VIII. And be it further enacted by the authority aforesaid, That the money to be raised and collected under this act shall be paid unto his Majesty's receiver general of this province for the time being, to and for the use of his Majesty, his heirs and successors, and to and for the uses of this province, to be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall direct.

Continuance of this act.

IX. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter XX.

An act to alter the times of holding the terms of Hilary and Michaelmas.

[Repealed by 6th Geo. IV, Ch. 1.]

Chapter XXI.

An act to repeal part of an act passed in the last session of parliament, entitled, "An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," and to make further provision for settling the affairs of the said pretended bank.

(Repealed by 9th Geo. IV, c 11.)

[Passed January 19, 1824.]

Preamble.

Reciting 4th Geo. IV, c 22.

Whereas it is expedient to repeal part of an act passed in the last session of parliament, entitled, "An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," and to make further provision for settling the affairs of the said pretended bank; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the last clause of the said recited act as restrains the persons therein named from selling, conveying, or transferring their personal estate, be, and the same is, hereby repealed.

10th clause and 22d, 4th Geo. IV, so far as relates to prevent certain persons from selling personal estate, repealed.

The board for settling the affairs of the bank of Upper Canada, may receive in payment for debts due the said institution, any notes of the bank or certificates of the board.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the board for settling the affairs of the pretended bank of Upper Canada, lately established at Kingston, in this province, and they are hereby required to receive of and from any person or persons indebted to the said pretended bank, or to any person or persons in trust for the said bank, in payment of the debts due thereto, any notes or bills of the said bank, or other security for money given thereby, or any certificates which may have been, or shall hereafter be, issued by the said board, of the amount found due by the said bank, to the holder or holders thereof: Provided always, That the said board shall not receive such bills or notes as aforesaid, nor grant any certificates therefor, as aforesaid, after the expiration of nine calendar months from the passing of this act.

Time limited for receiving the same and granting certificates.

At the end of nine months from this date, and every six months after, dividends shall be made.

III. And be it further enacted by the authority aforesaid, That the said board shall, at the end of nine months, and after the expiration of that period, at the end of every succeeding six months, make and declare a dividend and dividends at each time respectively, of all monies paid to them, as commissioners for settling the affairs of the pretended bank of Upper Canada, applying the same in equal proportion to the payment of each certificate issued as aforesaid, excepting such certificates as may be held by any of the late directors or officers of the late pretended bank; which sum, so appropriated and paid,

Exception as to directors and officers.

shall be endorsed on the back of such certificate, at the time of payment, by the person receiving the same, or by the clerk of the said board.

Dividend to be endorsed on certificate.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said board to bring any action or actions, for money had and received to the use of the said board, against any person or persons who are makers, indorsers, or acceptors of any bill of exchange or promissory note due to the said pretended bank, or who are indebted to the said bank in any other manner by simple contract, and to give the said bill or bills of exchange, or promissory note or notes, or other matters, as evidence thereof, whether the same shall have been made payable at the said pretended bank or not, and whether the same shall have been presented there for payment or not.

Board may bring action for money had and received, against makers and indorsers of notes, &c.,

and give the same in evidence.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said board, from time to time, at their discretion, to burn and destroy the bills or notes, aforesaid, by them redeemed, in the presence of one or more of the directors named in the said recited act, having first taken an account of the said notes so to be burned and destroyed, which account, entered in the books of the board, and signed by the director or directors present, as well as the clerk of the board, shall be good and sufficient evidence of the destruction of the notes so burned and destroyed.

Board may burn bills redeemed, in the presence of one or more directors.

Account to be entered in a book, and signed by the director and clerk of the board, to be good evidence of the number burned.

Chapter XXII.

An act to sanction and make valid an agreement made at Montreal, on the fifth day of August, one thousand eight hundred and twenty-three, by the arbitrators appointed for Upper and Lower Canada, under the authority of an act of the parliament of Great Britain passed in the third year of his Majesty's reign, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," for obtaining a survey of the river Saint Lawrence, and for the appointment of commissioners for that purpose.

[Passed January 19, 1824.]

Preamble.

WHEREAS by the thirtieth clause of an act of the parliament of the united kingdom of Great Britain and Ireland, passed in the third year of his Majesty's reign, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," it is among other things enacted, that the expense of improving the navigation of the waters of the river Saint Lawrence shall in future be defrayed by such measures, and in such proportions, as the arbitrators to be appointed under the provisions of the said act shall determine, upon the prayer of either province; provided always, that no such determination shall be carried into effect, until sanctioned and enacted by the legislature of both of the said provinces; and whereas an address was presented by the house of assembly of this province, at the last session of the provincial parliament, praying his excellency the lieutenant governor to direct the attention of the arbitrators appointed under the authority of the said recited act, on behalf of this province, to the subject of the improvement of the waters of the river Saint Lawrence, by providing for the survey thereof by an engineer properly qualified for that purpose; and whereas, in conformity to such request, the arbitrators having taken the subject into consideration, did, by a public instrument under their hands and seals, agree as follows:

(See imperial act, 3d Geo. IV, c 119, s 30.)

Determination of the arbitrators for the provinces of Lower and Upper Canada, appointed under the authority of the act of 3d Geo. IV, chapter 119, respecting the improvement of the navigation of the river Saint Lawrence.

Agreement of the arbitrators of the two provinces relative to the survey of the river St. Lawrence.

We, the undersigned arbitrators, appointed under the provisions of an act of the imperial parliament, 3d Geo. IV, chapter 119, in pursuance of the thirtieth section of the said act, have had under our consideration a letter from Andrew William Cochran, esquire, secretary to his excellency the governor in chief, administering the government of the province of Lower Canada, dated 22d July, 1823, enclosing certain reports relating to the navigation of the river Saint Lawrence, together with an address from the house of assembly of Upper Canada to his excellency the lieutenant governor of that province, praying that a survey may be taken, with a view of ascertaining what improvement may be made in the navigation of the waters of the river Saint Lawrence, and that the amount of certain duties heretofore levied in Lower Canada, under an act of the legislature of that province, (48th Geo. III,) and remaining unexpended, may be appropriated to the purposes of defraying the expenses of the said survey: Upon which subject we have agreed and determined to recommend,—

First, That as a preliminary measure, three commissioners should be appointed in the usual manner, to inquire into the present state of the river, to suggest improvements in the navigation thereof, and to procure plans and estimates of the improvements they may recommend.

Second, That the improvement of the navigation of the river Saint Lawrence, being an object of common interest to both provinces, the sum remaining unexpended of the duties heretofore levied in Lower Canada, under the act before mentioned, should be appropriated generally to that purpose, without reference to boundaries.

Signed at Montreal, in Lower Canada, this twenty-fifth day of August, in the year of our Lord one thousand eight hundred and twenty-three.

[Signed] J. Baby, (L. S.)
Arbitrator for Upper Canada.

[Signed] L. Hale, (L. S.)
Arbitrator for Lower Canada.

[Signed] Rob. Morrough, (L. S.)
Third Arbitrator.

And whereas it is expedient to assent to and ratify the said agreement, on the part of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the above recited agreement, and every matter and thing therein contained, in so far as respects this province, shall be, and the same is, hereby sanctioned and enacted.

The said agreement sanctioned and enacted.

II. Provided always, and be it further enacted by the authority aforesaid, That the commissioners so to be appointed, shall be appointed in like manner as is provided for the appointment of the arbitrators under the authority of the said first recited act, or in such manner as may be agreed upon between the executive government of both provinces.

Commissioners under this act, how appointed.

Chapter XXIII.

An act granting to his Majesty a sum of money, to enable his Majesty to compensate the services of the arbitrator appointed under the act of the imperial parliament, passed in the third year of his Majesty's reign, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," and also to compensate the secretary who accompanied the said arbitrator, during the several negotiations in Lower Canada.

[Passed January 19, 1824.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to grant to your Majesty a sum of money, to compensate the services of the arbitrator appointed in behalf of this province, under the provisions of the act of the imperial parliament, passed in the third year of your Majesty's reign, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," and also to compensate the services of the secretary who accompanied the said arbitrator, during the several negotiations in Lower Canada; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, beseech your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general, unappropriated, there be granted to his Majesty, his heirs and successors, the sum of five hundred pounds, to enable his Majesty to compensate the said arbitrator and secretary for their said services.

£500 granted to his Majesty, to remunerate certain persons therein named.

How to be paid, and accounted for.

II. And be it further enacted by the authority aforesaid, That the said sum of five hundred pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XXIV.

An act to authorize the governor, lieutenant governor, or person administering the government of this province, to treat with the holder of any government debenture, heretofore issued, for postponing the period of payment of the same; and to authorize the loan of a further sum, upon the security therein mentioned, to be applied towards the service of the present year.

[Passed January 19, 1824.]

Preamble.

WHEREAS in the present state of uncertainty, with respect to the amount of revenue due this province, on account of its proportion of duties received at the port of Quebec, as well with respect to the probable time of its receipts, it is expedient to authorize the governor, lieutenant governor, or person administering the government of this province, to treat with the holders of any debentures issued under the provisions of the act of this province passed in the second year of his present Majesty's reign, entitled, "An act to authorize the governor, lieutenant governor, or person administering the government of this province, to borrow a sum of money upon the securities therein mentioned, to be applied in discharging the arrearages due to militia pensioners," for the postponement of the period appointed for the payment of the said debentures, or any part thereof respectively; and whereas it is further expedient to provide authority for raising by loan, if it should be necessary, such sum as may be sufficient for the services of the present year, charging the same upon the monies which may be received from the province of Lower Canada, on account of duties which may hereafter be levied at the port of Quebec; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same,

The lieutenant governor, &c. through the receiver general, may treat with persons holding debentures under 2d Geo. IV, c 5, for the postponement of payment.

That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, through his Majesty's receiver general, for the time being, to treat with the person or persons holding any of the debentures issued under the authority of the said act passed in the second year of his present Majesty's reign, for the postponement of the period for the payment of the said debentures, or of any of them, or of any part of the sum secured by the said debentures, or by any of them respectively, to such time or times as to the governor, lieutenant governor, or person administering the government of this province, shall seem meet: Provided always,

After notice given that the sum due on any debentures will be paid on such a day, if same not presented, interest shall cease.

That after notice being given to the holder of any debenture, of which the period of payment shall have been so postponed by the governor, lieutenant governor, or person administering the government of this province, or by the receiver general thereof, either before or after the period to which the payment shall have been so postponed, that the sum due upon the same is ready to be paid, or if after notice of such readiness to pay shall have been inserted for one month in the Upper Canada Gazette, the said debenture shall not be presented for payment, the interest thereon shall, after one month from the time of such notice being given, or after one month after the expiration of the month for which such notice shall have been published in the Upper Canada Gazette, wholly cease to accrue and be payable.

After the holders, &c. of any debenture have agreed to postpone the payment, no warrant shall issue until the time of postponement, unless the governor, &c. shall think proper, notwithstanding 11th sec. 2d Geo. IV, c 5.

II. And be it further enacted by the authority aforesaid, That if the holder or holders of any such debentures, as aforesaid, or his or their agent or agents, shall, by indorsement thereon, under the signature of his Majesty's receiver general of this province, for the time being, or by any agreement or memorandum in writing, signed as aforesaid, agree to the postponement of the period for the payment of the sum, secured by the said debenture, or of any part thereof, to a certain period to be named, then and in such case, no warrant shall be made for the payment of the said sum, or of any part thereof respectively, until the period shall arrive to which the payment shall have been so postponed, unless it shall seem proper to the governor, lieutenant governor, or person administering the government of this province, so to do, any thing contained in the eleventh section of the said act passed in the second year of his present Majesty's reign to the contrary, in any wise notwithstanding.

Governor, &c. may authorize receiver general to raise a loan not exceeding £25,000.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, so soon after the passing of this act as he may deem expedient, to authorize and direct his Majesty's receiver general of this province to raise by loan from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued under this act, such sums of money, not exceeding twenty-five thousand pounds, as may be required, in

addition to the revenue which shall be actually received by the receiver general of this province, for the purpose of defraying the charges legally authorized to be incurred, on account of the public service of this province for the present year.

Receiver general to make out debentures for the money so borrowed.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, now or for the time being, to cause or direct any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of twenty-five thousand pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said debentures; which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient; and that for each loan, three several debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of the one third of the sum so advanced at the expiration of one, two, and three years respectively, with interest at six per cent. per annum, from the date of each debenture, until the same shall be discharged: Provided always, That every such debenture shall and may be signed by the said receiver general of this province, for the time being.

Form of debenture, and how issued and made payable.

Receiver general must sign debentures.

The interest and all charges thereon, how paid.

V. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by, or out of, the monies that shall come into the hands of the receiver general of this province, to and for the public uses of this province, on account of the proportion payable to this province of duties which already have been, or may hereafter be, levied and received in the province of Lower Canada, upon goods imported into this province.

Debentures to pass current with all receivers and collectors;

VI. And be it further enacted by the authority aforesaid, That the debentures which shall be lawfully issued by the authority of this act, and shall from time to time remain undischarged and uncancelled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the receivers and collectors in this province, of the customs, or of any revenue or tax whatsoever, granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to his Majesty, his heirs or successors, under or by virtue of any act of the parliament of Great Britain, or of the provincial parliament, or otherwise; and also at the office of the receiver general of this province, from the said collectors and receivers, or from any person making any payment there to his Majesty, his heirs or successors, upon any account, or for any cause whatever; and that the same in the hands of such collectors and receivers, and in the hands of the receiver general of this province, shall be taken and deemed as cash, and as such shall be charged against and credited to such collectors and receivers, and to such receiver general aforesaid, respectively, in their accounts with each other, and with his Majesty, his heirs and successors.

and with the receiver general.

How interest on the same to be allowed.

VII. And be it further enacted by the authority aforesaid, That the interest which shall from time to time be due upon any debenture which may be so issued, shall be allowed to all persons, bodies politic and corporate, paying the same to any collector or receiver of any of his Majesty's revenues in this province, to the respective days whereupon such debenture shall be so paid: Provided always, That no interest shall run or be paid upon or for any such debenture during the time such debenture, so paid, shall remain in the hands of any of the said receivers or collectors, but for such time the interest on every such debenture shall cease.

Where interest shall not be allowed.

VIII. And to the end that it may be known for what time such debenture bearing interest shall from time to time remain in the hands of such collectors or receivers, as aforesaid, be it further enacted by the authority aforesaid, That the person or persons who shall pay any such debenture, so bearing interest, to the receivers or collectors of any of his Majesty's revenues or taxes, shall at the time of making such payment, put his or their name or names, and write thereupon in words at length, the day of the month and year in which he, she, or they so paid such debenture, bearing interest; all which the said receivers and collectors respectively shall take care to see done and performed accordingly; to which respective days the said collectors and receivers shall be allowed again the interest which he or they shall have allowed or paid upon such respective debentures, upon his or their paying the same into the hands of the receiver general, as aforesaid.

How to ascertain that the interest of the same shall be suspended.

Capital felony to forge any debenture or indorsement, or to utter the same with intent to defraud.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture, as aforesaid, which shall be issued under the authority of this act, and uncancelled, or any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged and counterfeited debenture, or any debentures with such counterfeited endorsement or writing thereon, or shall demand to have such counterfeited debenture, or any debenture with such counterfeited endorsement or writing thereon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever,

knowing the debenture so tendered in payment, or demanded to be exchanged, or the endorsement or writing thereon or therein, to be forged or counterfeited, and with the intent to defraud his Majesty, his heirs and successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer, as in cases of felony, without benefit of clergy.

Before each session, receiver general shall transmit to the governor, &c. accounts of debentures, &c. issued under this act, that the same may be laid before the legislature.

X. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amounts, and dates of the different debentures which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the debentures outstanding, and unredeemed at the periods aforesaid, and of the expense attending the issuing of the same, and of carrying this act into execution, to be laid before the legislature of this province.

What time interest accruing on debentures shall be paid.

XI. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same endorsed on each debenture at the time of the payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively; and the governor, lieutenant governor, or person administering the government of this province, shall, after the thirtieth day of June and the thirty-first day of December, in each year, issue warrants to the receiver general, for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken, as aforesaid.

Warrants to be issued therefor.

Remuneration to the receiver general and others.

XII. And be it further enacted by the authority aforesaid, That the receiver general of this province, and the persons necessarily employed under him in the execution of this act, shall severally have and receive such rewards and allowances as the governor, lieutenant governor, or person administering the government of this province, and the executive council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this act; and that the same shall be paid in discharge of such warrant or warrants as the governor, lieutenant governor, or person administering the government of this province, shall from time to time issue for that purpose.

Debentures when due, to be paid and cancelled.

XIII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture issued under the authority of this act, as the same may become due, and be presented in favor of the lawful holder thereof; and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

After debentures are due, the governor, &c. may give notice to the holders to present the same.

XIV. And be it further enacted by the authority aforesaid, That at any time after the said debentures, issued under the authority of this act, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment, according to this act; and if, after insertion of the said notice for three months, any debenture then payable shall remain out more than six months from the publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

If not presented within six months after notice, interest to cease.

How to be paid and accounted for.

XV. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this act shall be paid by the receiver general, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty by the receiver general of this province, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XXV.

An act for granting to his Majesty a sum of money, in aid of the funds for defraying the expenses of the administration of justice and support of the civil government of this province.

[Passed January 19, 1824.]

Most gracious Sovereign:

Preamble.

Whereas your Majesty's faithful commons have voluntarily and freely resolved to grant to your Majesty a supply, to defray certain charges for the administration of justice and support of the civil government of this province; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general, unappropriated, there be granted to his Majesty the sum of three thousand seven hundred and twenty pounds, sterling; which said sum of three thousand seven hundred and twenty pounds shall be applied in aid of the funds already appropriated by an act of the parliament of Great Britain passed in the fourteenth year of his late Majesty's reign, entitled, "An act to establish a fund towards further defraying the charges of the administration of justice and support of the civil government within the province of Quebec, in North America," towards the following services for the year one thousand eight hundred and twenty-four, that is to say: For the administration of justice for the year one thousand eight hundred and twenty-four, (including the expenses of a second circuit;) the government office; the receiver general's office; the surveyor general's office; executive council office; secretary and register's office, (including the sum of fifty pounds, to be added to the salary of the clerk in these offices;) inspector general's office; government printer; repairs, &c. of the government house; casual and other expenses: And shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

£3,720 granted to his Majesty in aid of the funds already appropriated towards defraying the charges of the civil government.

How to be paid and accounted for

Account of expenditure to be laid before parliament.

II. Provided always, and be it further enacted by the authority aforesaid, That an account in detail of all monies paid under the authority of this act be transmitted, to be laid before the commons house of assembly, at the next ensuing session of parliament; and provided also, That so much of the said sum as may remain unexpended, shall be subject to the future disposition of parliament.

Chapter XXVI.

An act to make good certain monies advanced by his Majesty, pursuant to an address of the house of assembly at the last session of parliament to his excellency the lieutenant governor.

[Granting £2,340 4s. ½d. to meet the amount advanced for the contingent expenses of the legislature, in the session of 1823.]

Chapter XXVII.

An act to increase the salary of the assistant adjutant general of militia.

[Passed January 19, 1824.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to increase the salary of the assistant adjutant general of this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more

effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of an an act passed in the last session of the present parliament, entitled, "An act to provide a salary for the adjutant general of militia in this province, and for other purposes therein mentioned," as grants to his Majesty annually the the sum of one hundred and fifty pounds, to provide a salary for an assistant adjutant general, be, and the same is, hereby repealed.

Such part of 2d clause 4th Geo. IV, c 6, as relates to assistant adjutant general, repealed.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, there be granted annually to his Majesty, his heirs and successors, the sum of two hundred pounds, to provide a salary for the assistant adjutant general of this province.

£200 per annum granted to his Majesty for salary of assistant adjutant general.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to issue his warrant or warrants to the receiver general of this province, for the said sum of money, half yearly, and the said receiver general shall account to his Majesty, his heirs and successors, for the same, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

How to be paid, and accounted for.

Chapter XXVIII.

An act for the relief of James Carrol.

[Granting him £20 per annum, during life, for injury received whilst on duty, in defence of this province, as a private in the artillery corps.]

Chapter XXIX.

An act granting to his Majesty a sum of money, for the purposes therein mentioned.

[Passed January 19, 1824.]

Most gracious Sovereign:

Whereas it appears by the petition of the inhabitants of West Gwillimbury, in the Home district of this province, that they are separated from the old settled townships by an impassable swamp; and also that the said inhabitants are unable, without assistance, to construct the bridges and causeways necessary to obviate the evil complained of; and whereas it appears by another petition of the inhabitants of the newly settled townships in the rear of the Rice lake, in the Newcastle district, that they are almost wholly cut off from communicating with the old settlements in front thereof, for a great part of the year, by reason of the impassable state of the ice, and also that their resources are insufficient for the completion of a bridge across the river Trent, at the foot of the Rice lake; and whereas it is expedient that a sum of money should be granted to aid the said persons in the contemplated improvements; may it please your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and unappropriated, there be granted to his Majesty the sum of two hundred and fifty pounds, provincial currency, to be distributed, appropriated, and applied, as hereinafter directed; which said sum of two hundred and fifty pounds shall be paid by the receiver general of this province, in discharge of any warrant or warrants which may for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall be accounted for to his Majesty by the receiver general of this province, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Preamble.

£250 granted to his Majesty.

How paid and accounted for.

II. And be it further enacted by the authority aforesaid, That of the said sum of two hundred and fifty pounds, hereby granted, one hundred and fifty pounds shall be appropriated and applied to the improvement of the road in the township of West Gwillimbury,

How said sum shall be distributed and applied.

aforesaid; and the residue, being one hundred pounds, shall be appropriated and applied in aid of the resources of the inhabitants of the townships in rear of the Rice lake, for the erection of a bridge across the river Trent, at the foot of the Rice lake, in the Newcastle district.

Commissioners to be appointed.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to appoint one commissioner in each of the said districts, whose duties it shall be to receive the said sums, appropriated as aforesaid, and apply them to the purposes aforesaid respectively; and shall render an account, in detail, to the governor, lieutenant governor, or person administering the government of this province, of the sums so received and applied in their respective districts, to be laid before the legislature.

Chapter XXX.

(Amended by 7th Geo. IV, c 12.)

An act to make more ample provision for regulating the police of the town of Kingston.

[Passed January 19, 1824.]

Preamble.

Whereas it is expedient to make more ample provision for regulating the police of the town of Kingston; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the fifty-sixth year of his late Majesty's reign, entitled, "An act to regulate the police within the town of Kingston," be, and the same is, hereby repealed.

56th Geo. III, c 33, repealed.

Magistrates in sessions, or majority, may make certain rules, &c. relative to the town of Kingston.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the magistrates, assembled in general quarter sessions for the Midland district, or the majority of them, to make, ordain, constitute, and publish, such prudential rules and regulations as they may deem expedient, relative to the harbor of Kingston, to watching, paving, lighting, keeping in repair, cleansing, and improving the streets of the said town, regulating slaughter houses and nuisances, to enforce the said town laws relative to horses, swine, or cattle of any kind, running at large in towns; relative to the inspection of weights and measures, firemen and fire companies; and also to regulate the assize of bread: Provided always, That nothing herein contained shall extend, or be construed to extend, to the regulating or ascertaining the price of any commodities, or articles of provisions, other than bread, that may be offered for sale: Provided also, That such rules and regulations be not contrary to, or inconsistent with, the laws and statutes of this province.

Not to extend to regulating the price of any thing but bread.

Such rules not to be contrary to law.

Justices in quarter sessions may receive a sum of money for certain purposes by assessment.

(Extended to £200, by 7th Geo. IV, c 12.)

III. And be it further enacted by the authority aforesaid, That the magistrates in quarter sessions assembled, for the Midland district, or the major part of them, in the month of April, in each and every year, may raise by assessments, from the persons rated upon any assessments for property in the town of Kingston, a sum not exceeding one hundred pounds, in any one year, for purchasing and keeping in repair fire engines, ladders, buckets, and other utensils for the extinguishing of fires, and for making any other necessary improvements in the said town, exclusive of the sum such person may be rated for in and upon any other assessment of this province; and in order to carry the said assessment into effect, it shall be the duty of the clerk of the peace for the Midland district, to select from the general assessments of the said Midland district, a list or assessment of the rateable property that each and every person owns or possesses in the said town of Kingston, ready to be laid before the magistrates in quarter sessions assembled, for the Midland district, in April, in each and every year.

Duty of the clerk of the peace.

Such assessment, how estimated, and applied.

IV. And be it further enacted by the authority aforesaid, That such assessment, aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said town of Kingston, and subject to such rules and regulations as may be made by the magistrates in quarter sessions for the said district, for the purpose of raising, collecting, and paying, any sum collected, to the treasurer of the said district, which said sum shall be applied from time to time, in such manner, for the purposes aforesaid, as the magistrates in quarter sessions assembled, or a majority of them, shall direct and appoint.

Power of the justices in sessions, for punishing offenders.

V. And be it further enacted by the authority aforesaid, That the magistrates in general quarter sessions of the peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain,

limit, and provide, such reasonable fines against the offenders of such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence, to be prosecuted before any commissioner of the peace of the town of Kingston, upon the oath of one credible witness, and to be levied by warrant, under the hand and seal of such commissioner, upon the goods and chattels of such offender; and that the one moiety of the sum so levied shall go to the informer, and the other shall be paid to the treasurer of the said district, for the use of the said town.

Manner of proceeding, in case of any person refusing to perform any work, &c. required by such rules.

VI. And be it further enacted by the authority aforesaid, That in every case where any person, after twenty-four hours' notice, left in writing at the dwelling-house of such person, shall refuse or neglect to do, or cause to be done, any service or work regarding the police, which, by any rule made as aforesaid, he or she may be required to do, it shall and may be lawful for any justice or justices, before whom the complaint shall have been brought, to direct the road-master for that division, or any constable, to employ some other person, for reasonable consideration, to perform such service or work so refused or neglected to be done; and the person who shall have disobeyed such rule or order, shall, over and above the penalty annexed to the breach of the same, pay such reasonable sum as shall have been allowed to the person who performed the service or work in his or her stead; which additional sum shall be levied in like manner as is herein provided in respect to the penalties for offences against this act.

Manner of publishing such rules, &c.

VII. And be it further enacted by the authority aforesaid, That every such rule and regulation so made as aforesaid, before it shall have effect, shall be published in some public paper in the said town, and also be posted up in three or more public places in the said town.

Chapter XXXI.

An act for the relief of Hiram Spafford.

[Allowing him six months to traverse any inquisition of office affecting his estate, (viz. twenty acres, part of lot number 2, tenth concession, and six acres, parts of lots 1 and 2, tenth concession, of Lansdown,) under 54th Geo. III, c 9.]

Chapter XXXII.

An act to authorize the justices of the peace of the Midland district to loan a further sum of money, for the purposes therein mentioned.

[Passed January 19, 1824.]

Preamble.

WHEREAS it appears by the petition of the magistrates of the Midland district, that the sum of money they are authorized to borrow, by the provisions of an act passed in the second year of his Majesty's reign, entitled, "An act to authorize his Majesty's justices of the peace for the Midland district, to obtain by loan a sum of money for the purpose of erecting a gaol and court house in the town of Kingston," is insufficient for the purposes therein mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the magistrates of the said Midland district may, and they are hereby authorized and empowered, at their discretion, to borrow a sum of money, not exceeding one thousand pounds, in addition to the sum of three thousand pounds, which they are by the aforesaid law authorized and empowered to borrow: Provided always, That any sum or sums of money, so borrowed by the said magistrates, under the authority of this act, shall be appropriated and applied in the same manner and be redeemed by the like means, as are pointed out and enacted by the law hereinbefore mentioned.

Reciting 2d Geo. IV, c 21.

(See 1st Wil. IV, c 7.)

Justices of the Midland district authorized to raise a loan not exceeding £1000 in addition, for building a gaol and court house.

Money so raised, how appropriated and applied.

Chapter XXXIII.

An act to alter, amend, and repeal part of an act passed in the fourth year of his Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in and for the Home district."

[Passed January 19, 1824.]

Preamble.

WHEREAS by an act passed in the fourth year of his Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in and for the Home district," it

Reciting 4th Geo. IV, c 24.

(See 6th Geo. IV, c 4.)

is enacted in the second clause, that the same shall be under the like limitations and restrictions as are required by the eighth and ninth clauses of an act passed in the thirty-second year of the late King, entitled, "An act for building a gaol and court house within every district within this province, and for altering the names of the said districts;" and whereas it has been found impracticable to complete the building of the said gaol and court house within the period limited by the last recited act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of an act passed in the fourth year of his Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in and for the Home district," as directs its operation to be under the limitation of the ninth clause of the said before recited act passed in the thirty-second year of his late Majesty's reign, shall be, and the same is, hereby repealed.

2d clause 4th Geo. IV, c 24, as regards the 9th clause 32d Geo. III, c 8, repealed.

Chapter XXXIV.

An act to enable the presbyterian congregation of York to purchase one or more parcels of ground, sufficient for the erection of a church and burying ground.

[Passed January 19, 1824.]

Preamble.

Whereas Jesse Ketchum, William Stevenson, Peter M'Phail, Harvey Shepard, and John Ross, on behalf of themselves and others, members of the presbyterian congregation, resident in the town of York, have, by petition, requested a legislative authority to enable the petitioners, as trustees in this behalf, and the trustees hereafter to be chosen annually by the said congregation for the same purpose, to purchase one or more convenient parcel or parcels of ground in the said town and township of York, and to hold the same in perpetuity, for the erection of a place of worship, with other necessary buildings, and a burying ground; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said Jesse Ketchum, William Stevenson, Peter M'Phail, Harvey Shepard, and John Ross, or any two or more of them, as such trustees, and their successors in office, annually to be chosen by the said congregation, in all times hereafter, according to their present mode of vote, by the pew holders, for the time being, to purchase, have, hold, receive, and take, a conveyance of any such convenient parcel or parcels of ground in the said town and township of York, not exceeding three acres in the whole, as they may be enabled to contract for, for the purposes aforesaid; and that it shall and may be lawful for the said trustees, so purchasing such parcel or parcels of ground, and their successors, as aforesaid, to have and to hold the same to and for the uses and purposes aforesaid, in perpetuity for ever.

Certain persons therein named as trustees for the presbyterian congregation, to purchase lands in trust.

II. And in order to prevent the failure of such estate in succession, be it further enacted by the authority aforesaid, That the trustees for the time being, and their heirs, shall continue to be the trustees for the purposes of this act, till the new election of others, as hereinbefore mentioned, notwithstanding the expiration of the year for which such trustees for the time being may have been chosen.

Trustees, how to be chosen and appointed.

Chapter XXXV.

An act to enable the justices of the peace of the district of Johnstown to erect a new gaol and court house, or repair the old one, and to erect new bridges over Yonge and Irish creeks.

[Passed January 19, 1824.]

Preamble.

Whereas it appears by the petition of the grand and petit jurors, at the last assizes holden in and for the district of Johnstown, that the gaol of the said district is insufficient for the safe keeping of prisoners, with a proper regard to their health and morals; and

whereas it also appears by the petitions of other inhabitants of the said district of Johnstown, that the bridge across the Yonge creek, in the township of Yonge, and also the bridge across Irish creek, in the township of Wolford, in the said district, are almost impassable, and that the statute labor is wholly insufficient to erect new, or repair the old ones, and that the funds raised by the present assessments of the said district are inadequate to the purposes aforesaid; it is therefore expedient that a sum of money, sufficient to defray the expense of erecting a new, or the extension and repair of the present gaol, and also the erecting of new bridges across the said creeks, be raised and levied by an additional rate upon the inhabitants of the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the justices of the peace for the district of Johnstown, in general quarter sessions assembled, in the month of February next, shall be authorized, and they are hereby authorized, by such means as to them shall seem most fitting and convenient, to procure different plans and elevations of a new gaol and court house, or for the extension and reparation of the old one; and also plans and elevations of bridges to be built across the said creeks, or either of them, to be laid before them for the purpose of selecting and determining upon one of the said plans and elevations for the said gaol and court house, and for each of the said bridges, which shall be approved of by the greater part of the said justices then and there assembled, as aforesaid.

Magistrates of the district of Johnstown to procure plans of gaol and court house to be erected in said district, or the repair of the old one; and plans of bridges to be erected, &c.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the said justices, so assembled as aforesaid, in the name and on the behalf of the inhabitants of the said district, to contract, and they are hereby enabled and authorized to contract, with any person or persons who shall be willing to build the said gaol and court house upon the ground allotted for that purpose in the town of Brockville, or extend and repair the old one; or who shall be willing to build the said bridges, or either of them, at any one of the places at which a bridge has heretofore been built, to be determined upon by the said justice, so assembled as aforesaid, according to the plans approved of, as aforesaid, for the said gaol and court house, and bridges; and for that purpose the said plans and elevations shall remain and continue in the office of the clerk of the peace of the said district for general inspection; and public notice shall be given in some newspaper circulated in the said district, to all persons willing to contract for the building of a new gaol and court house, or for the extension and repair of the old one, and for building the said bridges, to deliver in, within a certain limited time, written proposals or offers, (sealed,) of the sum of money for which he or they will engage to build such gaol and court house, or extend and repair the old one, or build the said bridges, or either of them, conformably to certain articles and conditions to be agreed upon by the said justices then present, as aforesaid; and that the said justices shall, on a day for that purpose previously to be fixed, openly examine the said proposals, so delivered in as aforesaid, and shall be empowered to contract with such person or persons as shall offer to undertake and perform the works, or either of them, upon the most advantageous terms to the district: Provided, The person or persons making such proposals, shall give good and sufficient security for the due performance of their contract; and, Provided also, That the said bridge to be built across Yonge creek aforesaid, shall be built of stone, or some other durable materials.

And may contract for the building or reparation of the same;

after notice given in some newspaper in said district.

Persons making proposals must give security.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices, in general quarter sessions assembled, to levy, by assessment to be made on each and every inhabitant householder in the said district, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said district, for not more than five successive years from and after the passing of this act, an additional rate, not exceeding one penny in the pound, to be applied for the purposes hereinbefore mentioned, and not otherwise.

Justices in session allowed to levy an assessment.

Not to exceed five years, and not more than one penny in the pound.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices, assembled as aforesaid, in February next, by an order of court, to authorize and direct the treasurer of the said district to raise by loan from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the district, a sum, not exceeding two thousand five hundred pounds, to be applied for the purposes hereinbefore mentioned, and not otherwise.

May raise a loan not exceeding £2,500 for purposes of this act.

V. And be it further enacted by the authority aforesaid, That the money so borrowed, under the authority of this act, shall not bear greater interest than six per centum per annum, and that the treasurer of the said district, for the time being, shall annually, until

Not more than six per cent. interest to be paid for said loan.

the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than five hundred pounds, from and out of the rates and assessments coming into his hands under the authority of this act.

Chapter XXXVI.

An act for the relief of John Putman Clement.

[Passed January 19, 1824.]

Preamble

Whereas, under the operation of an act of the parliament of this province, passed in the fifty-eighth year of the reign of his late Majesty, King George the Third, entitled, "An act for vesting in commissioners, the estates of certain traitors, and also the estates of persons declared aliens, by an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon,'" the estate, in fifty acres of land, being the south half of lot number one hundred and seven, in the township of Niagara, formerly occupied by one John Putman Clement, claiming to be the legal proprietor thereof, has been vested in the commissioners appointed under and by virtue of the said act, and sold by them as therein directed; and whereas the said John Putman Clement has by his petition set forth, that he was prevented by misapprehension from traversing the inquisition in due time, by virtue of which the said lands became so forfeited, and that the person who purchased the same at the sale of the said commissioners, was cognizant of his title to the said land, and that the same was erroneously returned as forfeited; and whereas it is desirable to afford to the said John Putman Clement an opportunity of exhibiting his claim to the said land, and trying the merits of such claim; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same,

John Putman Clement allowed to traverse within six months any inquisition affecting certain land in Niagara.

That it shall and may be lawful for the said John Putman Clement, at any time within six months from the passing of this act, to traverse all or any inquisition of office, whereby the real estate in the said land has been vested in his Majesty and the commissioners aforesaid, as forfeited.

If judgment be given for traverser, commissioners under 54th Geo. III, c 9, shall give a deed for the same;

II. And be it further enacted by the authority aforesaid, That if judgment be given for the traverser, upon his plea, it shall and may be lawful for the said commissioners, upon proof being produced to their satisfaction, that the purchaser of the said land, at the sale thereof by the said commissioners, or other person holding the same at the time of passing this act, was at the time of his acquiring the same, cognizant of the titles of the said John Putman Clement thereto, and that the same was erroneously returned as forfeited, upon a transcript of the said judgment, under the seal of the court, being filed with them, to execute a deed of bargain and sale to the said claimant of the lands in fee simple; which deed,

which being registered in six months, shall be valid.

being fully registered in the register office of the county, within six months from the date thereof, shall be good and valid in law, notwithstanding the former deed thereof by them given, and shall vest the estate in the said land in said claimant, any law, matter, or thing, to the contrary thereof notwithstanding: Provided always, nevertheless,

Nothing in this act to hinder any assignee of, or purchaser, to recover the purchase money.

That nothing in this act contained shall be construed to deprive any person or persons who, before the passing of this act, may have purchased the said land, or any part thereof, from the purchaser or purchasers thereof, at the sale, by order of the said commissioners, or from any assignee or assignees of such purchaser or purchasers, of his or their right to recover by law the amount of purchase money which shall have been paid by him or them for the same, to such purchaser or purchasers, or assignee or assignees, respectively.

Commissioners to repay the original purchaser the purchase money, with interest.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, out of the monies now in the hands of the special receiver appointed under and by virtue of the above recited act, to repay the purchaser or purchasers of the said land, at the sale thereof, by order of the said commissioners, the monies paid and advanced by them for the purchase of the said lands, or any part thereof, together with the interest thereon accrued and due; and that for this purpose the said

How paid.

commissioners shall and may issue their warrant or debenture on the said special receiver, in favor of the said purchaser or purchasers, which warrant or debenture, when paid, shall be a sufficient discharge of the said special receiver.

Traverser, if he succeed, may take possession of any buildings, upon paying for them.

IV. And be it further enacted by the authority aforesaid, That if any purchaser or purchasers of the said property hath or have, since the sale thereof, by order of the said commissioners, and before the passing of this act, erected any buildings thereon, the traverser of the said inquisition, if he shall succeed in his traverse, shall, before he shall be entitled to take possession of the premises, under any conveyance to him thereof made by the said commissioners, under the directions of this act, pay to the persons entitled thereto, such sum of money as the said commissioners shall determine to be the value of such buildings, as aforesaid.

The said John P. Clement to give security for costs.

V. And be it further enacted by the authority aforesaid, That before any traverse to the said inquisition shall be received or filed in the office of his Majesty's court of king's bench, the said John Putman Clement, or his heirs, shall enter into a bond to his Majesty, in the penalty of fifty pounds, conditioned for the payment of all such costs as his Majesty may be put unto, in, or about the defending the said traverse, in case judgment shall be given thereon for his Majesty, his heirs or successors, or the said John Putman Clement shall fail in prosecuting the same with effect.

Chapter XXXVII.

An act to authorize James Miles to convey to trustees a lot of land, for the purposes therein mentioned.

[Passed January 19, 1824.]

Preamble.

WHEREAS James Miles, of Vaughan, in the Home district, esquire, hath, by petition, requested legislative authority to dispose of lot number forty-six, in the first concession of the said township of Vaughan, containing two hundred and ten acres, for religious and charitable purposes, to Mercy Miles and Robert Marsh, and the elders for the time being of the presbyterian congregation of the townships of Vaughan and Markham, having a church or place of worship erected on the said lot of land, as trustees in this behalf, and to the elders of the said congregation, to be hereafter annually appointed for the same purpose, and to hold the same in perpetuity for the erection of a place of worship, and other necessary buildings, and for such other purposes as in and by the said conveyance shall be declared of and concerning the said lot; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said Mercy Miles and Robert Marsh, as such trustees, and the elders of the said presbyterian congregation for the time being, and their successors in office, to be annually appointed according to their present mode, to purchase, and for the said James Miles to convey, the said lot of land hereinbefore mentioned, and to have, hold, receive, and take, a conveyance of the same, for the purposes aforesaid, and to, for, and upon such other purposes, uses, and trusts, as shall by any conveyance or conveyances, to be executed and passed between the said parties, be declared of and concerning the same; to have and to hold the same to and for such uses and purposes, to the said Mercy Miles and Robert Marsh, and the elders, for the time being, of the said presbyterian congregation of the townships of Vaughan and Markham, and to their successors in the said office of elders of the said congregation, so to be annually appointed, in perpetuity for ever.

J. Miles, esquire, authorized to convey certain lands to the persons in trust, for the presbyterian congregation of Vaughan, and to hold in perpetuity.

First Session of the ninth Provincial Parliament.

MET AT YORK, ON THE THIRTEENTH DAY OF JANUARY, AND PROROGUED ON THE THIRTEENTH DAY OF APRIL, IN THE SIXTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1825.

Chapter I.

An act to remove certain doubts with respect to the commencement of the terms of Michaelmas in the last year, and of Hilary in this present year, and to appoint the periods for holding the several law terms.

[Passed January 17, 1825.]

Preamble.

WHEREAS doubts have arisen respecting the commencement of Hilary term in this present year, and it is expedient to explain the same, and to repeal the laws now in force respecting the commencement and duration of the several terms, and to make other provisions in respect thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the second clause of a certain act of the parliament of this province passed in the second year of his present Majesty's reign, entitled, "An act to repeal part of and amend the laws now in force respecting the practice of his Majesty's court of king's bench," and also a certain other act passed in the fourth year of his present Majesty's reign, entitled, "An act to alter the times of holding the terms of Hilary and Michaelmas," shall be, and the same are, hereby repealed.

2d Geo. IV, c 1, s 2, and 4th Geo. IV, c 20, repealed.

Terms of sitting.

II. And be it further enacted by the authority aforesaid, That four terms or periods of session of the court of king's bench, in this province, be appointed in each year, successively; and that the term of H lary shall commence on the first Monday after the twenty-fifth day of December, and end on the Saturday of the ensuing week; and the term of Easter shall commence on the Monday next after the sixteenth day of April, and end on the Saturday of the week ensuing; and the term of Trinity shall commence on the third Monday in the month of June, and end on the Saturday of the week ensuing; and the term of Michaelmas shall commence on the first Monday of November, and end on the Saturday of the week ensuing; and that the first and last days of every term, and every alternate day from the first, not including Sunday, be return days.

At what periods the same shall commence, and end respectively.

Commencement of Hilary term, 1825.

III. And be it further enacted by the authority aforesaid, That in this present year, the term of Hilary shall commence on Monday the seventeenth day of January, and end on the Saturday of the week ensuing, any law to the contrary in any wise notwithstanding; and that any writ, process, entry, or proceeding, which hath been or shall be issued, had, or made, before the said seventeenth day of January, in which the term of Hilary, during this present year, or any return day thereof, is described and set forth otherwise than according to the provision in this clause contained, shall nevertheless be valid and effectual; and the commencement and end of such term of Hilary, and other return day, therein mentioned, in any such writ, process, entry, or proceeding, shall, with respect to such writ, process, entry, or proceeding, and all subsequent proceedings thereon, be deemed and taken to be as it should and ought to have been, according to the periods in this clause appointed for the commencement and duration of the said term of Hilary.

Former proceedings rendered valid.

Sitting of Michaelmas term, 1824, declared legal.

IV. And whereas doubts have been entertained with respect to the authority under which the term of Michaelmas in the last year was holden, be it therefore enacted by the authority aforesaid, That the said term of Michaelmas shall be held, and taken to have been legally begun and holden, at and for the period in and for which the said term of Michaelmas was actually begun and holden, any law to the contrary in any wise notwithstanding.

Chapter II.

An act to repeal part of and extend the provisions of an act passed in the fourth year of his present Majesty's reign, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company."

[Passed April 13, 1825.]

Preamble.

WHEREAS it is expedient to repeal part of and amend an act passed during the last session of the parliament of this province, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of the Welland Canal Company;" and to enable the directors thereof to enlarge the dimensions of the said canal, if they shall think proper; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the twenty-fourth clause, the thirty-seventh clause, and so much of the twenty-fifth clause, of the said first mentioned act, as declares the number of shares shall not exceed three thousand, shall be, and the same are, hereby repealed; and that from and after the passing of this act, the number of shares to be held by the said company shall not exceed sixteen thousand, at twelve pounds ten shillings each.

(See 7th Geo. IV, c 19.)

4th Geo. IV, c 17, s 24, part of the 25th and 37th, repealed. Number of shares extended to sixteen thousand.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the land and ground to be taken and used for the said canal, the towing paths, ditches, drains, and fences, to separate any such towing path from the adjoining lands, shall not exceed sixty yards in breadth, except in such places where the said canal shall be raised higher, or cut above five feet deeper than the present surface of the land; and in such places where it may be judged necessary for boats and other vessels and rafts to turn, lie, or pass each other, not more than one hundred yards in breadth, without the consent of the owner or owners of such lands or ground, respectively, under his, her, or their hand and seal, first had and obtained, any thing in the said first mentioned act to the contrary notwithstanding.

Breadth of canal, towing paths, &c. not to exceed sixty yards, except in certain cases; and one hundred yards, where vessels pass each other.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and directors of the said company, to extend the dimensions of the said canal for the purposes of sloop navigation, if they shall see fit so to do, any thing in the said first recited act to the contrary notwithstanding.

Canal may be enlarged for sloop navigation.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company to construct a track or towing path, from the point where the canal from lake Ontario intersects the river Welland, to the point where the canal leaves the river Welland for the Grand river, and from the point where it intersects the Grand river, on the bank thereof, to lake Erie; also from the point where the canal from lake Ontario intersects the river Welland, to the mouth of said river, on either bank thereof, whichever the company may find most convenient, and from thence to fort Erie, at the head of Niagara river: Provided always, nevertheless, That nothing in this act contained shall be construed to prevent any person or persons whatever from having and enjoying the use of the said rivers, or either of them, and of the banks thereof, (subject to such regulations as may be made by the said company, for the preservation of the towing paths or tracks aforesaid,) for all purposes, as fully, freely, and effectually, as if this act had never been made.

Company may construct towing paths along the bank of the Welland river, the Grand river near the mouth, and along the Niagara river to fort Erie.

Proviso.

V. And be it further enacted by the authority aforesaid, That the authority given to the said company, in the third clause of the said recited act, to construct reservoirs, shall be construed to authorize them to execute the said reservoirs, (in the manner pointed out,) on the line of the canal, if to the said company it shall seem expedient.

Reservoirs may be constructed on the line of the canal.

VI. And be it further enacted by the authority aforesaid, That so much of the twenty-ninth clause of the said recited act as requires the election of five directors, be, and the same is, hereby repealed; and that the said company shall elect in manner, and at the times pointed out by the said act, seven directors annually, (one of whom shall be president,) to manage the affairs of the said company.

Seven directors to be chosen annually.

VII. And whereas doubts may be hereafter entertained with respect to the direction by which it was intended the said canal should be conducted, in order to entitle the said company to the privileges extended by the above recited act, the same not having been otherwise declared in the said act, than by reference to the report of Mr. Hiram Tibbet, engineer; be it therefore further enacted by the authority aforesaid, and declared, That the route along which the said canal shall be conducted, shall be as follows, that is to say; that part thereof which is to connect the river Welland with lake Ontario shall

Line of the canal defined.

(Route altered by 7th Geo. IV, c 19.)

commence at John Brown's farm, on the river Welland, in the township of Thorold, passing down the valley of the Twelve-Mile creek, and terminating in lake Ontario, at the mouth of the said creek, such being the route surveyed and reported by Hiram Tibbet, engineer, before the passing of the said act, and referred to in the nineteenth section thereof; and that part thereof which is to connect the river Ouse, or Grand river, with the river Welland, shall commence at or near Broad creek, on the Grand river, and terminate at or near Misiner's mills, on the forks of the river Welland: Provided always, nevertheless, That if within three months after the passing of this act, any stockholder in the said company shall, by instrument in writing, executed in the presence of one or more witnesses, under their hands and seals, declare to the president and directors of the said company, that they would not, under the provisions of this act, have taken shares in the said canal, such stockholder shall be considered no longer liable to pay his subscription, or any part thereof; and upon repayment to him of such instalments as he may have paid, his shares shall thenceforth be forfeited.

Proviso, that former stockholders may withdraw their subscriptions within three months.

Towing paths on rivers not to interfere with private rights.

VIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to authorize the said company to construct such track or towing path, as herein mentioned, in any manner to interfere with or prejudice the property of any person or persons, having mills, store houses, wharves, or other buildings, on the banks of either of the said rivers.

Company to cause the mouths of the Grand river and Twelve-Mile creek to be surveyed, and to ascertain whether harbors can be constructed there.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the directors now chosen, to procure without delay a survey to be made of the harbor at the mouth of the Grand river, on lake Erie, and of the entrance into the Twelve-Mile creek from lake Ontario, by an able and experienced engineer, in order to ascertain whether secure and capacious harbors can be constructed for sloops and schooners, intended to pass through the said canal, at an expense which will not occasion the whole estimate to exceed the amount of stock which the said company are by this act authorized to hold.

Funds of the company to be deposited with the Upper Canada bank

X. And be it further enacted by the authority aforesaid, That the whole amount of stock now paid in, and remaining on hand, and such as shall hereafter be paid in upon the subscription of the said company, shall from time to time be deposited in the bank of Upper Canada, and there placed to the credit of the Welland canal company, to be withdrawn only by order of a board of directors, signed by the president or vice president, and countersigned by the secretary of the board for the time being.

Funds of the company not to be appropriated to purposes unconnected with the making the canal, without the consent of the stockholders.

XI. And be it further enacted by the authority aforesaid, That no part of the funds of the said company shall at any time be appropriated to any purpose unconnected with the making the said canal and the navigation thereof, unless upon specific estimates submitted to a general meeting of the stockholders, to be legally called and approved of by a majority of the stockholders attending such meeting, or by his or their agent or agents, duly authorized to act in his or their behalf.

Future directors must hold stock to the amount of twenty shares

XII. And be it further enacted by the authority aforesaid, That at and after the next general election of directors, no person shall be eligible to be a director of the said company, who shall not be a stockholder in the said company to the amount of twenty shares, any thing in the twenty-ninth clause of the said act passed in the fourth year of his Majesty's reign, to the contrary notwithstanding.

The hon. J. Irvine and S. McGillivray, esq. appointed directors for the year.

XIII. And be it further enacted by the authority aforesaid, That the honorable James Irvine and Simon M'Gillivray, esquire, in addition to the five directors already elected, shall constitute the directors of the said company till the next general election, any thing in the twenty-ninth clause of the said recited act to the contrary notwithstanding.

Ratio of voting.

XIV. And be it further enacted by the authority aforesaid, That the holder of five shares shall be entitled to one vote; the holder of twenty shares to two votes; the holder of fifty shares, three votes, and the holders of one hundred shares and upwards, four votes, at all general meetings of the stockholders.

H. M. government may purchase the canal after fifty years, under certain regulations. After the government assume the canal, account of toll and profits to be laid annually before the legislature, and to be accounted for through the lords commissioners of his Majesty's treasury.

XV. } [Repealed by 1st Will. IV, c 18.]
XVI. }

Chapter III.

An act to make good certain monies advanced by his Majesty, pursuant to the address of the house of assembly at the last session of parliament to his excellency the lieutenant governor.

[Granting £2,016 9s. 4d. to make good the like sum advanced to meet the contingent expenses of the legislature in the session of 1824.

Chapter IV.

An act to authorize the justices of the Home district to raise a further sum by loan, to be applied in completing a gaol and court house for the said district

(See 4th Geo. IV, c 33.)

[Passed April 13, 1825.]

Preamble.

WHEREAS it appears by the petition of the justices of the peace for the Home district, in adjourned quarter sessions assembled, that in order to complete the gaol and court house for that district, it would be necessary to raise by loan a further sum, in addition to that which the justices are now authorized to borrow; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the justices of the peace in and for the Home district, in general quarter sessions assembled, in the month of May next, or at any subsequent general quarter sessions, or adjourned session, by an order of court, to authorize and direct the treasurer of the said district to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the district, a sum not exceeding two thousand pounds, to be applied in the same manner as the monies authorized to be borrowed by an act of the parliament of this province passed in the fourth year of his Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in and for the Home district."

Justices of the peace for the Home district may direct the treasurer to loan £2,000, to be applied towards the erection of a gaol and court house.

II. And be it further enacted by the authority aforesaid, That the money so borrowed under the authority of this act shall not bear greater interest than six per centum per annum, and that the treasurer of the said district for the time being shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred and fifty pounds, from and out of the rates and assessments coming into his hands for the use of the district, as aforesaid.

A sum not less than £150 to be applied annually towards the liquidation of the said loan.

Chapter V.

An act to provide for ascertaining and establishing the division line between the townships of Ancaster and Flamborough West, in the district of Gore.

[Passed April 13, 1825.]

Preamble.

WHEREAS doubts being entertained respecting the boundary line between the townships of Ancaster and Flamborough West, in the district of Gore, it is expedient and proper to have the same ascertained and established; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to direct the surveyor general to cause such boundary line to be run out and ascertained, in conformity with the original survey of the said townships.

The governor, &c. to direct the surveyor general to cause the boundary line between Ancaster and Flamborough West, to be ascertained.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said surveyor general, and he is hereby required, when and so soon as he shall have caused the said boundary line to be run out and ascertained, to have certain and permanent boundaries placed at the governing points thereof; and that the line so run, ascertained, and marked out, by the placing of such boundaries, shall be considered as the permanent and established boundary line between the said townships.

Permanent boundaries to be placed, and the governing points and such line to be considered the true line.

Chapter VI.

An act for the better regulating the assize, and fixing the price of bread, in the several police towns throughout this province.

[Passed April 13, 1825.]

Preamble.

WHEREAS it is necessary to make more effectual provision for regulating the assize, and fixing the price of bread, in the several towns throughout this province, and more parti-

cularly to define the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for such of his Majesty's justices of the peace, residing within the limits of any town in this province, where a police is now or hereafter may be established, or residing within the limits of the division constituted, for the time being, for holding a court of requests in said town or towns, to assemble on the first and third Saturday in each month, at the court house, in each and every of the said towns respectively; and two of the said justices, being then and there present, are hereby authorized and required to assize and fix the price of bread; and if more than two of the said justices being then and there present, the majority shall fix and determine the same for each ensuing intermediate period, or if any default shall be made by reason of the non-attendance of the said justices, or in case no change, alteration, or modification, be found necessary, then the last assize made shall continue to be in full force and effect until the same shall be varied and changed by a new assize, in manner above mentioned.

Justices of the peace to meet on the 1st and 3d Saturday in each month, and fix the price of bread until the next half monthly meeting.

If no meeting held, former assize to continue.

Clerks of the market to keep a daily account of the prices of flour sold in the market, and exhibit the same upon oath to any two justices.

II. And be it further enacted by the authority aforesaid, That the clerk of the market in each and every police town in this province, is hereby required to keep a just and fair statement in a book, to be kept by him for that purpose, of the daily price or prices of flour exposed and offered for sale in such market whereof he is appointed clerk, and exhibit the same to any two of his Majesty's said justices of the peace for the town or towns aforesaid, and make oath of the correctness of the same, if required.

The assized statement of the price of flour for the fourteen days previous shall be the guide for the justices in assizing the price of bread.

III. And be it further enacted by the authority aforesaid, That the aforesaid statement of the average price of flour for the fourteen days previous, so exhibited, shall be the rule and guide for the said justices of the peace, to assize and fix the price of bread for the ensuing fourteen days, due regard being had to the existing price of flour, fuel, and labor, in each of the said towns.

Within twenty-four hours after the assize is established, clerk of the market shall affix a notice thereof on the market house.

IV. And be it further enacted by the authority aforesaid, That within twenty-four hours after such justices of the peace shall have so assized and fixed the price of bread, the clerk of the market shall affix a notice thereof in some conspecuous place on the market house, in such police town or towns, as aforesaid.

Penalty for disobeying the assize.

V. And be it further enacted by the authority aforesaid, That each and every baker who shall wilfully and negligently disobey, or refuse to conform to, such assize and price so fixed as aforesaid, shall be liable to a fine of ten shillings for each and every offence so committed, upon conviction thereof before any two or more of his Majesty's justices of the peace, upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale, under the hands and seals of such justices of the peace, of the goods and chattels of such offender or offenders.

Mode of conviction.

Application of fines.

VI. And be it further enacted by the authority aforesaid, That all fines imposed and collected under the authority of this act, shall be applied by the justices of the peace in the same manner as the funds collected for police purposes, within the town or towns in which the said offence or offences shall be so committed.

An Act,

To amend and make permanent a certain act of the parliament of this province passed in the fifty-ninth year of the reign of his late Majesty King George the Third, entitled, "An act to repeal the several laws now in force relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province," and to render more effectual the several laws of this province, imposing rates and assessments, by providing under certain restrictions for the levying such rates and assessments, by the sale of a portion of the lands on which the same are charged.

[The royal assent to this bill was promulgated by proclamation, under the great seal of the province, bearing date the fourth day of April, 1825.]

Preamble.

Reciting 59th Geo. III, c 7.

(See 9th Geo. IV, c 3.)

Whereas it is expedient to make perpetual a certain act of the parliament of this province passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to repeal the several laws now in force relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province," except such parts thereof as are hereby repealed, and to render more certain the due collection of such rates and assess-

ments as are imposed upon lands in this province, by providing for levying, under certain restrictions, the assessments which may remain in arrear, by the sale of a portion of the lands on which the same may be charged; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the twenty-third section of the said first recited act shall be, and the same is, hereby repealed.

59th Geo. III, c 7, s 23, repealed.

II. And be it further enacted by the authority aforesaid, That the grantee, owner, or occupier, of any township, block, or parcel of land, or any parcel thereof, which shall not have been surveyed by or under the authority of the surveyor general of this province, shall on or before the first day of July next, cause to be returned to the treasurer of the district, in which such land lies, a schedule of such land, or so much thereof as has been actually surveyed, and of which he is the owner or occupier, designating the same by numbers and concessions, or otherwise, according to such actual survey, or according to any plan or map thereof.

Owners of townships to make returns of the surveyed parts thereof.

III. And be it further enacted by the authority aforesaid, That if the owner or owners, occupier or occupiers, of any such lands as aforesaid, shall refuse, or neglect to make or cause to be made, such return as aforesaid, on or before the said first day of July next, he, she, or they, shall forfeit and pay, for such refusal or neglect, a sum equal to double the amount of the assessment and rates imposed by the several laws of this province, upon the number of acres owned or occupied, as aforesaid; and for every year thereafter, until such return shall be made as is herein required, the owner or owners, occupier or occupiers, of such land, shall in like manner forfeit, for such neglect or refusal, double the amount of such assessments and rates as aforesaid, in proportion to the land so owned or occupied by him, her, or them.

Penalty for neglect or refusal.

IV. And be it further enacted by the authority aforesaid, That the several penalties or forfeitures, mentioned in the last preceding section of this act, may be recovered upon information and complaint before any three of his Majesty's justices of the peace for the district in which the lands lie, and shall be levied by warrant, signed by any two of the justices, who shall have heard such complaint, by distress and sale of the goods and chattels of any person or persons, refusing or neglecting as aforesaid; and that the said penalties shall be distributed as follows, that is to say; one half thereof to the informer, and the remainder shall be paid to the treasurer of the district, to be appropriated in like manner as the assessments levied for the general use of such district.

Mode of recovering penalties.

Distribution of penalties.

V. And be it further enacted by the authority aforesaid, That whenever any schedule of any township, reputed township, block, or tract of land, not surveyed under the authority of the surveyor general of this province, shall be returned by the owner or occupier thereof, under the provisions of this act, the treasurer of the district receiving such return, shall forthwith make an entry of the same in his books, and the same shall be chargeable with assessments from the time of such return, in like manner as if returns thereof had been made by the surveyor general of this province, and all and every the provisions of the several acts of this province, relative to the collection of rates and assessments, and penalties for non-payment of the same; and all the provisions of this act relative to the levying rates and assessments in arrear, shall apply in like manner to such lands so returned.

Returns to be entered by the several treasurers, and the lands so returned to be thenceforth chargeable with assessments and provisions for the due collection thereof, as other lands returned by the surveyor general.

VI. And be it further enacted by the authority aforesaid, That the treasurer of each and every district of this province, for the time being, shall, at the general quarter sessions of the peace for each district respectively, which shall ensue next after the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-eight, present to the justices in quarter sessions assembled an accurate account of all lands in his district, upon which the assessments imposed by the several acts of this province, or any part thereof, shall have been in arrear for the space of eight years, specifying in such account, the lot or parcel of land, by the number, concession, and township, or otherwise, as the same appears in the schedule furnished to the said treasurer, and specifying also the amount due for assessments thereon, under the provisions of the said acts, and that the treasurer of each district shall in like manner, at the court of general quarter sessions of the peace which shall ensue next after the first day of July in each and every year, after the year of our Lord one thousand eight hundred and twenty-eight, furnish an account of all the lots or parcels of land in the several townships, reputed townships, or places, of his respective district, upon which the assessments imposed by the said acts, or any part thereof, shall be in arrear for the space of eight years.

(Repealed by 9th Geo. III, c 3.)

Treasurers of districts to report to the quarter sessions, all lands upon which the assessments shall be eight years in arrear, after 1st July, 1828.

Clerks of the peace to make out writs for the levying the assessments in arrear,

VII. And be it further enacted by the authority aforesaid, That upon such accounts so to be made and rendered by the several treasurers, it shall be the duty of the clerk of the peace in each district, and he is hereby required to make out a writ for the levying of the assessments appearing to be due in each township, reputed township, or place, specifying in such writ the particular lot or parcel of land and the amount due thereon, which may be in the form given in the schedule to this act annexed, marked *A*, and may be signed and sealed by the said clerk of the peace, as by order of the court of general quarter sessions, either during or after the sitting of the said court, and shall be directed to the sheriff of each district respectively, directing him to levy the amount therein stated to be due, together with the fees hereinafter mentioned, by sale of such portion of the lands and tenements on which the assessments are respectively chargeable, as may be sufficient for that purpose, provided there be no distress upon the said lands from whence the same may be made, and if there be such distress, then to levy the same by sale of such distress.

by sale of a portion of the lands upon which the assessments are chargeable, if no distress be found thereon.

Writs when returnable.

VIII. And be it further enacted by the authority aforesaid, That the said writs shall be returnable at the third quarter sessions which shall ensue after issuing the same, and that the sheriff shall be directed by the said writs to have the monies, which he shall levy upon the same, at the said court, and that the payment of the same to the treasurer of the district respectively, shall be sufficient to discharge such sheriff.

Monies levied to be paid to treasurers.

Lands liable to sale, to be advertised.

IX. And be it further enacted by the authority aforesaid, That the treasurer of each and every district in this province shall cause to be inserted in the Upper Canada Gazette, and also in some public newspaper of such district respectively, a list of all the lots or parcels of land which shall be returned by him in his accounts under this act, as liable to sale for arrears of assessments, within one month after the rendering of his said account, and shall charge the expense attending the same in his accounts with the district; and if there be no newspaper published within any district of this province in which the said lands shall be situate, then the said treasurer shall cause a list of the several lots or parcels of land liable to sale as aforesaid, in each township, reputed township, or place, to be affixed in some conspicuous place in the said township, within one month from giving in his said account, and shall charge for each list so affixed, the sum of five shillings, and no more.

Expense of advertising to be paid by the districts.

If no newspaper, notices to be published in the township where land lies.

Fee.

After receipt of writ, sheriff to advertise lands in Gazette and other newspapers.

X. And be it further enacted by the authority aforesaid, That every sheriff shall, within one month after the receipt of any writ to him directed under this act, insert a notice in the Upper Canada Gazette, and also in all the printed newspapers of his district, or if there be no newspaper published within his district, shall affix a notice in writing upon the door of the court house or place where the courts of general quarter sessions of the peace are usually holden, of the time and place at which he will attend to sell such portion of the lands, on which assessments are to be levied in the several townships, reputed townships, or places, as shall be sufficient to discharge the same; and that he shall also cause to be affixed in two or more places in each and every inhabited township, reputed township, or place, a notice of the time and place of sale of the land under this act, within such township, reputed township, or place.

If no newspaper in district where lands lie, notice to be put up on door of the court house.

No sale of lands until writ has been six months in the sheriff's hands, nor out of the township, unless inhabitants too few.

XI. And be it further enacted by the authority aforesaid, That no sale of lands under this act shall take place in less than six months from the time of delivering the writ to the sheriff, nor shall be made out of the township, reputed township, or place, in which the lands lie, unless the same shall be so thinly inhabited as to have no meetings held within it for the election of parish officers, in which case the sale shall be in the township to which the same may be annexed, for the purpose of holding its annual town meeting.

Manner of the sale and terms thereof.

XII. And be it further enacted by the authority aforesaid, That the mode of selling the said lands shall be by public auction, as follows, that is to say; the amount of assessments in arrear upon the said lands respectively shall be declared, and also the expenses attending the said writ, as the same are hereinafter established, and the person who shall offer to pay the said assessments and expenses for the least quantity or portion of the said lands, on which they are charged, shall be considered the purchaser thereof.

How lands for sale to be apportioned.

XIII. And be it further enacted by the authority aforesaid, That the sheriff shall expose to sale upon such writ as aforesaid, the several lots or parcels of land therein mentioned, in the following manner, that is to say; he shall begin at the front angle on that side from whence the lots are numbered, and measure backward, taking a proportion of the width corresponding in quantity with the proportion of such particular lot, in regard to its length and breadth, according to the quantity required to make the sum demanded; and at every subsequent sale of a portion of the same lot or parcel of land, under this act, shall proceed to take a tract of equal width as the former, measuring backward from the limit of the tract last sold.

Discretionary power vested in the sheriff to alter the mode of sale.

XIV. And be it further enacted by the authority aforesaid, That in every case in which, from the position or description of the tract, the mode last mentioned cannot be pursued, then it shall be in the discretion of the sheriff to expose to sale such portion of the lot or parcel of land as shall appear to him most for the interest of the proprietor thereof.

No greater interest in the crown and clergy reserves to be sold than is possessed by the lessees.

XV. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend to authorize the sale of any greater or other interest in the reserved lands of the crown or clergy, held in lease for payment of arrears of assessments, than is possessed by such lessee or his assignee.

Sheriff may adjourn sales.

XVI. And be it further enacted by the authority aforesaid, That it shall be in the power of the sheriff to adjourn such sale from day to day at his discretion, giving public notice thereof; and that if any purchaser shall not pay the amount declared on the day of sale, it shall be in the power of the sheriff to re-sell the same on any other day to which the sale of such lands shall be adjourned.

Sheriff may re-sell lands not paid for.

Purchasers to be let into possession on payment of assessment dues.

XVII. And be it further enacted by the authority aforesaid, That on payment by any purchaser under this act, of the sum declared to be demanded in respect of any lot or parcel of land, the sheriff shall give him a certificate under his hand, specifying the particulars of such sale, and the purchaser may forthwith go into possession of the parcel of land, bid off to him as aforesaid; but if within twelve calendar months from the time of such sale, the proprietor of the lot, or any one on his behalf, shall pay to the treasurer of the district the amount levied by sale of a portion of the same, and the expense of such levy, together with twenty per cent. in addition to the same, then he shall be entitled to resume possession of the parcel of land so sold, and the treasurer shall on demand pay to the purchaser thereof, his executors, administrators, or assigns, the whole amount so paid to him, and the right required by such purchase shall thenceforth wholly cease and determine.

Owners may resume their lands within twelve months after sale, upon repayment of taxes, costs, and twenty per cent. in addition, to the purchaser.

If land not redeemed within twelve months, sheriff to complete the sale.

XVIII. And be it further enacted by the authority aforesaid, That if, at the expiration of twelve calendar months from the time of such sale, the land so sold shall not be redeemed as aforesaid, then the sheriff for the time being shall, on demand by the purchaser or purchasers, his heirs or assigns, execute a conveyance to him or them, in fee simple, of the parcel of land so sold by public auction, under the provisions of this act, which conveyance may be according to the form given in the schedule to this act annexed, marked *B*, or as near thereto as may be, and shall be executed by the said sheriff free of any charge to the party.

Sheriff's certificate may be registered in lieu of a memorial of conveyance.

XIX. And be it further enacted by the authority aforesaid, That before the sheriff shall deliver to a purchaser any conveyance of lands, sold under the provisions of this act, he shall deliver to the register of the county in which such lands are situated, a certificate of such sale, under his hand and seal of office, stating the name of the purchaser, the sum paid, the number of acres sold, the lot or tract of which the same form part, and the date of such conveyance, and may comprise in any one certificate a schedule of all or any number of such conveyances, which certificate shall be to such register a sufficient authority in place of a memorial, to record such conveyance or conveyances respectively.

Registers to enter a transcript of conveyances on record, and grant a certificate thereof, which shall be deemed a sufficient registry.

Fee to register.

XX. And be it further enacted by the authority aforesaid, That the register of any county, having received from the sheriff such certificate as above mentioned, shall, on production of any conveyance made under the authority of this act, enter on record a transcript of such conveyance, which shall be deemed to be a sufficient registry thereof, and for such registry and the certificate thereof, in the usual form, the register shall be entitled to receive of the party, the sum of two shillings and six pence, and no more.

Treasurers neglecting to make returns shall, on conviction, forfeit their office; and justices may appoint another treasurer, and upon neglect of the justices, the governor may appoint one during pleasure.

XXI. And be it further enacted by the authority aforesaid, That if any treasurer shall delay to make the returns or accounts required of him by this act, for two courts of general quarter sessions of the peace after that in which the same ought by this act to be presented, he shall by such neglect, on conviction thereof at the assizes, forfeit his office, and the justices of such district shall forthwith appoint another treasurer in his room, according to law; and if the justices shall neglect to make such appointment, then it shall be lawful for the governor, lieutenant governor, or person administering the government of this province, to appoint another in his room during pleasure, taking such security to his Majesty, for the due performance of the said office, as to the said governor, lieutenant governor, or person administering the government, shall seem just.

Sales not to be avoided for neglect of officers adhering to the mode and forms hereby established, but officers to answer the party aggrieved.

XXII. And be it further enacted by the authority aforesaid, That no omission of any direction contained in this act, relative to notices, or forms of proceeding, previous to any sale made under this act, shall extend to render such sale invalid; but the person guilty of any such omission or neglect shall be liable to punishment therefor, and shall answer to the party for any damages occasioned thereby, in any legal proceeding that may be properly instituted for that purpose.

Monies collected how to be accounted for.

XXIII. And be it further enacted by the authority aforesaid, That the monies received by the sheriffs of the several districts, under this act, shall be by them paid to the treasurer of their respective districts, and shall be appropriated and applied in the same manner as the monies collected under the said act passed in the fifty-ninth year of his late Majesty's reign.

Fees to the treasurers.

XXIV. And be it further enacted by the authority aforesaid, That the treasurer of each district shall be entitled to receive the sum of five pounds, in account with the district, for

every account furnished under this act, and may deduct the same sum to his own use, out of monies paid into his hands under this act, as out of other assessments by the laws now in force.

Fees to the clerk of the peace,

XXV. And be it further enacted by the authority aforesaid, That the clerk of the peace in every district shall receive for each writ, which he shall make out, for the several townships in his district, under this act, the sum of ten shillings.

and sheriff.

XXVI. And be it further enacted by the authority aforesaid, That the sheriff of each district shall and may charge the sum of seven shillings and six pence upon every sale, for his fees of sale, and shall levy the same in addition to the sum mentioned in his writ; and that he may retain out of all monies, to be paid over by him under this act, the sum of three pounds for every hundred pounds.

Treasurers to give receipts to persons paying taxes.

XXVII. And be it further enacted by the authority aforesaid, That the treasurer in each and every district of this province shall, and he is hereby required to, give to any person paying assessments upon lands, who shall require the same, a receipt, specifying the amount of payment and the particular lot, portion of a lot, or other parcel of land, in respect of which the same is paid.

59th Geo. III, c 7, s 24, repealed.

(See 59th Geo. IV, c 3.)

XXVIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the twenty-fourth section of the said act of the parliament of this province passed in the fifty-ninth year of his late Majesty's reign, shall be, and the same is, hereby repealed; and that the assessments and rates by the said act imposed may be according to the form hereunto subjoined.

FORM OF ASSESSMENT, FOR THE TOWNSHIP OF FOR THE YEAR

A B C D	NAMES.		£	s.	d.
		Uncultivated. (No. of Acres of Land.)			
		Cultivated. (No. of Acres of Land.)			
		No. of Lot, or other designation, (if a part describe which it is.)			
		No. of Concession, or other description.			
		Over sixteen years of age. (No. of Males resident in the Family.)			
		Under sixteen years of age. (No. of Males resident in the Family.)			
		Over sixteen years of age. (No. of Females resident in the Family.)			
		Under sixteen years of age. (No. of Females resident in the Family.)			
		Total number of Persons resident in each Family.			
		Town Lots in Kingston, York, Niagara, and Queenston, at fifty pounds each.			
		Town Lots in Cornwall, Sandwich, Johnstown, and Bellville, at twenty-five pounds each.			
		Town Lots in Brockville, at thirty pounds each.			
		Squared or hewed Timber, on two sides, one story. (Houses.)			
		Additional Fireplaces. (Houses.)			
		Framed, under two stories. (Houses.)			
		Additional Fireplaces. (Houses.)			
		Squared Timber, two stories. (Houses.)			
		Additional Fireplaces. (Houses.)			
		Brick or Stone, of one story, with not more than two Fireplaces. (Houses.)			
		Additional Fireplaces. (Houses.)			
		Framed, Brick, or Stone, of two stories, with not more than two Fireplaces. (Houses.)			
		Additional Fireplaces. (Houses.)			
		Wrought by water with one pair of Stones. (Mills.)			
		Additional pair of Stones. (Mills.)			
		Saw Mills.			
		Merchant Shops.			
		Store Houses.			
		Stone Horses, for covering Mares for hire or gain.			
		Horses of three years old and upwards.			
		Oxen of four years old and upwards.			
		Milch Cows.			
		Horned Cattle, from two to four years old.			
		Close Carriages with four wheels, kept for pleasure.			
		Phætons, or other open Carriages, kept for pleasure only, with four wheels.			
		Curricles, Gigs, or other Carriages, with two wheels, kept for pleasure.			
		Wagons, kept for pleasure.			
		Rate per pound.			
		Total, £ (Amount of Assessment.)			

SCHEDULE.

A.

Form of writ to sell.

District of To the Sheriff of the district of

WHEREAS by the account rendered by the treasurer of the said district of to the justices of the peace for the said district, in general quarter sessions assembled, according to the act of parliament of this province passed in the fourth year of the reign of his Majesty King George the Fourth, entitled, [here insert the title to this act,] it appears that the assessments, or some part thereof, which are imposed upon lands by the several statutes of this province, have been suffered to remain in arrear beyond the space of eight years, upon the lots or parcels of land hereinafter mentioned, and that the said lots or parcels of land stand respectively charged with the sums herein set forth, that is to say; [here state the lots or parcels of land, with the sum charged against the same in the treasurer's accounts, so remaining in arrear, up to the expiration of the last year before such account was rendered.] These are, therefore, in his Majesty's name, to command you to levy the several sums of money herein mentioned, by sale of such portion of the lands on which the said assessments are respectively charged, as may be sufficient for that purpose, together with the fees allowed by the said act passed in the fourth year of the reign of King George the Fourth, to be levied on this writ, duly observing the directions of the said last mentioned act, in respect of such sale, provided there be no distress upon the said lands respectively, from which the said several sums, or either of them, may be made: and if there be such distress, then that you levy the same by such distress, together with such fees as aforesaid, rendering the overplus, if any there be, to the owner thereof; and whatever monies you shall levy by virtue of this writ, have before the court of general quarter sessions of the peace, in and for the said district, which shall begin and be holden on the day of next, together with this writ.

B.

Form of sheriff's deed.

THESE are to witness that in consideration of the sum of paid to me by A. B., of being the purchaser at public auction of the parcel or tract of land hereinafter mentioned, sold to pay assessments, under a writ to me directed, according to the law in that behalf, I, C. D. sheriff of the district of do, by these presents, grant, bargain, and sell, unto the said A. B., his heirs and assigns, [describe the parcel of land sold,] to have and to hold the premises hereby bargained and sold, and all benefit and advantage thereto belonging, unto and to the use of the said A. B. his heirs and assigns forever. In witness whereof, I have hereto set my hand and seal of office, this day of in the year of our Lord

Second Session of the ninth Provincial Parliament.

MET AT YORK, ON THE SEVENTH DAY OF NOVEMBER, 1825, AND PROROGUED ON THE THIRTIETH DAY OF JANUARY, 1826, IN THE SIXTH AND SEVENTH YEARS OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1826.

Chapter I.

An act granting to his Majesty a sum of money for the relief of the sufferers in New Brunswick by the late fire.

[Passed December 12, 1825.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas the inhabitants of New Brunswick are suffering great distresses from the dreadful ravages by the late fire; and whereas it is desirable to afford the said sufferers in New Brunswick such relief as the present pressure upon our revenue will admit; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general thereof, unappropriated, there be granted to his Majesty, his heirs and successors, the sum of one thousand pounds; which said sum of one thousand pounds shall be transmitted by the governor, lieutenant governor, or person administering the government of this province, to the governor, lieutenant governor, or person administering the government of New Brunswick, to be by him applied in such manner as shall seem most conducive to the relief of said sufferers.

£1000 granted to relieve the sufferers in New Brunswick by the late fires, to be transmitted to the governor of that province.

How the said sum shall be paid and accounted for.

II. And be it further enacted by the authority aforesaid, That the said sum of money shall be paid by his Majesty's receiver general of this province, in discharge of such warrant or warrants as shall for the purposes herein set forth be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter II.

An act to prevent the operation in this province of an act of parliament, made in England, in the twenty-first year of the reign of his late Majesty, King James the First, entitled, "An act to prevent the destroying and murthering of bastard children," and to make other provisions in lieu thereof.

[Passed January 30, 1826.]

Preamble.

WHEREAS doubts have been entertained respecting the true sense and meaning of a certain act of parliament, made in England in the twenty-first year of the reign of his late Majesty, King James the First, entitled, "An act to prevent the destroying and murthering of bastard children," and the same has been found in sundry cases difficult and inconvenient to be put in practice; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province

of Quebec, in North America, and to make further provision for the government of the said province,' " and by the authority of the same, That from and after the passing of this act, no clause, matter, or thing, in the said act passed in the twenty-first year of the reign of King James the First, shall extend to or be in force in this province, any thing in the said recited act of the parliament of Great Britain passed in the fourteenth year of his late Majesty's reign, or in a certain act of the parliament of this province passed in the fortieth year of his late Majesty's reign, entitled, " An act for the further introduction of the criminal law of England in this province, and for the more effectual punishment of certain offenders," to the contrary notwithstanding.

21st James I, c 27, to be no longer in force in this province.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the trial of women charged with murder of any issue of their bodies, male or female, which being born alive, would by law be bastard, shall proceed and be governed by such and the like rules of evidence and presumption, as are by law used and allowed to take place in respect to other trials for murder, as if the said act had never been made.

Women charged with the murder of their bastard children shall be tried as in cases of murder, and by the same rules of evidence.

III. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the jury, by whose verdict any prisoner charged with murder as aforesaid shall be acquitted, to find, in case it shall so appear in evidence, that the prisoner was delivered of issue of her body, male or female, which if born alive would have been bastard, and that she did by secret burying, or otherwise, endeavor to conceal the birth thereof, and thereupon it shall be lawful for the court, before which such prisoner shall have been tried, to sentence such prisoner to punishment in their discretion, as in case of misdemeanor.

Jury on a trial of such charge may find a verdict that the birth was concealed, which shall subject the defendant to punishment as for a misdemeanor.

Chapter III.

An act to dispense with the necessity of actually pronouncing sentence of death in certain cases of capital convictions.

[Passed January 30, 1826.]

WHEREAS it is expedient to dispense in certain cases with the actual pronouncing of sentence of death upon prisoners capitally convicted, and to allow of the same sentence being entered of record in open court, to have the like effect as if the same had been actually pronounced; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, " An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,' " and by the authority of the same, That whenever any person shall be convicted of any felony, except murder, and shall by law be excluded from the benefit of clergy in respect thereof, and the court before which such offender shall be convicted shall be of opinion, that under the particular circumstances of the case, such offender is a fit and proper subject to be recommended to the royal mercy, it shall and may be lawful for such court, if it shall think fit so to do, to direct the proper officer, then being present in court, to require and ask if such offender hath or knoweth any thing to say why judgment of death should not be recorded against such offender, and in case such offender shall not allege any matter or thing sufficient in law to bar or arrest such judgment, the court shall and may, and is hereby authorized, to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment, to order the same to be entered of record; and thereupon such officer, as aforesaid, shall and may, and is hereby authorized to, enter judgment of death on record against such offender, in the usual and accustomed forms, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open court against such offender.

Preamble.

The sentence in certain cases of capital conviction, may be entered of record, instead of being actually pronounced.

II. And be it further enacted by the authority aforesaid, That a record of every such judgment so entered as aforesaid, shall have the like effect to all intents and purposes, and be followed by all the same consequences, as if judgment had actually been pronounced in open court, and the offender had been reprieved by the court.

Effect of sentence so recorded.

Chapter IV.

An act to repeal part of an act passed in the thirty-sixth year of his late Majesty's reign, entitled, "An act for the better regulation of certain coins current in this province," and to make further provision for the regulation of the British silver and copper coinage current in this province.

[Passed January 30, 1826.]

Preamble.

36th Geo. III, c 1, recited.

Order of the lords of his Majesty's treasury, respecting the establishment of a uniform metallic currency in colonies.

Value of the British crown and shilling declared.

Value of copper coin.

No one bound to receive more than one shilling in copper money.

Relative value of British silver and copper coin in provincial currency.

36th Geo. III, c 1, repealed, so far as it is affected by this statute. (See 11th Geo. IV, c 6.)

Whereas an act was passed in the thirty-sixth year of his late Majesty's reign, entitled, "An act for the better regulation of certain coins current in this province," by which it is enacted that among other silver coins by the said act made current in this province, the silver coins hereinafter mentioned shall pass current, and be deemed a legal tender, at the rates following, that is to say; the British crown, at five shillings and six pence; the British shilling, at one shilling and a penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence, sterling money of Great Britain; the American dollar, at five shillings, and all the higher and lower denominations thereof in the same proportion, respectively; and whereas it appears by an official communication from his Majesty's government, that according to the contents in pure silver, and of the value computed at the rate of five shillings and two pence per ounce, Troy, of British standard, fineness of the Spanish dollar; and also the dollar of the United States of America, are only equal in value to the sum of four shillings and four pence, sterling money of Great Britain, and that the same coins are to be issued at those rates, when the British coin is not in the military chest, for the pay of the British troops in the colonies; and whereas his Majesty's government having taken into consideration the expediency of establishing the British metallic currency, as the circulating medium of all the colonial possessions of the crown, an order of his Majesty in council has been made, declaring that a tender or payment of British silver coin, to the amount of four shillings and four pence, should be considered as equivalent to the tender or payment of one Spanish dollar, and so in proportion of any greater or less amount of debt; and also that British copper money should be made a legal tender, to the amount of twelve pence in one payment, for its due and proper proportion of British silver money; and whereas measures have been taken by his Majesty's government, for facilitating the currency of British silver coin within this province, on terms highly advantageous to the holders of such coins, and in order to give effect to the intentions of his Majesty's government, it is expedient to give to such British silver coin its fair relative value in respect to other silver coins, whose value has been fixed by law in this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the silver coins hereinafter mentioned shall pass current, and be deemed a legal tender, in payment of all debts and demands whatsoever, in this province, at the rates following, that is to say: the British crown, at five shillings and nine pence; the British shilling, at one shilling and two pence; and that all the higher and lower denominations of the said silver coins shall also pass current, and be deemed a legal tender, in payment of all debts and demands whatsoever, in this province, in the same proportion respectively.

II. And be it further enacted by the authority aforesaid, That British copper money shall pass current, and be deemed a legal tender, in payment of all debts and demands whatsoever in this province, according to the due and proper proportion of such copper money to the British silver coins hereinbefore mentioned: Provided always, That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this province, in copper money, and that in all payments not exceeding one shilling current money of this province, ten pence shall be deemed equivalent to one shilling, and all higher and lower denominations in the same proportion.

III. And be it further enacted by the authority aforesaid, That the sum of seventeen shillings and four pence, of British silver and copper money, shall pass as equivalent and be equal to the sum of twenty shillings of the current money of this province.

IV. And be it further enacted by the authority aforesaid, That so much of the said act passed in the thirty-sixth year of his said late Majesty's reign, as declared the value at which any British silver coins shall pass current in this province, shall be, and the same is, hereby repealed.

Chapter V.

An act to encourage the progress of useful arts within this province.

[Passed January 30, 1826.]

Preamble.

WHEREAS it is expedient for the encouragement of genius and of arts in this province, to secure an exclusive right to the inventor of any new and useful art, machine, manufacture, or composition of matter; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when any subject of his Majesty, being an inhabitant of this province, shall allege that he has invented any new and useful art, machine, manufacture, or composition of matter, not known or used before the application, and shall present a petition to the governor, lieutenant governor, or person administering the government of the province, for the time being, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted, therefore, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to direct that letters patent shall be made out, under the great seal of this province, and passed in the usual form, reciting the substance of the said petition, and giving a short description of the said invention or discovery, and granting therefore to the said petitioner or petitioners, his, her, or their executors, administrators, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, vending to others to be used, the said invention or discovery, which letters patent, so far as the same may be conformable to this act, shall be good and available to the grantee or grantees, after the same shall have been recorded in a book to be kept for that purpose, in the office of the secretary and register of this province, and the same shall, when so recorded, be delivered by the proper officer to the patentee, or his order.

Inventor of any useful art, &c. may procure a patent right for the same.

How to be applied for.

II. And be it further enacted by the authority aforesaid, That any person who shall have discovered an improvement in the principle of any machine or composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, shall not be at liberty to make, use, or vend the original discovery, but the improvement only; nor shall the first inventor be at liberty to use the improvement, and it is hereby enacted and declared, that simply changing the form or the proportion of any machine or composition in any degree, shall not be deemed a discovery.

Inventors of improvements upon original discoveries, to obtain patents for such improvements only.

III. And be it further enacted by the authority aforesaid, That every inventor, before he can receive a patent, shall swear, or being a Quaker, Menonist, Tunker, or belonging to the society called United Brethren, or Moravians, affirm, that he does verily believe that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, (which oath or affirmation may be made before any justice of the peace,) and shall deliver a written description of his invention or improvement, and of the manner or process of compounding the same, in such full, clear, and exact terms, as to distinguish the same from all other things before known, and to make any person skilled in the art or science, of which it is a branch, or with which it is most clearly connected, to make, compound, and use the same; and in the case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions, and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with the specimens of the ingredients or of the composition of matters, sufficient in quantity for the purpose of experiment, which description, signed by himself, and attested by two witnesses, shall be filed in the office of the secretary of the province, and certified copies thereof shall be competent evidence in all courts where any matter or thing touching patent right shall come in question: Provided always, nevertheless, That such inventor shall, moreover, deliver a model of the machine by him invented, provided the secretary shall deem such model to be necessary.

Requisite steps to be taken before such patent shall issue.

Oath.

Specification to be filed, and certified copy to be endorsed.

Model of machinery.

IV. And be it further enacted by the authority aforesaid, That it shall be lawful for any inventor, his executors or administrators, by an instrument under seal, duly executed, to assign the title and interest in the said invention at any time, and the assignee or assignees, and his or their assignee or assignees, after any number of such assignments subsequently made, which assignments shall be inserted of record in the office of the said secretary of the province, upon proof of the execution thereof, by affidavit, made by a subscribing witness, before any judge of the court of king's bench, or a commissioner for

Patentee may assign his right.

taking affidavits in the said court, shall stand, and be to all intents and purposes, in the place of the original patentee of any such invention.

Remedy for infringement of patent.

V. And be it further enacted by the authority aforesaid, That if any person shall make, or manufacture for sale, any article or composition, so invented, or shall make or manufacture, or make use of any instrument or machinery so invented or specified, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his heirs and assigns, or other lawful representative, first obtained in writing, every person so infringing such patent, shall be liable to an action for the same, in which, besides such damages as shall be awarded by the jury, the parties injured shall also receive treble costs, to be taxed by the master.

Defence which may be urged in any action for infringing a patent right.

VI. Provided always, and be it further enacted by the authority aforesaid, That if upon trial in any such action, it shall be made apparent, to the satisfaction of the court, the defendant having specially pleaded the same, that the specification filed by the plaintiff does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the thing thus secured by patent was not originally discovered by the patentee, but had been in use, or had been described in some public work anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person, then, in either of these cases, a verdict shall be rendered for the defendant, and such patent shall be declared void.

Interfering applications for patents how decided.

VII. And be it further enacted by the authority aforesaid, That in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of which shall be chosen by each of the applicants, and the third person shall be chosen by the said secretary of the province, or person appointed to do the duty of that office; and the decision or award of such arbitrators, delivered to the said secretary, in writing, and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent, and if either of the applicants shall refuse or fail to choose an arbitrator, the patent shall issue to the opposite party, and when there shall be more than two interfering applications, and parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the said secretary of the province, or person appointed to do the duty of that office, to appoint three arbitrators for that purpose.

How patents obtained fraudulently, or by surprise, may be vacated.

VIII. And whereas it is necessary to provide a convenient remedy, in cases where letters patent, issued under the authority of this act, have been fraudulently or surreptitiously obtained, or have issued improvidently, or upon false suggestion; be it therefore further enacted by the authority aforesaid, That at any time within three years after the issuing of any such patent as aforesaid, it shall and may be lawful for any person or persons desirous of impeaching the same, for any such cause as aforesaid, to obtain an exemplification of such patent under the great seal of this province, and to have the same filed by the clerk of the crown and pleas in this province, and that upon such exemplification being so filed, the letters patent so exemplified shall be considered as remaining of record in the court of king's bench, so that a writ of scire facias, under the seal of the said court, may issue, grounded upon the said record, for the purpose of repealing the same for legal cause as aforesaid, if upon the proceedings which shall be had upon the said writ of scire facias, according to the law and practice of the court of king's bench in England, the same shall be declared void.

Entry of repeal to be made on the margin of the enrolment.

IX. And be it further enacted by the authority aforesaid, That a certificate of the judgment by which any such patent as aforesaid shall have been declared void, under the seal of the court of king's bench, shall at the request of any party, be entered upon the margin of the enrolment of such patent in the office of the secretary and register of this province, whereupon the said patent shall be considered to be cancelled, and made void.

Fees to be paid for patents, and for services required by this act.

X. And be it further enacted by the authority aforesaid, That every person claiming to be an inventor as aforesaid, and presenting a petition, signifying his desire to obtain a patent, pursuant to this act, shall pay into the hands of the secretary of the province, or other person appointed to do the duty of that office, the like fee as is paid for other special instruments issued under the great seal of this province, in full of all fees demandable for the said patent, and that for every copy which may be required of the enrolment of any such patent, the person requiring the same, shall pay the fee ordinarily charged for copies in the said office, and the further sum of ten shillings, for the affixing the great seal to the exemplification of any such patent, and that for every such certificate of judgment, as is hereinbefore mentioned, declaring any such patent as aforesaid to be void, the clerk of the crown and pleas shall be entitled to receive the sum of five shillings, and the sum of two shillings and six pence may be charged and taken by the register of the province for the entry of the same, and that the said register may also charge the sum of one shilling per folio of seventy-two words, for recording every assignment as is mentioned in this act.

Chapter VI.

An act to repeal part of, amend, and continue, the laws now in force for the payment of militia pensions.

[Passed January 30, 1826.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas an act passed in the second year of your Majesty's reign, entitled, "An act to repeal an act passed in the fifty-fifth year of his late Majesty's reign, entitled, An act to explain and amend an act passed in the fifty-third year of his late Majesty's reign, entitled, An act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed, in his Majesty's service, and also an act passed in the fifty-sixth year of his late Majesty's reign, entitled, An act to repeal part of and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same; and an act passed in the fifty-seventh year of his late Majesty's reign, entitled, An act to repeal part of and amend an act passed in the fifty-sixth year of his late Majesty's reign, entitled, An act to repeal part, and to alter and amend the laws now in force, for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same, and to make provision for granting pensions to persons disabled in the service, and to the widows and children of persons who may have been killed in the service, or who may have died while in captivity with the enemy, during the late war with the United States of America," is about to expire, and it is expedient to continue and amend the same; may it therefore please your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That such parts of the said act as are now in force, except in so far as the same are hereby repealed or altered, shall be and continue in force for the space of four years.

Militia pension act of 2d Geo. IV, continued for four years. (Further continued for four years, by 11th Geo. IV, c 23.)

Exceptions.

List to be published periodically of militia pensioners under the several classes.

II. And be it further enacted by the authority aforesaid, That a list of all persons receiving pensions, under the above recited act, shall be published three several times in the Upper Canada Gazette, in the month of March, in every second year after the passing of this act, the first publication thereof to be made in the month of March next, after the passing of this act; and that the officer paying such pensions shall furnish an abstract thereof for that purpose, specifying the name of such pensioners, the district in which he or she resides, and the account on which the said pension is payable, namely, whether on account of being disabled in action with the enemy, or as the widow, remaining unmarried, of militia-man killed in action with the enemy, or by casualty while on service, stating the name of militia-man, or as the guardian or other person acting on behalf of the child or children of a militia-man killed in action with the enemy, or by casualty while on service, naming such militia-man, and also naming the child of such militia-man, stated to be still under the age of sixteen years.

Power to admit applications in certain cases.

III. And whereas certain persons have represented by petition to the legislature; that being entitled by law to pensions, on account of disability from wounds received in action with the enemy, and being from this province at the time of the passing of the statute hereinbefore recited, and ignorant of the provisions therein contained, they have been precluded from receiving the bounty intended to be bestowed upon persons under similar circumstances with themselves; be it therefore enacted by the authority aforesaid, That it shall be in the power of the governor, lieutenant governor, or person administering the government of this province, upon application of any person, stating by petition and proving satisfactorily that from any cause, it has not been in the power of such applicant to make his application, or to present himself for examination within the period prescribed by law, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize the examination of such person, by the medical board, and that upon the production of the certificate of such board, declaring that the applicant is a proper person, by reason of disability, to be placed upon the pension list of this province, the name of such applicant shall be placed upon the militia pension list and the payment of his pension shall take date from the time of his application by petition, either to the government, or to the legislature of this province, since the passing of the act hereby continued.

Provisions respecting pension act repealed.

IV. And be it further enacted by the authority aforesaid, That the eleventh clause, and all other provisions of the aforesaid recited act, relative to the appointment of pension

agent, and the several duties to be performed on account of the appointment of such agent be, and the same are, hereby repealed.

Receiver general to pay pensions.

V. And be it further enacted by the authority aforesaid, That the several pensions authorized to be paid by this act, shall be paid by the receiver general of this province, out of any monies that now are, or which may hereafter come into his hands, subject to the disposition of the parliament of this province, and in discharge of such warrant or warrants as may be issued by the governor, lieutenant governor, or person administering the government of this province, and it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to order and direct that the said pensions, authorized to be paid by this act, shall be paid either in advance, or by quarterly or half yearly payments, as to him shall seem proper, and the said several sums of money when so paid, shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, may please to direct.

How to be paid.

Notice of payment.

VI. And be it further enacted by the authority aforesaid, That when and so often as the governor, lieutenant governor, or person administering the government, shall order and direct a proportion of the pensions authorized to be paid by this act, the aforesaid receiver general shall insert a notice thereof in the York Gazette for three months, immediately after such aforesaid order and direction.

One or more warrants to issue.

VII. And whereas it is inexpedient unnecessarily to multiply warrants, be it therefore further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, by one or more warrant or warrants, to order and direct the payment and appropriation of the several sums therein named, by the said receiver general, to the purposes of this act.

Chapter VII.

An act to continue and amend an act passed in the second year of the reign of George the Fourth, entitled, "An act for assigning limits to the respective gaols within this province."

[Repealed by 11th Geo. IV, Ch. 2.]

Chapter VIII.

(See 32d Geo. III, c 5.)

An act to make further and more effectual provision for the prevention of accidents by fire in the several police towns of this province.

[Passed January 30, 1826.]

Preamble.

Whereas the means provided by law for the prevention and extinguishing of accidental fires, have hitherto proved insufficient, from the want of a compensation being authorized for the services of persons who may be employed as firemen; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so soon as one or more company or companies shall be formed in any town where a police is or may be established by law, of persons voluntarily enrolling themselves as firemen, being inhabitants of the said town, under the provisions of the laws heretofore made for that purpose, it shall and may be lawful for the justices of the peace, in any district in which such town may be situated, in general quarter sessions assembled, or the majority of them, being satisfied of the efficiency of such persons, and accepting their enrolment, to direct the clerk of the peace for such district, to grant to each member of such corps or company a certificate that he is enrolled on the same, which certificate shall exempt the individual named therein, during the period of his enrolment and his continuance in actual duty as such fireman, from militia duty in time of peace, from serving as a juryman or a constable, and from all other parish and town offices; any law, custom, or usage, to the contrary notwithstanding.

Formation of fire companies and privileges granted to the members of such companies in police towns.

Persons serving in such companies may be discharged for neglect or misconduct.

II. Provided always, and be it further enacted by the authority aforesaid, That it shall be in the power of the justices of the peace, in and for any district in this province, or the majority of them, at any general or adjourned sessions, upon complaint to them made of neglect of duty, by any individual of such fire company, to examine into the same, and for any such cause; and

also, in case of conviction of any individual of such company for a breach of any of the rules legally made for the regulation of the same, to strike off the name of any such individual from the list of such company, and from thenceforward, the certificate which may have been granted to such individual as aforesaid, shall have no effect in exempting him from any duty or service, in the preceding clause of this act mentioned: Provided always, nevertheless, That it shall be in the discretion of the justices of the peace for any district of this province, or the majority of them, in general quarter sessions assembled, to consent to the formation as aforesaid of any fire company, under the provisions of this act, for any police town within their district, or to defer the same until the circumstances of any such town may, in their opinion, render it expedient; and that they may also in their discretion, from time to time discontinue or renew any such company or companies.

Justices to have discretion as to forming and continuing such companies.

Chapter IX.

An act to provide for the improvement of the light house on Gibraltar point, and for imposing duties for defraying the charge of the same, and for erecting other houses in this province.

[Passed January 30, 1826.]

WHEREAS it is expedient to provide a fund for the support of the light house on Gibraltar point, and to render the same more serviceable; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and remaining in the hands of the receiver general, unappropriated, there be applied such sum, not exceeding two hundred pounds, as may be necessary for procuring good and sufficient lamps and reflectors, and making such other improvements, as may be necessary for rendering the same effective.

Preamble.

A sum not exceeding £200 granted for repairing the light house on Gibraltar point.

II. And be it further enacted by the authority aforesaid, That such sum, as may be necessary for the purpose aforesaid, shall be paid to the collector of the customs for the port of York, in discharge of such warrant as may be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province, and that such collector shall have authority to apply the same for the purposes of this act.

To be paid to the collector of York.

III. And in order to provide a fund for the support of the said light house, be it further enacted by the authority aforesaid, That the master of every decked vessel of more than fifteen, and less than fifty tons burthen, except as hereinafter mentioned, entering the port of York, shall pay a sum of seven shillings and six pence, for light house duty, to the collector of the said port, and that the master of every vessel above fifty tons burthen, except as hereinafter mentioned, entering the port of York, shall pay a sum of twelve shillings and six pence for light house duty, to such collector as aforesaid.

Light house duties imposed.

IV. And be it further enacted by the authority aforesaid, That for any vessel, trading as a packet to and from the port of York, during the season, and having stated periods of sailing from the said port, once at least, in each and every week, the master or owner thereof may, upon payment of the sum of fifteen pounds, obtain from the collector of the port of York, a license to run as a packet to and from the said port, without payment of the duty hereinbefore mentioned, and such license shall exempt such vessel from the duty herein mentioned for the season in which the same was granted.

Regulations with respect to packets.

V. And be it further enacted by the authority aforesaid, That if any vessel entering the port of York, and liable to the payment of any duty in this act mentioned, shall land goods or passengers, and the owner or master of such vessel shall refuse, or omit within twenty-four hours to pay the duty by this act required, such vessel shall be liable to seizure and forfeiture, and may be proceeded against in the same manner as for other causes of forfeiture, under the revenue laws of this province.

Penalty for omitting to pay the duty.

VI. And be it further enacted by the authority aforesaid, That the amount of duties received under this act shall be paid into the hands of his Majesty's receiver general of this province, and shall be applied to the reimbursement of the monies hereby authorized to be paid in rendering the light house on Gibraltar point more serviceable, and in the annual support of the said light house, and that any surplus above the expenditure required for these purposes, shall remain and accumulate as a fund for providing light houses in other parts of this province.

Amount of duties how to be applied and accounted for.

Chapter X.

An act to impose a tax upon dogs in certain towns in this province.

[Passed January 30, 1826.]

Preamble.

Whereas it is expedient to impose a tax upon dogs in certain towns in this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of April next, every person residing within the limits of any town in this province, which now is, or hereafter may be, subject by law to police regulations, or within one mile thereof, shall pay or cause to be paid, for each and every dog of the age of six months and upwards, which shall be kept by any such person, the sum of five shillings annually.

Tax imposed on dogs in police towns.

How collected.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace residing within the limits of any such town, at a special session to be by them held for that purpose, to appoint a person to assess, levy, and collect the said taxes; and that the collector so appointed may deduct at the rate of six pounds for every hundred pounds, and no more, as a full compensation for his services in collecting, and that the treasurer shall give a receipt for all the money paid to him by the said collector, which receipt shall be to such collector a sufficient acquittance.

Collector to give bond.

III. And be it further enacted by the authority aforesaid, That such collector shall, before entering upon his office, with two sureties, to be approved of by such justices, enter into a bond to his Majesty, his heirs and successors, in such a sum as to the justices may seem meet, to faithfully execute the duties thereof, and to account well and truly for all monies that may come into his hands by virtue of his said office.

Payment of rate how to be enforced.

IV. And be it further enacted by the authority aforesaid, That if any person shall refuse to pay the sum or rate imposed by this act for each and every dog, which he or she may own, within fourteen days after demand duly made of the same by the said collector, the said collector shall, and is hereby required to, levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of his Majesty's justices of the peace, and to render the overplus, if any there shall be, over and above the said rate, to the owner thereof, after deducting the legal charges of the distress and sale.

V. And be it further enacted by the authority aforesaid, That all sums of money accruing under the provisions of this act shall be applied, under the direction of the magistrates, to the improvement of the streets of the several towns in which they shall be raised, and to no other purpose.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall, when duly called upon, neglect or refuse to give a correct list of the dog or dogs which he or she may usually keep, every such person or persons shall, upon being thereof convicted before two or more of his Majesty's justices of the peace, pay a sum not exceeding twenty shillings currency, which fine shall be disposed of in the same manner as the taxes accruing under the provisions of this act.

Application of the taxes levied under this act.

Collector's list.

VII. And be it further enacted by the authority aforesaid, That the collector appointed under this act shall head the list, which he is required to make for the purpose of this act, with a certificate in these words, that is to say:

"We do hereby severally certify, that we have since the day of in the last year, been in the possession of the number of dogs set opposite to our respective names, and no more."

Penalty for returning falsely the number of dogs owned by any person.

And that if it shall be proved upon complaint, on oath before any two justices of the peace in and for any district of this province, respectively, that any person has certified falsely with respect to the number of dogs in his or her possession, such person shall forfeit a sum not exceeding three pounds, upon conviction before such justices, which shall be levied by warrant of distress, under the hand and seal of such justices, and in default of such distress, the offender may be committed to gaol for any time not exceeding one month.

In force for four years.

VIII. And be it further enacted by the authority aforesaid, That this act shall be and remain in force for the space of four years, and from thence to the end of the then next ensuing session of parliament.

Chapter XI.

An act to continue for a limited time an act passed in the fourth year of his Majesty's reign, entitled, "An act to restrain the selling of beer, ale, cider, and other liquors, not spirituous, in certain towns and villages in this province, and to regulate the manner of licensing ale houses within the same."

[Passed January 30, 1826.]

Preamble.

4th Geo. IV, c 15, recited.

WHEREAS an act passed in the fourth year of his Majesty's reign, entitled, "An act to restrain the selling of beer, ale, cider, and other liquors, not spirituous, in certain towns and villages in this province, and to regulate the manner of licensing ale houses within the same," is about to expire; and whereas it is expedient to continue the same, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act shall be and continue in force for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

4th Geo. IV, c 15, continued for four years. (See 4th Geo. IV, c 11.)

Chapter XII.

An act to repeal part and extend the provisions of an act passed in the fourth year of his Majesty's reign, entitled, "An act to make more ample provision for regulating the police of the town of Kingston."

(See 4th Geo. IV, c 30.)

[Passed January 30, 1826.]

Preamble.

WHEREAS the limits between the town of Kingston and the township of Kingston are irregular and not well defined, and there is much uncertainty and confusion in respect to names and limits of some of the public streets in the said town, which evils require to be remedied by law; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the justices of the peace of the Midland district, in general quarter sessions be, and they are hereby, authorized and required to extend, define, and establish the limits between the said town and township, including within the said town, the tracts of land, called park lots number one and two, granted from the crown to sir John Johnson and Ann Earl, respectively, and also lot number twenty-five, in the first concession of the said township of Kingston, granted from the crown to Michael Grass; and also to define and establish the names and limits of the respective streets, now laid out, and hereafter to be laid out, in the said town, and to take such measures as may be necessary and proper for laying out new streets in the said town, and for making known and perpetuating the said limits between the said town and township, and the names and limits of the said streets, and for removing any obstruction, not extending to the removal of any building or buildings, without the consent of the owners thereof, which is or may be within the limits of any of the said streets: Provided always, That such establishment of the limits between the said town and township, or of the names and limits of the said streets, shall not alter, prejudice, or affect the title or the metes and bounds of any lot or tract of land, granted, transferred, or leased, before the passing of this act; and, Provided also, That no part of the above mentioned lots shall be subject to assessment as town lots, in the said town of Kingston, until a building shall be erected thereon, or the said town lot, or some part thereof, shall be inclosed as a yard or garden.

Justices to define limits of the town of Kingston, designate the streets, &c.

Lay out new streets, &c.

Buildings not to be removed without the owner's consent.

Proviso as to assessment of town lots to be formed.

II. And whereas, in and by an act passed in the parliament of this province, entitled, "An act to make more ample provision for regulating the police of the town of Kingston," the justices of the peace of the Midland district, in quarter sessions assembled, are authorized to raise by annual assessments, in the manner therein mentioned, from the persons rated upon any assessment in the town of Kingston, a sum not exceeding one hundred pounds in one year, for the improvement of the said town, and it is found that a larger sum is required, and may be beneficially applied for that purpose; be it therefore enacted by the authority aforesaid, That so much of the third section of the said act as limits the additional sum so to be raised for the improvement of the said town, not to exceed one hundred

4th Geo. IV, c 30, s 3, in part repealed.

Justices may raise annually a sum not exceeding £200.

pounds in any one year be, and the same is, hereby repealed; and that the justices of the peace of the Midland district, in quarter sessions assembled, may raise by annual assessment from the persons rated upon any assessments for property, in the town of Kingston aforesaid, a sum not exceeding two hundred pounds in any one year, for the improvement of the said town, to be raised, levied, collected, and applied, in the manner directed in and by the said act.

Regulations may be made punishing certain offences by fine.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace of the Midland district, in general quarter sessions assembled, or the majority of them, to make, ordain, constitute, and publish, such prudential rules and regulations as they may deem expedient, relative to carts or carmen; and also, relative to persons firing guns, squibs, or crackers, or destroying trees planted for shade or ornament on the sides of the streets, or removing or defacing sign boards, or inscribing or drawing any indecent words, figures, or pictures, on any building, wall, or fence, and to enforce all their lawful regulations by fine, in the same manner and under the same limitations, as prescribed in certain cases by the fifth clause of the above recited act.

Appropriation of fines.

(See 41st Geo. III, c 3, s 4.)

IV. And be it further enacted by the authority aforesaid, That so much of the act providing for the establishment of a market in the town of Kingston, as requires the moieties of fines incurred by transgressions of the regulations of the said market to be paid into the hands of his Majesty's receiver general, be, and the same is, hereby repealed; and that hereafter the moieties of such fines, not granted by law to the informers, shall be paid to the treasurer of the Midland district, for the use of the said town of Kingston, to be applied and accounted for in the same manner as the moieties of fines accruing from transgressions of the police regulations of the said town are appropriated in and by the act aforesaid.

Chapter XIII.

An act to establish the district town of the district of London in a more central position than at present, and to annex the townships of Walpole and Rainham to the county of Haldimand, in the district of Niagara.

[Passed January 30, 1826.]

Preamble.

Whereas the gaol and court house for the district of London, situate in the town of Vittoria, have been accidentally destroyed by fire, and it is necessary that other buildings for the same purpose should be immediately erected; and whereas the said town of Vittoria being situate near one extremity of the district, is a very inconvenient site for the district town, so far as it respects the inhabitants of the very populous and extensive settlements which have of late years been formed in the county of Middlesex, and it would tend much to the welfare of the district and the general convenience of its inhabitants, to establish the district town at the reservation heretofore made for a town, near the forks of the river Thames, in the townships of London and Westminster; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That a certain act of the parliament of this province passed in the fifty-fifth year of his late Majesty's reign, entitled, "An act to repeal part of and amend an act of the parliament of this province, passed in the forty-first year of his Majesty's reign, entitled, 'An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts, have been erected and holden, and other matters relative to the administration of justice, done in the several districts of this province, and also to fix the time of holding the courts of general quarter sessions of the peace in and for the same,' and to make further provision for the same," shall be, and the same is, hereby repealed; and that so much of a certain other act of the parliament of this province passed in the forty-first year of his late Majesty's reign, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts, have been erected and holden, and other matters relating to the administration of justice, done in several districts of this province, and also to fix the times of holding the courts of general quarter sessions of the peace in and for the same," as is repealed by the said act, shall be, and remain repealed.

55th Geo. III, c 16, repealed.

Courts of quarter sessions and district court,

II. And be it further enacted by the authority aforesaid, That the courts of general quarter sessions of the peace, and the district courts in and for the said district, shall be

holden and assembled within some part of the reservation heretofore made for the site of a town, near the forks of the river Thames, in the townships of London and Westminster, in the county of Middlesex, so soon as a gaol and court house shall be erected thereon, and in a fit state to afford accommodation for the administration of justice; and that until such buildings shall be so erected, the said courts shall be holden in such part of the district of London, being as nearly as conveniently may be central, with regard to the settled parts of the said district of London, as the sheriff of the said district shall for that purpose appoint by public notice, within the said district, at least thirty days before the time appointed for holding any such court respectively.

to be removed to the county of Middlesex.

Sheriff to appoint place until the gaol and court house are built.

III. And whereas in consequence of the removal of the district town, to a more central situation, it would better suit the convenience of the inhabitants of the townships of Rainham and Walpole, which now form part of the county of Norfolk, if the said townships were hereafter to be annexed to and form part of the county of Haldimand, in the district of Niagara; be it therefore enacted by the authority aforesaid, That so much of a certain act of the parliament of this province passed in the thirty-eighth year of his late Majesty's reign, entitled, "An act for the better division of this province," as enacts that the said townships of Rainham and Walpole shall constitute and form a part of the county of Norfolk, shall be repealed; and that the said townships of Rainham and Walpole shall be annexed to and shall form part of the county of Haldimand, in the district of Niagara.

(38th Geo. III, c 5.)

Rainham and Walpole to be annexed to the county of Haldimand.

Chapter XIV.

An act to provide for the erection of a gaol and court house in the district of London, and to authorize the imposing an additional rate for that purpose.

[Passed January 30, 1826.]

WHEREAS the gaol and court house of the district of London have been recently destroyed by fire, and it is expedient to provide for the accommodation of the several courts of justice, and for the safe custody of prisoners, by the erection of buildings in a situation more convenient for the inhabitants of the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so soon as conveniently may be, after the passing of this act, a town shall be surveyed and laid out, under the direction of the surveyor general, within the reservation heretofore made for the site of a town, in the townships of London and Westminster, in the county of Middlesex, in the said district of London, and a plan thereof shall be furnished by the said surveyor general to the commissioners hereinafter named, and that in the said plan or survey, a tract or space, of not less than four acres, shall be designated as reserved for the purposes of a gaol and court house within the said town plot.

Preamble.

A town to be laid out and surveyed within the reservation for a town in London and Westminster.

Four acres to be reserved for gaol and court house.

II. And be it further enacted by the authority aforesaid, That the honorable Thomas Talbot, Mahlon Burwell, James Hamilton, Charles Ingersol, and John Matthews, of Lobo, esquires, shall be, and they are hereby appointed, commissioners for the purpose of erecting, upon such reserved tract as aforesaid, a good and sufficient gaol and court house, of brick or stone, for the purposes of the said district, either in one or in separate buildings, as shall to them appear most expedient, and for contracting for superintending and paying for the building and completion of the same.

Commissioners for erecting gaol and court house.

III. And be it further enacted by the authority aforesaid, That in order to provide funds for the erection of the said buildings, it shall and may be lawful for the justices of the peace of the said district, in general quarter sessions assembled, and they are hereby required to levy, by assessment, to be made on each and every inhabitant householder in the said district, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said district, an additional rate of one third of a penny in the pound, until the sum hereinafter authorized to be borrowed for defraying the expense of erecting the said gaol and court house, and all interest thereon, shall be fully discharged.

Funds to be raised by an additional assessment.

IV. And be it further enacted by the authority aforesaid, That the said commissioners shall have power to raise, by loan, at a rate of interest not greater than six per cent. from such person or persons, bodies politic or corporate, as may be willing to lend the same, on the credit of the district, a sum not exceeding four thousand pounds, to be applied for the purposes hereinbefore mentioned, and not otherwise; and that the bond or agreement,

Loan of £4,000 may be raised.

under the hand and seal of the president of the said board of commissioners, to be appointed as hereinafter mentioned and expressed, to be given for the repayment of such loan, under the authority of this act, shall constitute a debt and charge binding upon the treasury of the said district, but not upon such president in his individual and personal capacity; and that the treasurer of said district, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same not less than three hundred and fifty pounds, from and out of the rates and assessments of the said district.

Provision for payment of interest and re-payment of principal.

V. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall meet at the village of Saint Thomas, in the county of Middlesex, on the first Monday in the month of March next, and shall then select a president and vice president, one or other of whom shall preside at every meeting of such commissioners, at which any resolution shall be passed, or matter agreed upon; and that no act shall be binding which is not assented to by a majority of the said five commissioners, including the president or vice president.

First meeting of commissioners.

Chapter XV.

An act to authorize and establish a re-survey of the front of the thirteenth concession of the township of Townsend.

[Passed January 30, 1826.]

Preamble.

59th Geo. III, c 14, recited.

Whereas by an act passed in the fifty-ninth year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal an ordinance of the province of Quebec passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors and the admeasurement of lands,' and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish on a permanent footing the boundary lines of the different townships in this province,' and further to regulate the manner in which lands are hereafter to be surveyed," an erroneous line, surveyed by the late William Hambly, as the front of the thirteenth concession of the township of Townsend, in the London district, of this province, being the first survey, would be established, to the prejudice of the persons owning lands in the twelfth concession of the said township of Townsend; and whereas the said erroneous survey has been fully examined, and reported to the surveyor general's office, by a deputy provincial surveyor, in pursuance of special instructions to examine and report upon the same, and it is necessary to establish more correctly the front of the thirteenth concession of the township of Townsend aforesaid; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That stone monuments, or monuments of other durable materials, shall be placed as governing points, from which to correct the front of the thirteenth concession of the township of Townsend aforesaid, so that a line from such monument or governing points shall divide the said twelfth and thirteenth concessions equally, as nearly as may be done which monuments shall be placed, and survey corrected, under the order of the surveyor general of this province, and posts or boundaries shall be placed along the said line, from such monuments, at proper distances, for the front angles, to determine the width of the lots in the thirteenth concession aforesaid.

The front line of the 13th concession of Townsend how to be corrected and established.

When corrected, to be confirmed, notwithstanding any letters patent.

II. And be it further enacted by the authority aforesaid, That the course of the said line, when so corrected as aforesaid, and the distances, boundaries, and monuments, after the same shall be correctly ascertained and established, in pursuance of this act, shall on all occasions be, and be taken to be, and to have been, the true course, distances, and boundaries of such concession line and lots respectively, whether the same do or do not, on actual measurement, coincide with the course and distances in any letters patent or grant, or other instrument, in respect of such concession line, boundaries, or distances, mentioned and expressed, any thing contained in the said act passed in the fifty-eighth year of his late Majesty's reign, to the contrary thereof in any wise notwithstanding.

Title to lands in 12th or 13th concessions of Townsend not to be affected.

III. And be it further enacted by the authority aforesaid, That nothing in this act shall invalidate, or be taken or construed to invalidate, annul, or make void, any such letters patent, grant, or instrument, affecting lands in either of the said concessions, but that the same shall be as valid as if this act had not been made.

Surveyor general to direct the new survey required.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to

direct the surveyor general to order the said erroneous line to be surveyed and corrected as aforesaid, and that such line, so corrected, for the front of the said thirteenth concession, and the posts and boundaries which shall be placed on the same, to determine the width of lots as aforesaid, shall be, and be taken to be, the true and unalterable concession line and boundaries, respectively.

Provision in case ejectments shall be brought.

V. And be it further enacted by the authority aforesaid, That if any action of ejectment should be brought against any person or persons, who, after the front of the said thirteenth concession shall be so ascertained or corrected, in pursuance of this act, shall be found, in consequence of the aforesaid erroneous survey, to have improved on land not his, her, or their own, the like proceedings may be had, and the same relief shall be afforded, as is provided in the said act, in case any person or persons may be found, in consequence of a side line having been unskilfully surveyed, to have improved on land not his, her, or their own.

Restraint of actions for unimproved lands, in consequence of the intended re-survey.

VI. And be it further enacted by the authority aforesaid, That nothing in this act contained shall give any right, or be taken or construed to give any right to any person or persons possessed of lands by gift, devise, inheritance, purchase, or marriage, in the said thirteenth concession, to maintain any action or actions against any person or persons for or on account of any alteration occasioned by the passing of this act, in the limits of any lot or parcel of land which shall be unimproved at the time of the passing thereof.

Chapter XVI.

An act to make provision for a survey of the first, second, and third concessions of Fredericksburgh original, and the whole of Fredericksburgh additional.

[Passed January 30, 1826.]

Preamble.

WHEREAS it is expedient to repeal the third and fourth clauses of an act passed in the fifty-ninth year of the reign of George the Third, entitled, "An act to repeal an ordinance of the province of Quebec passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors and the admeasurement of lands,' and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish on a permanent footing the boundary lines of the different townships in this province,' and further to regulate the manner in which lands are hereafter to be surveyed," so far as they respect that part of the second concession of the township of Fredericksburgh, in the Midland district, lying between the eastern boundary of lot number seventeen, and the eastern boundary of lot number twenty-five, in the said concession, and also that part of the third concession of the said township, between the head of Hay bay and the eastern boundary of lot number twenty-five, in the last mentioned concession; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the third and fourth clauses of the aforesaid act shall be, and the same are, hereby repealed, so far as respects the aforesaid tracts of land.

56th Geo. III, c 14, s 3 and 4, repealed, so far as respects a certain part of Fredericksburgh.

The course of the side lines declared.

II. And be it further enacted by the authority aforesaid, That the eastern boundary line of the said township, otherwise known as the line between lots number twenty-five and the Gore in the said second and third concessions, shall be, and the same is hereby declared to be, the course or courses of the respective division or side lines of lots or parcels lying in the aforesaid tract of land; and all surveyors shall be, and are hereby, required to run all such division or side lines of any of such lots or parcels of land, which they may be called upon to survey, to correspond with and be parallel to the aforesaid eastern boundary line.

How side lines shall be run in such part of Fredericksburgh in any new survey.

III. And be it further enacted by the authority aforesaid, That every licensed surveyor, when, and as often as he may be employed to run any side line or limit, between lots or lines in the said tract, required to go the same course as the aforesaid eastern boundary line, shall, if it has not been done before, or if it has been done, but the course cannot at such time be truly ascertained, determine, by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles on the eastern boundary of lot number twenty-five, in that concession in which the land to be surveyed may be, and shall run such line or lines as aforesaid, truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be, the true course of such lines.

A re-survey to be made of certain parts of Fredericksburgh, and monuments placed.

IV. And whereas it is expedient to make provision for a survey of the first, second, and third concessions of that part of the said Fredericksburgh, generally known as Fredericksburgh original, and also of the whole of that part of the said Fredericksburgh, generally known as Fredericksburgh additional; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, serving for the division within which the said concessions are situated, or a majority of them, and they are hereby authorized and required, at a special session to be by them held on the first Saturday in March in each and every year, or at any adjourned session, for the purpose of carrying this act into effect, to receive proposals from, and contract with, taking and demanding security as they may think expedient, any licensed surveyor, to erect monuments, and to establish boundaries, for any or all the concessions or lots in the last mentioned tracts of land, or for the actual survey of any or of all of the aforesaid concession lines, either in front or rear of the said concessions, and also for the actual survey of the whole or any number of the said lines or limits between lots or parcels of land, in each or every of the aforesaid concessions, which survey shall be, as near as can be ascertained, according to the original survey of such concession; and to levy a proportionate tax, which said tax shall be appropriated and levied agreeable to the request of the inhabitants of such concession, to be made in manner and form as shall be hereafter provided, on the several lots or parcels of land in such concession, for the payment of such surveyor, and also for a collector, as hereinafter mentioned; and to issue their warrant or warrants to a collector or collectors, to be by them appointed for the purpose of collecting the aforesaid tax, and every such collector so appointed, upon receiving such warrant aforesaid, is hereby authorized and required to demand and receive from each and every inhabitant of such concession or concessions, for which he is collector, his proportion of the tax imposed, agreeable to the provisions of this act, and shall have the same power and may use the same means to compel the payment of such tax, as the several collectors of the several parishes, townships, or reputed townships, have in this province, and shall, upon such surveyor's producing an order therefor, under the hands and seals of such justices, pay over to such surveyor the said monies, reserving to himself, as a compensation for his services, five per cent. upon the monies so collected.

How the expense shall be defrayed and collected.

Compensation to collector.

Expense of surveying each concession to be levied on the lands in such concession.

V. And be it further enacted by the authority aforesaid, That the expense of surveying each or any of the aforesaid concessions, either in the original or additional part of the aforesaid township, shall be satisfied and paid by an appropriate tax aforesaid, on the several lots or parcels of land situate in such concession.

Justices not to proceed unless required by the freeholders.

VI. Provided always, and be it further enacted by the authority aforesaid, That such justices as aforesaid shall not be authorized to carry the provisions of this act into effect, without first being requested by a writing, signed by at least three-fourths of the proprietors of the land situate in such concessions, stating in what manner such concessions shall be surveyed, what sort of monument shall be erected, and in what manner such tax shall be proportioned for the purposes aforesaid.

New survey to be made shall be conclusive.

VII. And be it further enacted by the authority aforesaid, That when the boundaries or survey of each or any of the aforesaid concessions shall be established agreeable to the provisions of this act, such survey shall be permanent and conclusive.

Public act.

VIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

Chapter XVII.

An act to protect certain inhabitants of the county of Middlesex in the possession of their lands, during the continuance thereof.

[Expired.]

Chapter XVIII.

An act to incorporate certain persons therein mentioned, under the style and title of "Desjardins' Canal Company."

[Passed January 30, 1826.]

Preamble.

Whereas public benefits are expected to be derived from connecting Burlington bay with lake Ontario, and in order that those benefits may be more generally extended to the surrounding country, it is of manifest importance to form a water communication or canal, sufficient for the passage of sloops, and other vessels of burthen, from the said bay, to the village of Coot's Paradise, though the intervening marsh and other lands; and whereas Peter Desjardins and others have petitioned the legislature to be by law incorporated, for the purpose of effecting, by means of a joint capital or stock, such water communication or

canal, from the said bay to the said village; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said Peter Desjardins, Christopher Holmes, William Holmes, David Stegman, Edward Lesslie, John Lesslie, William Lesslie, James Nation, Peter Paterson, John Patterson, or any six of them, together with all such other persons as shall become stockholders in such joint capital or stock, as hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic, in fact, by the name of Desjardins' canal company, and that by this name, they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Desjardins' canal company, shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary or expedient.

A company to be incorporated, to be called Desjardins' canal company.

II. And be it further enacted by the authority aforesaid, That the whole capital or stock, inclusive of any real estate which the said company may have or hold by virtue of this act, shall not exceed in value ten thousand pounds, of lawful currency of this province, which capital shall be composed of eight hundred shares, of the value of twelve pounds ten shillings each, and that the said shares of the said capital stock shall be transferable, and may be from time to time, transferred by the respective persons, so subscribing or holding the same, to other person or persons: Provided always, That such transfer be entered or registered in a book or books, to be kept for that purpose by the said company.

Amount of capital stock.

Shares transferable.

III. And be it further enacted by the authority aforesaid, That within twenty days after the passing of this act, books of subscription shall be opened, as nearly as possible at the same time, in the towns of York, Niagara, and Dundas, by such person or persons, and under such regulations, within the meaning of this act, as the said petitioners, or a majority of them, shall by writing direct.

How stock shall be subscribed.

IV. And be it further enacted by the authority aforesaid, That the said books of subscription shall remain open for signature for ninety days, during which time no person subscribing shall so subscribe for more than twenty shares; but if, after the expiration of the said ninety days, any stock should remain not taken up, then it shall be lawful for the said subscribers, or any of them, or any other person or persons, to subscribe for any greater or less number of shares, so long as any of the said stock may remain unsubscribed.

Limitation as to the time of subscribing and the amount.

V. And be it further enacted by the authority aforesaid, That all and every subscriber for the said stock, or any part thereof, shall, at the time of subscribing, pay a proportion of five per centum upon the capital stock of the whole number of shares, for which they, or any of them respectively, may subscribe; and that such proportion, so paid and deposited at the time of subscription, shall be at the disposal of the directors hereinafter mentioned, to and for the purposes of this act, in manner and form as hereinafter is directed, and that the residue of the sum or shares of the subscribers or stockholders shall be payable by instalments, at such times and in such proportion as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon: Provided, That no such instalment shall exceed ten per centum, upon the said capital stock, or become payable in less than sixty days after public notice in the Gazette.

Calling in instalments.

VI. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments, as shall be lawfully required by the directors, as due upon any share or shares, then such stockholder or stockholders, so refusing or neglecting, shall forfeit such share and shares as aforesaid, with the amount previously paid thereon; and that the said share or shares may be sold by the said directors, and that the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the said company.

If instalments not paid, shares to be forfeited.

VII. And be it further enacted by the authority aforesaid, That as soon as the aforesaid deposit of five per cent., upon the whole capital stock, shall be paid into the hands of such

First directors to be chosen.

receiver or receivers as the stockholders shall appoint, it shall and may be lawful for the subscribers, or a majority of them, upon thirty days' notice, published in the Upper Canada Gazette, to call a meeting at the village of Dundas aforesaid, for the purpose of proceeding to the election of directors, as hereinafter mentioned; and the persons then and there chosen shall be the first directors, and shall be capable of serving until the first Monday of April, in the year of our Lord one thousand eight hundred and twenty-seven, and the directors so chosen shall commence the business of the said company, and proceed therein till the first subsequent election of annual directors, as hereinafter mentioned.

To serve till 1st Monday in April, 1827.

Affairs of the company to be managed by five directors.

VIII. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the corporation of the Desjardins' canal company shall be managed and conducted by five directors, one of whom shall be president and another vice president, who shall hold their offices for one year; which directors shall be stockholders, and shall be inhabitants of this province, and shall be elected on the first Monday in April, in every year, at such time of the day and at such place, in the said village of Dundas, as the majority of the directors for the time being, by thirty days' public notice, shall appoint: Provided, nevertheless, That the first board of directors, to be chosen by the subscribers as aforesaid, shall continue in office till the first Monday of April, which will be in the year of our Lord one thousand eight hundred and twenty-seven, as in the last clause provided, and no longer, unless re-elected.

When and how chosen.

Regulation of voting by number of shares.

IX. And be it further enacted by the authority aforesaid, That the election of directors shall be held and made by such stockholders of the said company as shall attend at Dundas aforesaid for that purpose, in their own proper persons, or by proxy, and shall be determined by ballot, such ballot to be regulated and calculated by the number of votes allowed to such stockholders, according to the number of shares held by them respectively, as follows, (that is to say,) one vote for each share; not exceeding four or five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten: Provided always, That the stockholders so voting shall be possessed of the share or shares, in respect of which they shall respectively vote, at least three months before the time of election; and also that no person, copartnership, or body politic, shall be entitled to more than fifteen votes at any such election, nor at the determination of any other matter or thing concerning the said company or its affairs, which may, by the provisions of this act, be submitted to the judgment and decision of the stockholders generally: Provided always, That the choice of the scrutineers hereinafter mentioned, and of president and vice president, be had as is hereinafter expressly directed.

Such shares to be held three months before election.

Who may be directors.

X. And be it further enacted by the authority aforesaid, That the directors to be chosen shall be stockholders in the said company, and shall hold to their own use ten shares at least; and that all and every copartnership and copartnerships, body and bodies politic or corporate, holding any share or shares in the said Desjardins' canal company shall each of them vote only as an individual stockholder, nor shall two or more persons belonging to any such copartnership or copartnerships, body or bodies politic or corporate, be capable of being nominated or chosen, or of sitting as directors, although such persons may hold stock in their private right, or to their private use, in the said Desjardins' canal company.

Copartnerships to vote only as individuals.

No more than one member of a copartnership shall be a director.

Form of proceeding in choosing directors.

XI. And be it further enacted by the authority aforesaid, That of the persons so as aforesaid nominated and balloted for, in manner aforesaid, those five shall be deemed elected who shall have the greater number of votes, according to the shares held by the voters respectively, as hereinbefore prescribed, at each and every such election of directors; and that at every such election, on the first Monday of April, in each and every year as aforesaid, after the ballot shall have been kept open from eleven of the clock in the forenoon till two of the clock in the afternoon, the five persons having the majority of votes, in the manner aforesaid, shall, so soon thereafter as convenient, on the same day, be declared the directors chosen for the ensuing year, by any two or more scrutineers who shall have been previously nominated by the stockholders, for the purpose of examination and report of such ballot: Provided, nevertheless, That the stockholders present at the place of ballot shall in nomination of scrutineers, vote per capita, and not by shares.

President and vice president.

XII. And be it further enacted by the authority aforesaid, That the said directors, on the same day and place wherein they shall have been so chosen and declared directors, shall, after all other persons retire, choose by plurality of voices one of their number president, and another of their number vice president, in which choice the directors shall vote per capita, and not by shares.

Three of the directors to go out of office every year.

XIII. And be it further enacted by the authority aforesaid, That the board of directors, so to be formed as aforesaid, shall, at the annual election, undergo a change of three of its members at least, so that the directors for the last year shall be ineligible as directors for the next ensuing year; and in order to determine the persons so to be changed, it is hereby provided and declared, that whenever, at any such election, it shall happen that more than two members of the late board shall, upon scrutiny, be found among those having the greater number of votes, in manner as aforesaid, then it shall and may be lawful for the

scrutineers to strike out one, or two, or three, as the case may require, from among the re-elected, such one, or two, or three, having the least number of votes, and shall in lieu, take one, or two, or three other, as the case may require, from among the others balloted for, as having the next greatest number of votes, and the five persons so found to be chosen shall be the directors for the ensuing year, and as such shall be declared by the scrutineers.

Vacancy in board of directors how supplied.

XIV. And be it further enacted by the authority aforesaid, That in case of vacancy, by death, or absence for more than two months from the sittings of the said board, such vacancy shall, as often as necessary, be supplied by ballot, in the manner as aforesaid, the directors for the time being present, declaring such vacancy, and giving public notice in one or more newspapers to the stockholders, to meet at a day and place certain, in the village of Dundas aforesaid, for the purpose of supplying the said vacancy by ballot, in the manner aforesaid.

Vice president when to act.

Three directors to be a quorum.

XV. And be it further enacted by the authority aforesaid, That the vice president shall act as such, only in the absence of the president, and that three members, including the president or vice president, shall be a quorum of the said board of directors, and shall have all the power of the full board, the absence of the other members notwithstanding.

Proceedings at the board.

Casting vote of president or vice president.

XVI. And be it further enacted by the authority aforesaid, That all questions submitted to, or coming before the board of directors, concerning the affairs of the said company, shall be decided by the majority of voices, and that the president and vice president, when presiding, shall not vote, unless an inequality of voices amongst the other members of the board require his casting vote.

Power of directors to make rules, &c.

XVII. And be it further enacted by the authority aforesaid, That the directors for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations, and the same to alter and amend, as to them shall appear needful, and just, and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duties and conduct of the clerks and servants employed by the said company; and shall have power to make and subscribe, in the name of the said company, all contracts for labor, work, materials, and all other matters concerning the construction of the said canal, and after the construction be completed, concerning the navigation tolls, wharfage, burdens, loading and unloading of vessels and boats, within the waters of the said canal, and all other matters and things concerning as well the construction of the said canal and all its basins, ways, bridges, paths, and passages, as also concerning its charges, tolls, entries, clearances, profits, losses, dividends, and revenue whatsoever, such rules and regulations not being contrary to this act nor the laws of this province.

Rates of toll.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and directors of the said company, from time to time, to order, regulate, and establish the rates of toll, payable by persons navigating upon the said canal, and the said company shall annually, if required, exhibit an account to either or every branch of the legislature of this province, of the tolls so regulated, and the amount thereof received, and other sums expended in keeping the same in repair, and also of the goods, wares, and merchandizes, transported in and along the same, such accounts to be authenticated in such manner and form as the authority so requiring the same may deem satisfactory.

Terms upon which the canal shall become public property.

XIX. And be it further enacted by the authority aforesaid, That whenever the said tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said canal, and to afford an annual income to the said company of twenty per cent. profit upon the capital actually expended in the construction of the said canal, from the time of the commencement of its navigation, for such vessels as aforesaid, then, and in such case, the increasing surplus revenue of the said tolls shall be charged against the said company as so much by them received in the nature of a sinking fund, by means whereof to purchase from the said company, the entire estate, use, and property of the said canal, to and for the use of the public, in such manner and form as the legislature of this province may, by legislative enactment, hereafter provide.

May be sooner purchased, if the legislature think fit.

Proviso.

XX. And be it further enacted by the authority aforesaid, That the legislature of this province shall be at liberty, at any time whatever, to purchase the said entire estate, property, and use of the said canal, from the said company, by paying to the said company the capital, so as aforesaid actually expended, together with twenty-five per cent. advance thereupon, to the credit of which payment, all revenue exceeding twenty-five per cent. upon the said bona fide expenditure, and over and above the expense of maintaining and repairing the said canal, shall be charged and taken; and it is also hereby provided and declared, that if any deficiences of the said twenty-five per cent. annual profit should occur in navigation of the said canal, such deficiences shall be also chargeable against the increasing revenue of the subsequent years, so that the company may fairly and actually receive twenty per cent. profit on their said bona fide expenditures, for the whole time for which they shall or may enjoy the estates, rights, and privileges of the said company.

What real estate the company may hold.

XXI. And be it further enacted by the authority aforesaid, That the said company shall have full power and authority for the purposes of forming and completing the said canal, to purchase and hold in their corporate capacity such real estate as may be necessary for all the purposes of the said canal and of this act: Provided always, That the lines of demarkation on the right and left side of the said canal, in its whole course, shall not be less than two chains apart, in any portion of the route, and that the space between these lines shall be wholly occupied by the canal, its banks, basins, roads, towing paths, and bridges.

Width of space reserved for canal, path, basins, &c.

Company empowered to acquire the land necessary for the canal, paths, &c.

XXII. And be it further enacted by the authority aforesaid, That the said directors of the said company, for the time being, shall have full power to contract, compound, compromise, and agree with the owners and occupiers of any land, throughout or upon which the said canal may most advantageously pass, so that such purchase shall embrace and extend to the aforesaid proposed lines of demarkation, of two chains distance from each other, throughout the course of the said canal.

In case of disagreement as to value, arbitrators to be appointed, &c.

XXIII. And be it further enacted by the authority aforesaid, That if, in the making of such contract, composition, compromise, or agreement, any obstacle should arise between the parties thereto, touching the value of the portion of land to be brought for the purposes aforesaid, then, and in such case, it shall and may be lawful for the directors, for the time being, from time to time, as they or the majority of them may think fit, to appoint one or more person or persons as arbitrator or arbitrators on the part of the said company, and also for the party or parties disagreeing as to the value as aforesaid, to appoint one or more person or persons, being an equal number with those chosen by the said directors, as arbitrator or arbitrators on his or their part; and that the persons so chosen on both sides, shall, having met for that purpose, choose by ballot one other indifferent person, and the whole number of persons so chosen shall be the arbitrators between the parties disagreeing; and that the said arbitrators shall be sworn by a justice of the peace, justly, impartially, and equally, as far as in them lie, to the best of their judgment, to determine the matter to be to them referred.

How directors to proceed, if party differing shall fail to appoint an arbitrator.

XXIV. And be it further enacted by the authority aforesaid, That if, after eight days' notice in writing, given to the party so differing as to the value as aforesaid, such party will not nominate or appoint an arbitrator or arbitrators as aforesaid, on his part, it shall and may be lawful for the said directors to add to their first nomination as many others, not being stockholders of the said company, as and for the arbitrators of the party so refusing to nominate for himself, and such added arbitrators shall have like power as if named by the party himself, and shall ballot for the additional arbitrator.

How arbitrators shall proceed.

XXV. And be it further enacted by the authority aforesaid, That the board of arbitrators so constituted, shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties, or otherwise examined into the merits of the matters so brought before them, the said arbitrators, or a majority of them, shall make their award and arbitrament thereupon in writing, which award or arbitrament shall be final, as to the value so in dispute, as aforesaid.

In case the party shall refuse to accept the sum awarded.

XXVI. And be it further enacted by the authority aforesaid, That if the party refuse to accept the value of the land so ascertained by the arbitrators as aforesaid, till the end of the second term in his Majesty's court of king's bench next after the making of the award and tender of the value thereby ascertained, then and in such case, the said directors for the time being, shall be at liberty, and shall have full power, to occupy the piece of land so valued by the arbitrators, and to cut, excavate, embank, and otherwise use the same, for the purposes of the said canal, in the same manner as other portions of the route thereof.

In case of ejectments being brought, award may be pleaded in bar.

XXVII. And be it further enacted by the authority aforesaid, That if any action of ejectment, or other action, real, personal, or mixed, for or on account of the caid occupation, cutting, excavation, embankment, or other use of the same, by the said company, their servants or agents, or other person or persons using the said canal or roads, bridges, pathways, passes, or other commodities thereof; the said award shall and may be pleaded in bar to such action, any time after the said two terms in the said court of king's bench, notwithstanding any defect in form or substance in the said award: Provided always, and it is hereby enacted and declared, That it shall and may be lawful to, and for the party or parties interested in the land mentioned in the award, or the agents by counsel, at any time within the two next terms as aforesaid, after the same hath been made, and the amount of the value awarded tendered, to move the court of king's bench to set aside such award for corruption, or any other matter or thing, for which awards are now subject to be impugned at law: Provided also, That if the first award be so set aside by the court of king's bench, the matter in difference may again be submitted to other arbitrators, and so, toties quoties, till satisfaction be rendered between the parties.

Second arbitration.

Several arbitrators.

Bridges over highways

XXVIII. And be it further enacted by the authority aforesaid, That whenever it shall be necessary to cut into or upon any highway, in order to conduct the said canal by or

through the same, the said company shall, within one month after cutting through or into such highway, cause to be constructed a secure, sufficient, and commodious bridge for the passing of carriages, or otherwise sufficiently repair the damage so as to re-establish the communication between the several parts of such highway under a penalty of five pounds currency for each and every day after the expiration of the said time, which the said company shall neglect to construct such bridge, or repair such damage as aforesaid; and whereas the navigation of the water between the work or canal contemplated by this act, and the outlet from Burlington bay into lake Ontario may be obstructed by ordinary bridges erected thereon, and connecting public highways legally established; for remedy whereof, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the said company to convert such ordinary bridges into draw bridges, keeping the said draw bridges in that situation that his Majesty's subjects and others, with their horses, cattle, and carriages, may pass thereon at all times, except when actually required to be open for the purpose of passing with boats, vessels, or other craft, navigating the said canal.

Penalty.

Power to alter bridges erected over highways.

XXIX. And whereas the said Peter Desjardins has already expended a large sum of money towards constructing a part of the work contemplated in this act, and it is just that he should be paid, or otherwise reimbursed or imdemnified for the same, and the said Peter Desjardins is willing to accept stock to the amount of one half part of his expenditure as aforesaid, and security for the payment of the other half; it is therefore further enacted by the authority aforesaid, That it shall and may be lawful for the said Peter Desjardins, at his option, to subscribe for as many shares of stock as may be equal in value, at the rate aforementioned of each share, to the moiety or half part of his said expenditure, upon estimation thereof, made by competent persons and approved by the said directors as just, the before mentioned limitation of twenty shares as the maximum of stock, for which any one individual is permitted to subscribe within the ninety days of the first opening of the books of subscription as aforesaid, to the contrary notwithstanding.

Indemnification to Peter Desjardins, for money expended by him.

XXX. And be it further enacted by the authority aforesaid, That the directors shall have power and authority, by deed or bond, to secure to the said Peter Desjardins the payment of the other moiety of the said expenditure, so to be ascertained and approved as aforesaid; such payment to be made in four annual instalments, equal in period and amount, bearing lawful interest from the time of the passing of this act.

How such indemnity shall be secured and paid.

XXXI. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on the day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election, in such manner as shall have been regulated by the rules of the said corporation, to be made for that purpose, not contrary to the provisions of this act.

In case of failure to elect directors on the regular day charter not dissolved.

Proceeding in that case.

XXXII. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make annual dividends of so much of the profits of the said company, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener, if thereto required by a majority of the votes of the stockholders, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the state of their affairs, of debts, credits, profits, and losses, such triennial statements to appear on their books, and to be open to the perusal of any stockholder, upon his reasonable request.

Dividends.

General account to be furnished of the affairs of the company.

XXXIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

Public act.

XXXIV. And be it further enacted by the authority aforesaid, That this act, from the time of passing thereof, shall continue in force for fifty years, and from thence to the end of the then next ensuing session of parliament, at which time the estate, rights, titles, tolls, and rates of the said canal, with the waters and navigation thereof, shall vest in his Majesty, his heirs and successors, to and for the use of this province, in manner aforesaid, unless otherwise provided for by any act of the legislature, to be for that purpose at any time hereafter enacted.

Act to continue fifty years.

At the expiration of that time, canal, &c. to vest in his Majesty.

(See 8th Geo. IV, c 2.)

Chapter XIX.

An act to repeal parts of, and to explain and amend the several acts of this province, relating to the Welland canal company.

[Passed January 30, 1826.]

Preamble.

WHEREAS it is expedient to explain, alter, and amend an act passed in the fourth year of his Majesty's reign, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of the Welland canal company," and also a certain other act passed in the sixth year of his Majesty's reign, entitled, "An act to repeal part of and

Reciting the 4th Geo. IV, c 1, and 6th Geo. IV, c 2.

Welland canal

extend the provisions of an act passed in the fourth year of his present Majesty's reign, entitled, 'An act to incorporate certain persons therein mentioned, under the style and title of the Welland canal company;'" and whereas it has been found, that to descend the mountain by the route prescribed by the seventh section of the above recited statute, passed in the fifth year of his Majesty's reign, would be attended with great difficulty and expense, and that a new route has been surveyed and reported upon, which will diminish the distance and expense, and afford a more easy and practicable descent; and whereas the president and directors of the Welland canal company have, by petition, prayed that the legislature would sanction a deviation, as hereinafter mentioned, from the route prescribed by the act last mentioned, and it is expedient to authorize the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That

Deviation authorized in part of the line of the canal as heretofore established.

so much of the seventh clause of the last above mentioned act, as relates to the route along which that part of the said canal which is to connect the river Welland with lake Ontario shall be conducted, shall be, and the same is, hereby repealed; and that the route along which that part of the said canal shall be conducted, shall be as follows, that is to say; by Shaver's ravine and Dick's creek, to the valley of the Twelve-Mile creek, as the said route has been surveyed and reported upon by Mr. Clowes and Mr. Roberts, engineers, or as nearly thereto as circumstances will permit, and that from the said Twelve-Mile creek to lake Ontario, the same route shall be pursued as has been prescribed by the act last mentioned, or as near thereto as circumstances will permit.

4th Geo. IV, c 17, s 2, explained, as it regards mill seats.

II. And whereas by the second clause of the said act passed in the fourth year of his Majesty's reign, it is provided that nothing therein contained shall extend to compel the owner or owners of any mill seat to sell, convey, or otherwise depart with the same to the said company, and it being intended that the said proviso should only apply to such good mill seats as actually existed before the making of the said canal; be it therefore enacted by the authority aforesaid, That the said recited proviso shall not extend or be construed to extend to any mill seat or mill seats not existing before the making of the said canal.

Value of mill seats how to be ascertained.

III. And be it further enacted by the authority aforesaid, That the value of any mill seat or tract of land which the said company shall be authorized to purchase for the purposes of machinery, shall be ascertained, in case of disagreement, by arbitrators, in the same manner as the value of the land is to be assessed through which the said canal shall pass; and that the said arbitrators shall be also empowered to decide whether the mill seat, or site, or other machinery desired by the said company, is such as the person owning the same can be compelled to part with to the said company.

4th Geo. IV, c 17, s 7, extended so as to authorize arbitrators to consider what advantages individuals will receive from the canal.

IV. And whereas it is desirable that the arbitrators, to be appointed under the seventh clause of the said act passed in the fourth year of his Majesty's reign, should be empowered to consider the advantages as well as the disadvantages of the said canal, as respects the lands of any person or persons through which the same may pass; be it therefore enacted by the authority aforesaid, That the said arbitrators so to be appointed as aforesaid, shall and may, and they are hereby authorized and required, in assessing the value of any lands or tenements of any person or persons proposed to be purchased by the said company, or the amount of damages to be paid by the said company to any person or persons under the provisions of the said seventh clause, to take into their consideration the advantages likely to accrue, as well as the injury or damage occasioned to lands or tenements by reason of the said canal: Provided always, nevertheless, That it shall not be in the power of such arbitrators to award that any such sum shall be paid by any person or persons to the said company, on account of any such advantages as aforesaid.

Proviso.

Time limited for referring claims to arbitration,

V. And be it further enacted by the authority aforesaid, That all matters of disagreement or dispute to be settled or determined by arbitration, under the provisions of the said seventh clause of the said act passed in the fourth year of his Majesty's reign, shall be referred to arbitrators, as therein provided, so that the award or awards of such arbitrators may be made, published, and declared, on or before the first day of September next, and that all and every sum of money, by such award or awards directed to be paid by the said company, shall be paid to the party or parties entitled to receive the same on or before the first day of October next.

and for paying sums awarded.

Remedy where persons shall be deprived by the canal of any privilege of water.

VI. And be it further enacted by the authority aforesaid, That whenever the canal, to be made by the said company, in any part of its course from the Grand river to lake Ontario, shall have the effect of depriving any person possessing lands adjacent thereto, of any privilege or convenience of water, for ordinary purposes, which he had before

enjoyed, it shall be incumbent upon the said company to allow to the person or persons, then and at all times hereafter possessing the said lands, free and convenient access, for persons and cattle, to the waters of the said canal.

4th Geo. IV, c 17, s 11, repealed.

VII. And whereas in consequence of the enlargement of the said canal, in order to adapt it to schooner navigation, it is expedient to repeal the eleventh clause of the said act passed in the fourth year of his Majesty's reign, and to make further provision in respect thereof, be it therefore enacted by the authority aforesaid, That the said clause shall be, and the same is, hereby repealed; and it shall be lawful for any person possessing lands through which the said canal shall pass, and upon which there shall now be buildings, improvements, or fields, which the said canal shall divide, to erect a bridge at his own expense to connect the same: Provided always, That such bridge shall not prevent greater obstacles to the navigation of the said canal than the bridges erected thereon by the said company.

Regulations as to bridges over the canal.

Chapter XX.

An act to to authorize the government to borrow a certain sum of money, upon debenture, to be loaned to the Welland canal company.

[Passed January 20, 1826.]

(The provisions of this act to apply to the loan to meet the appropriation for highways and bridges. See 11th Geo. IV, c 24, s 5. Do. to the loan to the Welland canal, 11th Geo. IV, c 11, s 7. Do. to the Burlington bay canal, 11th Geo. IV, c 12 s 9.)

WHEREAS the Welland canal company are desirous of raising, by loan, the sum of twenty-five thousand pounds, lawful money of this province, to facilitate the completion of the canal now in progress, to connect the river Welland with lake Ontario; and whereas it is expedient that the governor, lieutenant governor, or person administering the government of the said province, should be authorized to raise the said sum of money, by debenture, as hereinafter provided, in order to loan the same to the said company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province, to raise by loan from any person or persons, bodies corporate or politic, who may be willing to advance, upon the credit of the government bills or debentures, authorized to be issued under this act, the said sum of twenty-five thousand pounds, and that as soon as the said sum of twenty-five thousand pounds, or any part thereof, shall be so raised, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue his warrant upon the said receiver general for the same, in favor of the said Welland canal company, upon the terms and conditions hereinafter provided respecting the same.

£25,000 to be raised by loan and advanced to the Welland canal company.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time, to cause or direct any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of twenty-five thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and be signed by him; and that for each loan or advance, three several debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced, at the expiration of two, four, and six years respectively, with interest at six per cent. per annum, from the date of each debenture, until the same shall be discharged.

Debentures to be issued for such loan.

III. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be, and are hereby, charged and chargeable upon, and shall be repaid or borne by and out of the monies that shall come into the hands of the receiver general of this province, to and for the public uses of the said province, on account of the proportion payable thereto of duties which already have been, or hereafter may be, levied and received in the province of Lower Canada, upon goods imported into this province.

Debentures charged upon certain public revenues.

IV. And be it further enacted by the authority aforesaid, That the debentures which shall be lawfully issued by the authority of this act, and shall from time to time remain undischarged and uncancelled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the receivers and collectors in this province, of the customs, or of any revenue or tax

Debentures to pass current with all public accounts.

whatsoever, granted, due, or payable, or which may hereafter be granted, due, or payable to his Majesty, his heirs and successors, under or by virtue of any act of the parliament of Great Britain, or of the provincial parliament, or otherwise; and also at the office of the receiver general of this province, from the said collectors and receivers, or from any person making any payment there to his Majesty, his heirs and successors, upon any account, or for any cause whatsoever; and that the same in the hands of such collectors and receivers, and in the hands of the receiver general of this province, shall be deemed and taken as cash, and as such shall be charged against and credited to such collectors and receivers, and to such receiver general aforesaid, respectively, in their accounts with each other and with his Majesty, his heirs and successors.

Interest on debentures:

V. And be it further enacted by the authority aforesaid, That the interest which shall, from time to time, be due upon any debenture, which may be so issued, shall be allowed to all persons, bodies politic and corporate, paying the same to any receiver or collector of any of his Majesty's revenues in this province, to the respective days whereupon such debentures shall be so paid: Provided always, That no interest shall run or be paid upon or for any such debenture, during the time such debenture so paid shall remain in the hands of any of the said receivers or collectors, but for such time the interest on every such debenture shall cease.

in what case to cease.

Method of ascertaining for what period the interest on such debentures shall be suspended.

VI. And to the end that it may be known for what time such debentures, bearing interest, shall from time to time remain in the hands of such receivers or collectors as aforesaid, be it further enacted by the authority aforesaid, That the person or persons who shall pay any such debenture or debentures, so bearing interest, to the receivers or collectors of any of his Majesty's revenues or taxes, shall, at the time of making such payment, put his or their name or names, and write thereupon, in words at length, the day of the month and year in which he, she, or they paid such debenture, bearing interest; all which the said collectors and receivers, respectively, shall take care to see done and performed accordingly; to which respective days the said receivers and collectors shall be allowed again the interest which he or they shall have allowed or paid upon such respective debenture, upon his or their paying the same into the hands of the receiver general as aforesaid.

Capital felony to forge any debenture or indorsement thereon, or to alter any such forged debenture knowingly and with intent to defraud.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act, and remain uncancelled, or any stamp, indorsement, or writing, thereon or therein, or tender in payment any such forged or counterfeited debenture, or any debentures with such counterfeited indorsement or writing thereon, or shall demand to have such counterfeit debenture, or any debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered in payment, or demanded to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeited, and with intent to defraud his Majesty, his heirs or successors, or the persons appointed to pay off the same or any of them, or any other person or persons, bodies politic or corporate; then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

Accounts of debentures outstanding, &c. to be submitted by the receiver general.

VIII. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates of the different debentures, which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the period aforesaid, and of the expenses attending the issue of the same, and of carrying this act into execution, and also of the sum or sums of money lent and advanced to the said Welland canal company, under the authority of this act, with a correct account of the numbers, amount, and dates of the different bonds which he may receive from the said Welland canal company, according to the provisions of and under the authority of this act, for the monies so lent and advanced, of the amount of the said bonds redeemed by the said company, and of the interest paid thereon respectively, and also of the amount of the said bonds unredeemed at the period aforesaid, to be laid before the legislature of this province.

Interest accruing upon debentures shall be paid half yearly, on demand by the receiver general.

IX. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debenture shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same indorsed on each debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respec-

tively, and that the governor, lieutenant governor, or person administering the government of this province, shall, after the thirtieth day of June and the thirty-first day of December, in each and every year, issue warrants to the said receiver general, for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as foresaid.

Warrants to be issued therefor.

X. And be it further enacted by the authority aforesaid, That the receiver general of this province, and the person or persons necessarily employed under him in the execution of this act, shall severally have and receive such rewards and allowances as the governor, lieutenant governor, or person administering the government of this province, and the executive council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this act; and that the same shall be paid in discharge of such warrant or warrants as the governor, lieutenant governor, or person administering the government of this province, shall from time to time issue for that purpose.

Remuneration to the receiver general, and persons employed under him.

XI. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof, and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

Debentures when due, to be paid by warrant on the receiver general; and when paid, to be cancelled.

XII. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment, according to this act; and if (after insertion of the said notice for three months) any debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Calling in debentures.

On failure to present them, after a certain time, interest to cease.

XIII. And be it further enacted by the authority aforesaid, That the said receiver general of this province, for the time being, shall not pay or advance to the said Welland canal company any sum or sums of money specified in or by virtue of any warrant or warrants which may be from time to time issued in their favor by the governor, lieutenant governor, or person administering the government of this province, under the authority of this act, until the said Welland canal company shall have delivered to the said receiver general a bond or bonds, or writing or writings, obligatory to our sovereign lord the King, his heirs and successors, duly sealed and executed, under the seal of the said Welland canal company, in the penal sum of double the amount to be secured thereby, such bond or bonds respectively to be conditioned for the repayment to the said receiver general, to and for the use of our said lord the King, his heirs and successors, the sum or sums of money specified in the said warrant or warrants that may be from time to time issued in favor of the said Welland canal company, by virtue and under the authority of this act; and at such period or periods respectively as the debenture or debentures upon which such sum or sums of money so to be from time to time advanced to the said company, by way of loan, may have been raised, shall respectively become due and payable, according to the terms thereof, together with legal interest thereon, at the rate of six per cent. per annum, such interest to be paid to the said receiver general, to and for the use of our sovereign lord the King, his heirs and successors, half yearly, computed from the date or dates of the said bond or bonds respectively, and which bond or bonds respectively shall be prepared and made out in such method and form, as the said receiver general shall think most safe and proper.

Before any advance is made, company to give bond securing repayments with interest.

XIV. And be it further enacted by the authority aforesaid, That upon payment, by the said company, to the receiver general of this province, for the time being, of the principal or interest upon any sum or sums of money from time to time lent and advanced to the Welland canal company, by virtue of any such warrant or warrants, issued under the authority of this act, according to the condition, true intent, and meaning of any bond or bonds to be given by the said company, for securing the same as by this act required; such receiver general shall deliver to the said company a receipt or receipts for the same, under his hand, which receipt or receipts, so signed and delivered, shall be, and are hereby declared to be, a full and sufficient acquittance or acquittances to the said company for the sum or sums therein respectively mentioned and specified.

How bond to be acquitted on payment.

XV. And be it further enacted by the authority aforesaid, That all and every sum and sums of money from time to time paid into the hands of the receiver general of this province by the said Welland canal company, as a principal or interest upon any bond or

Money advanced shall when repaid be applied to the public uses of the province, &c.

bonds of the said company, given by virtue of this act, shall remain in the hands of such receiver general, to the use of his Majesty, his heirs and successors, for the public uses of this province and support of the government thereof; and that the same shall remain at the disposal of the legislature thereof, and together with all monies required to be paid by the authority of this act, which shall be paid by the receiver general in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, shall be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XXI.

An act to authorize certain persons therein named, and their successors, to hold certain lands for the purpose therein mentioned.

[Passed January 30, 1826.]

Preamble.

Whereas Thomas Carfrae the younger, Peter McPhail, and other inhabitants of the town of York, have by their petition set forth, that owing to the influx of the inhabitants of the town of York and the small portions of ground hitherto allotted for the purpose of cemeteries, it has become desirable that a plot be obtained for the purpose of a general burying ground, as well for strangers as for the inhabitants of the town, of whatever sect or denomination they may be; that several meetings of the inhabitants of the said town have been held, in order to fix upon some plan to obtain the required land for that purpose, and that arrangements have been made for purchasing and enclosing, by means of a private subscription, a tract of six acres of land, in the vicinity of the town of York; and whereas it is prayed by the said petition, that Peter Patterson, John Ewart, Thomas Carfrae the younger, Thomas David Morrison, and Thomas Hollowell, who have been nominated by the subscribers as trustees, may be enabled to hold to them and their successors, in a corporate capacity, the six acres of land which shall be purchased for the purpose aforesaid, and that power be given to make such rules and regulations as may be necessary respecting the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said Peter Patterson, John Ewart, Thomas Carfrae the younger, Thomas David Morrison, and Thomas Hollowell, to purchase, have, hold, receive, and take, a conveyance of any such convenient parcel or tract of land in the said township of York, not exceeding six acres in the whole, as they may be enabled to contract for, for the purpose aforesaid, and that it shall and may be lawful for the said trustees so purchasing such parcel or tract of land, and their successors, to be appointed as hereinafter mentioned, to have and to hold the same, to and for the use and purpose aforesaid, in perpetuity forever.

Certain persons empowered to take as trustees, to them and their successors, a conveyance of land, for the purpose of a burying ground.

II. And in order to prevent the failure of such estate in succession, be it therefore further enacted, That whenever it shall happen that more than two of the trustees herein named shall die, or shall become resident abroad, or become incapable of acting in the said trust, it shall be in the power of the inhabitant householders of the town of York, upon notice thereof being given in the government Gazette, at least thirty days before such meeting, by the remaining trustee or trustees, to elect, at a meeting to be held on the first Monday in the month of January, by the vote of the majority of such householders, the requisite number of trustees from among the inhabitant householders of the said town of York, to complete the number of five trustees, and that immediately upon such election, the six acres of land so to be purchased as aforesaid shall become legally vested in such trustees.

How succeeding trustees to be chosen.

III. And be it further enacted by the authority aforesaid, That the trustees, for the time being, for the purposes of this act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this province, as may be necessary for the due management of the said land for the purpose aforesaid.

Trustees may make rules, not repugnant, &c.

Chapter XXII.

An act for the relief of James Edwards.

[Allowing him six months to traverse any inquisition of office affecting his lands, (part of lot number ten, first concession of Delaware,) under 59th Geo. III, c 12.]

Chapter XXIII.

An act for the relief of Leonard Soper.

[Allowing him six months to traverse any inquisition of office affecting his land, (lot number twenty-three, third concession of Hope,) under 59th Geo. III, c 12.]

Chapter XXIV.

An act to grant to his Majesty a sum of money for the encouragement of manufacturing paper in this province.

[Passed January 30, 1826.]

MOST GRACIOUS SOVEREIGN:

Whereas it is expedient to encourage the manufacture of paper in this province; it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and in the hands of the receiver general, unappropriated, there be granted to your Majesty, your heirs and successors, the sum of one hundred and twenty-five pounds currency, which said sum of one hundred and twenty-five pounds shall be applied in payment of a premium, or bounty, to such person or persons who shall build a mill and machinery for the purpose of manufacturing paper in this province, and carry the same into successful operation. Preamble. £125 to be given as a premium to the first person who shall set up a manufactory of paper.

II. And be it further enacted by the authority aforesaid, That the money hereby granted shall be paid by the receiver general of this province, to such person or persons as shall produce to the governor, lieutenant governor, or person administering the government of this province, in council, satisfactory proofs that he or they have erected and brought into successful operation, a paper mill, according to the intent and meaning of this act, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and be accounted for as your Majesty, your heirs and successors, shall be graciously pleased to direct. On what proof the money shall be paid. Accounted for.

Chapter XXV.

An act to grant to his Majesty a certain sum of money, to be applied in making, repairing, and amending highways and bridges in this province.

[Passed January 30, 1826.]

MOST GRACIOUS SOVEREIGN:

Whereas it is desirable to afford aid towards repairing roads and erecting bridges in certain parts of this province; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, and unappropriated, there be granted to your Majesty, your heirs and successors, the sum of one thousand two hundred pounds; which said sum of one thousand two hundred pounds, shall be appropriated and applied as follows, that is to say: Preamble. £1,200 applied for making and repairing roads and bridges.

In aid of the society for improving the public road in a part of the townships of Ernestown and Kingston, one hundred pounds: In aid of building a bridge across the How to be distributed.

Twelve-Mile creek, in the township of Nelson, in the district of Gore, and reducing the hill, on the north side thereof, four hundred and fifty pounds: In aid of erecting a bridge across the river Thames, between lot number three in the township of Camden, and lot number three in the township of Howard, three hundred pounds: In aid of building a bridge across the river Rideau, at the foot of the rapid, commonly called Daniel Burritt's rapid, from lot number twenty-five in the first concession of the township of Marlborough, to lot number five in the first concession of Oxford, in the district of Johnstown, one hundred pounds: In aid to improve the road between Mr. Tolman's in Kitley and Perth, in the Bathurst district, and to improve the roads in the township of Burgess, and the townships of North and South Crosby in the Johnstown district, one hundred pounds: In aid for making a road from Portland to the western part of Loughborough, and the road leading from thence to the village of Waterloo, in the Midland district, fifty pounds: To be expended on the road leading through the county of Glengary to Hawkesbury, in the Ottawa district, one hundred pounds.

How the monies granted shall be paid, expended, and accounted for.

II. And be it further enacted by the authority aforesaid, That the monies hereby granted shall be laid out and expended under the direction of such persons as the governor, lieutenant governor, or person administering the government of this province, shall appoint as commissioners to carry the provisions of this act into effect, and shall be paid by the receiver general, in discharge of such warrant or warrants as shall be issued by the governor, lieutenant governor, or person administering the government of the said province, for that purpose, and be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct; and that an account of the expenditure thereof in detail shall be submitted to the legislature at its next session.

Chapter XXVI.

An act for granting certain sums of money to his Majesty, to enable his Majesty to defray the expense of the administration of justice, and the support of the civil government of this province, for the years one thousand eight hundred and twenty-five, and one thousand eight hundred and twenty-six.

[Granting £3,973 14s. 10½d. towards the support of the civil service, for 1825 and 1826.]

Chapter XXVII.

An act to make good certain monies issued and advanced by his excellency the lieutenant governor, in pursuance of an address of the house of assembly.

[Granting £2,939 19s. 4d. to meet the like sum advanced for the contingent expenses of the legislature, in the session of 1825.]

Chapter XXVIII.

An act to authorize the raising by debenture a sum of money to be applied in erecting buildings for the use of the legislature.

[Passed January 30, 1826.]

Most gracious Sovereign:

Preamble.

Whereas it is expedient to provide suitable accommodation for the legislature of this province, and to raise a sum of money, by way of loan, for that purpose; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, so soon after the passing of this act as he may deem expedient, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued under this act, a sum not exceeding seven thousand pounds, to be applied in erecting and completing a building suitable and proper for the above purpose.

A sum not exceeding £7,000 to be raised by loan for the purpose of erecting buildings for the legislature.

Debentures, how to be made out and issued.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of seven thousand pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and that for each loan or advance, a debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said sum of seven thousand pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding seven years, and shall and may be signed by the said receiver general of this province, for the time being.

Punishment for forging such debentures, or uttering them, knowing them to be forged.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act, and uncancelled, or any stamp, endorsement or writing thereon or therein, or tender in payment any such forged debenture, or any debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit debenture, or any debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered in payment, or to be exchanged, or the endorsement or writing thereupon or therein, to be forged or counterfeited, with intent to defraud his Majesty, his heirs and successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, shall be adjudged a felon, and shall suffer as in case of felony, without benefit of clergy.

Account of debentures issued, &c. &c. to be made out by the receiver general, and laid before the legislature.

IV. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates of the different debentures which he may have issued under the authority of this act, of the amount of debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the legislature of this province.

Interest when to be paid and how.

V. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same indorsed on each debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that the governor, lieutenant governor, or person administering the government of this province, shall, after the thirtieth day of June and thirty-first day of December, in each year, issue warrants to the receiver general, for the payment of the amount of interest that shall have been advanced according to the receipts to be taken by him as aforesaid.

Remuneration to the receiver general and those employed under him.

VI. And be it further enacted by the authority aforesaid, That the receiver general of this province, and the person or persons necessarily employed under him in the execution of this act, shall severally have and receive such rewards and allowances as the governor, lieutenant governor, or person administering the government of this province, and the executive council thereof, shall adjudge to be reasonable, and direct to be allowed them, for their respective services in the execution of this act, and that the same shall be paid in discharge of such warrant or warrants as the governor, lieutenant governor, or person administering the government of this province, shall from time to time issue for that purpose.

How debentures shall be redeemed and cancelled.

VII. And be it further enacted by the authority aforesaid, That separate warrants shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof; and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

Debentures to be called in.

VIII. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of said debentures to present the same for payment according to this act; and if, after the insertion of the said notice for three months, any debenture then payable shall remain out more than six months, from the first publication of such notice, all interest on such debentures, after the expiration

of the said six months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Commissioners appointed for superintending the erection of the said buildings.

IX. And be it further enacted by the authority aforesaid, That the honorable William Allan, William Thompson, and Grant Powell, esquires, be commissioners for the purpose of receiving plans and estimates, and of contracting for and superintending the erection of the said buildings, to which said commissioners the sums required to be expended for the purposes of this act shall be paid, in discharge of such warrant or warrants as shall be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province, and that the sums so applied shall be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs or successors, shall be graciously pleased to direct; and that an account of such expenditure shall, from time to time, be laid before the legislature of this province: Provided always, nevertheless, That if any of the said commissioners shall die, or shall decline to act as commissioner under this act, it shall be in the power of the governor, lieutenant governor, or person administering the government of this province, to appoint a commissioner or commissioners, in the room of any one or more of such commissioners as shall die or refuse to act as aforesaid.

Vacancies how supplied.

Chapter XXIX.

An act to grant a sum of money to his Majesty, to enable his Majesty to compensate the services of certain persons therein mentioned.

[Granting £600 to compensate the arbitrator and secretary to Lower Canada, on the subject of the distribution of duties.]

Chapter XXX.

An act to grant a further sum of money for the completion of the monument to the memory of the late major general sir Isaac Brock.

[Passed January 30, 1826.]

Most gracious Sovereign:

Preamble.

Reciting 55th Geo. III, c 15.

Whereas it has been represented by the surviving commissioner appointed under an act of the parliament of this province passed in the fifty-fifth year of his late Majesty's reign, entitled, "An act to provide for the erection of a monument to the memory of the late president, major general sir Isaac Brock," that a further sum of money is required to complete the said monument, upon a scale which appears to the commissioners worthy of the object; and whereas the legislature of this province are happy in testifying on this occasion to your Majesty, the continued veneration with which they regard the memory of the late sir Isaac Brock; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, to and for the use of this province, and in the hands of the receiver general, and unappropriated, there be granted to his Majesty, his heirs and successors, the sum of six hundred pounds, which said sum of six hundred pounds shall be paid by the receiver general of this province to the surviving commissioner appointed to carry into effect the provisions of an act passed in the fifty-fifth year of the reign of the late King, entitled, "An act to provide for the erection of a monument to the memory of the late president, major general sir Isaac Brock," in discharge of such warrant or warrants, as shall be issued by the governor, lieutenant governor, or person administering the government of this province, and be accounted for through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

£600 granted, to complete the monument to the memory of the late major general sir Isaac Brock.

To be applied by the commissioner and an account rendered to the legislature.

II. And be it further enacted by the authority aforesaid, That the said sum of six hundred pounds shall and may be applied by the said commissioner, in discharge of such expenses as now are or hereafter may be incurred in erecting and completing the monument to the memory of the late major general sir Isaac Brock, and that an account of such expenditure shall be laid before the legislature of this province at its next session.

Chapter XXXI.

An act to grant a sum of money to his Majesty, for the purchase of certain machinery now used in deepening the waters at Burlington bay. (See 4th Geo IV, c 16.)

[Passed January 30, 1826.]

MOST GRACIOUS SOVEREIGN:

Preamble. Whereas the contractors for making the canal at the outlet of Burlington bay have purchased, at much expense, a dredging machine, for deepening the channel in the said bay, and the commissioners for the said canal have represented that it would be advisable to purchase the said machine; and whereas it is expedient to provide for the purchase thereof; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there be granted to your Majesty, your heirs and successors, a sum not exceeding two thousand pounds, which said sum of two thousand pounds shall be applied by the governor, lieutenant governor, or person administering the government of this province, for the time being, or so much of the same as may be required for that purpose, to the purchasing of the dredging machine aforesaid.

A sum not greater than £2,000 to be applied in purchasing certain machinery at an appraised value.

II. And be it further enacted by the authority aforesaid, That as soon as may be, after the passing of this act, it shall and may be lawful for the said commissioners to nominate and appoint one appraiser, and for the said contractors to nominate and appoint one appraiser, and the two appraisers so appointed, to elect a third.

Appraisers to be appointed.

III. And be it further enacted by the authority aforesaid, That the appraisers appointed as hereinbefore mentioned, shall with all convenient speed proceed to ascertain by the best means in their power, the actual value of the said dredging machine, and to report the same to the said commissioners, under their hands and seals, or the hands and seals of a majority of them.

Value to be ascertained and reported.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, on receiving a report from the said commissioners, of the amount so found to be the value of the said machine, to issue his warrant on the receiver general, for the said sum of two thousand pounds, or so much thereof as amounts to the value of such machine, to enable the said commissioners to pay for the same.

Amount so reported to be paid by warrant,

V. And be it further enacted by the authority aforesaid, That the money so granted shall be paid by the receiver general, out of any monies in his hands, or hereafter to come into his hands, to and for the uses of this province, and unappropriated, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, may be graciously pleased to direct.

and accounted for, &c.

VI. And be it further enacted by the authority aforesaid, That before any warrant shall issue for the payment of the sum aforesaid, the contractor or contractors entitled to receive the same shall enter into bonds, with sureties, to the satisfaction of the governor, lieutenant governor, or person administering the government of this province, in double the amount of the appraised value of the said machine, conditioned for the rendering up of the said machine upon the completion of the said canal, in as good order as at the time of the appraisement thereof.

Security to be given. (See 8th Geo. IV, c 19.).

Third Session of the ninth Provincial Parliament.

MET AT YORK, ON THE FIFTH DAY OF DECEMBER, 1826, AND PROROGUED ON THE SEVENTEENTH DAY OF FEBRUARY, 1827, IN THE EIGHTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1827.

Chapter I.

An act to confer upon his Majesty certain powers and authorities, necessary to the making, maintaining, and using the canal intended to be completed under his Majesty's direction, for connecting the waters of lake Ontario with the river Ottawa, and for other purposes therein mentioned.

[Passed February 17, 1827.]

Preamble.

WHEREAS his Majesty has been most graciously pleased to direct measures to be immediately taken, under the superintendence of the proper military department, for constructing a canal uniting the waters of lake Ontario with the river Ottawa, and affording a convenient navigation for the transport of naval and military stores; and whereas such a canal, when completed, will tend most essentially to the security of this province, by facilitating measures for its defence, and will also greatly promote its agricultural and commercial interests, and it is therefore expedient to provide by law any necessary facility towards the prosecution of so desirable a work; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the officer employed by his Majesty to superintend the said work, shall have full power and authority to explore the country lying between lake Ontario, or the waters leading therefrom, and the river Ottawa, and to enter into and upon the lands or grounds of, or belonging to, any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and set out and ascertain such parts thereof as he shall think necessary and proper for making the said canal, locks, aqueducts, tunnels, and all such other improvements, matters, and conveniences, as he shall think necessary and proper for making, effecting, preserving, improving, completing, and using in the said navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in the making of the said canal, locks, tunnels, aqueducts, or other improvements, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said canal, or other the said works or improvements, or which may obstruct the making or maintaining the same; and also to make, build, erect, and set up, in and upon the said canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing places, and other works, ways, roads, and conveniences, as the officer aforesaid shall think requisite and convenient for the purposes of the said navigation; and also, from time to time, to alter the route of the said canal, and to amend, repair, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and from the said canal, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening, or enlarging the works of, and belonging to, the said navigation; and also to place, lay, work, and manufacture the said materials on the grounds near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired, or done, and to build and construct the several locks, bridges, works, and erections, belonging thereto; and also to make, main-

Authority given to explore the route for the proposed Rideau canal.

To ascertain what lands it may be necessary to occupy.

To carry away earth, stone, &c.

To erect bridges, &c.

To alter the route of the canal, if necessary.

tain, repair, and alter any fences or passages over, under, or through the said canal, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, and sluices, respectively, which shall communicate therewith; and also to make, set up, and appoint drawing boats, barges, vessels, or rafts, passing in, through, along, or upon the said canal, as the officer aforesaid shall think convenient, and to construct, erect, and keep in repair, any piers, arches, or other works, in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said canal, and the towing paths on the sides thereof; and also to construct, make, and do all matters and things which he shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said canal, in pursuance and within the true meaning of this act, doing as little damage as may be in the execution of the several powers to him hereby granted.

General powers to do what may be necessary for making and preserving the canal.

II. And be it further enacted by the authority aforesaid, That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said canal, and other purposes and conveniences hereinbefore mentioned, the officer aforesaid is hereby empowered to contract, compound, compromise, and agree with all bodies politic, communities, corporations, aggregate or sole, guardians, and all other person or persons, for themselves, or as trustees, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, femmes covert, or other person or persons who shall occupy, be possessed of, or interested in, any lands or grounds which shall be set out, or ascertained as aforesaid, for the absolute surrender to his Majesty, his heirs and successors, of so much of the said land as shall be required, or for the damages which he, she, or they may reasonably claim in consequence of the said intended canal, locks, towing paths, railways, and other constructions and erections, being cut and constructed in and upon his, her, or their respective lands, and that all such contracts, agreements, and surrenders, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, or usage, to the contrary notwithstanding.

Officer superintending may contract for the surrender to his Majesty of any lands required.

How the lands of femmes covert, infants, &c. may be transferred.

Composition may be made by contract for damages.

III. And be it further enacted by the authority aforesaid, That such parts and portions of land or lands, covered with water, as may be so ascertained and set out by the officer employed by his Majesty as necessary to be occupied for the purposes of the said canal, and also such parts and portions as may, upon any alteration or deviation from the line originally laid out for the said canal, be ascertained and set out as necessary for the purposes thereof, shall be forever thereafter vested in his Majesty, his heirs and successors.

Lands ascertained and set out as required for the canal, to be vested in his Majesty.

IV. And be it further enacted by the authority aforesaid, That if before the completion of the canal through the lands of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages according to this act, the officer superintending the said work shall, at any time after the completion of such portion of the canal, upon the notice or request, in writing, of the proprietor of such lands, or his agent legally authorized, appoint an arbitrator, who at a day to be named in such notice, shall attend upon the premises in question, to meet the arbitrator to be appointed by such claimant, and such two arbitrators shall and may, before proceeding to consider the claim, appoint a third arbitrator; which three arbitrators, being first sworn by some one of his Majesty's justices of the peace then there present, to give a just and true award upon the claim submitted to them, shall, upon the statements of the parties, and view of the premises, and upon the testimony of witnesses to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said arbitrators is hereby authorized to administer), make their award in writing, under their hands, of the amount of damages to be paid to such claimant.

If recompense not made by voluntary agreement for lands taken, or for damages done, an arbitration may be had.

Three arbitrators.

Evidence.

Award.

V. And be it further enacted by the authority aforesaid, That if either the officer superintending the said work, or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the party refusing to abide by such award.

If either party dissatisfied with the award, a jury may be summoned.

Expense how to be defrayed.

VI. And be it further enacted by the authority aforesaid, That in all cases in which awards shall be made, to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party dissenting from such award, to serve on the other party a notice in writing, appointing a day, not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation according to this act, assessed in the manner hereinafter provided; and that the party giving such notice shall also specify some day therein, which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the office of the sheriff of the district in which the lands lie, for the purpose of striking a jury to assess the damages so claimed as aforesaid.

Notice of requiring an assessment by a jury.

Thirty days.

Jury to be struck at sheriff's office.

VII. And be it further enacted by the authority aforesaid, That on the day so appointed as last aforesaid, the parties, their attornies or agents, shall attend at the sheriff's office, and that the sheriff shall at the hour of one o'clock in the afternoon proceed, in the

Jury of whom composed, and how selected.

presence of the parties, or such of them, their attorney or agent, as may be present, to select the names of forty-one persons from among those qualified to serve on special juries, and in the manner directed by law for selecting special juries, and that the names of such forty-one persons so drawn being fairly written out by such sheriff, each party, or his attorney or agent attending for that purpose, shall alternately strike off one, that party beginning at whose instance such jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a jury for assessing the damages to be paid to such claimant as aforesaid: Provided always, That in case either party shall omit to attend personally or by agent at the time appointed, the sheriff or his deputy shall strike on behalf of such person not attending.

Seven jurors to be summoned.

VIII. And be it further enacted by the authority aforesaid, That the seven persons so struck to serve as aforesaid shall be summoned by the sheriff to attend upon the premises, in respect to which the damages are claimed as aforesaid, giving not less than ten days' notice of such attendance, and that the sheriff or his deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer, upon being called in the order in which they shall stand upon the original list, the oath following, that is to say:

Sheriff to attend with jury on the premises, and take verdict.

Five jurors to be sworn to try.

"I, A. B., do swear that I will well and truly assess the damages upon the claim of C. D. according to the act in that behalf:"

And thereupon the said jury, having viewed the premises and received the testimony upon oath, or affirmation, of such witnesses as shall be brought before them, (which oath or affirmation the said sheriff or his deputy is hereby authorized to administer,) shall deliver their verdict by the opinion of the majority of such jury, of the amount of damages to be paid to such claimant.

Verdict to be by the majority.

In estimating compensation, the advantages of the canal are to be considered.

IX. And be it further enacted by the authority aforesaid, That in estimating the claim of any individual to compensation for property taken, or for damage done under the authority of this act, the arbitrators, or jury assessing such damages, shall take into their consideration the benefit likely to accrue to such individual from the construction of the said canal, by its enhancing the value of his property or producing other advantages:

Restriction.

Provided always, nevertheless, That it shall not be competent to any arbitrators or jury to direct any individual claiming as aforesaid to pay a sum, in consideration of such advantages, over and above the amount at which the damages of such individual shall be estimated.

Charges of sheriff and jury, and by whom paid.

X. And be it further enacted by the authority aforesaid, That the party desiring such jury to be summoned, shall pay to the sheriff for striking and summoning the same, and for attending and taking the verdict, the sum of five pounds, and to each juryman attending in pursuance of such summons, the sum of fifteen shillings.

Bridges to be built across highways intersected.

XI. And be it further enacted by the authority aforesaid, That when it shall appear necessary to cut into any highway, in order to conduct the said canal through the same, the officer aforesaid shall, within one month, cause to be constructed a secure, sufficient, and commodious bridge, for the passing of carriages, in order to re-establish the communication between the several parts of such highways.

Punishment of malicious mischief to the canal or other works, &c.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously break down, damage, or destroy, any bank, lock, gate, sluice, or any works, machine, or device, to be erected or made by virtue of this act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, or maintaining the said canal, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Obstructions in the canal how to be removed.

XIII. And be it further enacted by the authority aforesaid, That if any person shall float any timber upon the said canal, or shall suffer the overloading of any boat, or vessel, or raft, navigating in or upon the said canal, so as by such overloading the same to obstruct the passage of any other boat, vessel, or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same, so as to make a free passage for other boats, vessels, or rafts, every such owner or person floating such timber or having the care of such boat, vessel, or raft, so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of five pounds, and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said canal or locks, every such person shall for every such offence forfeit a sum not exceeding five pounds.

Punishment for obstructing the navigation of the canal.

For throwing rubbish, &c. into the canal.

How boats or rafts, placed so as to obstruct the navigation of the canal, are to be removed.

XIV. And be it further enacted by the authority aforesaid, That if any boat, vessel, or raft, shall be placed in any part of the said canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel, or raft, shall not immediately, upon the request of any of the persons employed by the officer in charge, made for that purpose, remove the same, he shall for every such offence forfeit a penalty of ten shillings for every hour such obstruction shall continue; and it shall be lawful for the agents, toll gatherers,

or others, employed by the officer in charge, to cause any such boat, vessel, or raft, to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal are paid; and if any boat or vessel shall be sunk in the said canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not without loss of time weigh or draw up the same, it shall be lawful for the agents, toll gatherers, or other persons, employed by his Majesty, to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Boat and cargo may be detained until the expenses paid.

Boats or vessels sunk in the canal, may be drawn up by the officer, &c. in charge, and detained until the charge paid.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said canal, to use any boats thereon for the purpose of husbandry, or for conveying cattle from one farm, or part of a farm, or lands, to any other farm or lands of the same owner or occupier, (not passing through any lock without the consent of the officer or person in charge for the time being,) without interruption, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandize, to market or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said canal or the towing paths thereof.

Permission to use the canal for certain purposes, without paying toll.

Restriction as to the locks.

Exception.

XVI. And whereas it may hereafter happen from floods, or from unexpected accidents, that wears, flood gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further damages; be it further enacted by the authority aforesaid, That when and so often as any such case may happen, it shall be lawful for any person or persons employed by his Majesty, from time to time, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds, or hereditaments, adjoining or near to the said canal or branches, reservoirs or trenches, or any of them, (not being an orchard, garden, or yard,) and to dig for, work, get, and carry away, and use all such stones, gravel, and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in, such lands, grounds, or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners of, or other persons interested in, such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined, by the ways and means hereinbefore described, with respect to the other damage done by the making and completing the said navigation.

Power given, in case of accidents to the canal, to enter on adjacent lands, and take materials for repairs, &c.

Compensation to the owners of lands in such cases.

How to be adjusted.

XVII. And be it further enacted by the authority aforesaid, That the officer employed by his Majesty shall and may, in such parts of the said canal as shall not be of sufficient breadth for admitting a boat, vessel, or raft, to turn about or lie, or for two boats, or other boats, vessels, or rafts, to pass each other, to open or cut proper spaces or places in the lands adjoining to the said canal, at convenient distances from each other, for the turning, lying, and passing of any such boat, vessel, or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the said canal, shall, upon meeting any other boat or vessel, stop at, or go back to, and lie in, the said places or spaces, in such manner as shall be publicly notified by the officer in charge of such canal.

Spaces may be made for boats to lie, or turn in.

Regulations may be made for boats passing each other, &c.

XVIII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel, navigating upon the said canal, be it further enacted by the authority aforesaid, That the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or vessel, to be gauged or measured; and refusing so to permit and suffer, shall forfeit and pay the sum of forty shillings, and it shall be lawful for the toll gatherer, or such other person or persons as shall be appointed for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues; and if such owner or master shall refuse or decline to choose a person in his behalf, as aforesaid, then the person appointed on behalf of his Majesty shall have alone the power of ascertaining such tonnage.

Tonnage of boats how to be ascertained.

XIX. And be it further enacted by the authority aforesaid, That all persons whatsoever shall have free liberty to use with horses, cattle, and carriages, the roads and ways to be made as aforesaid, (except the towing paths,) for the purpose of conveying any

Roads to be used for conveying goods to and from the canal.

All persons may use the canal and towing paths.

goods, wares, merchandize, timber, and commodities, whatsoever, to and from the said canal, and also to navigate on the said canal with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber, and commodities, and also to use the said towing paths with horses, for drawing and hauling such boats and vessels, upon payment of such rates and dues as shall be established by his Majesty.

Paying toll, and other dues.

XX. And be it further enacted by the authority aforesaid, That in case of refusal or neglect of payment of any such rates or dues as may be imposed by his Majesty, for passing along the said canal, or of any part thereof, on demand, to the person or persons appointed to receive the same, such person may in his own name sue for and recover the same in any court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid may, and he is and they are hereby authorized and empowered to, seize and detain such boat, vessel, barge, or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

How payment of tolls may be enforced.

Offences against this act how to be punished.

XXI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this act, or against any rule, order, or by-law of the said officer, to be made in pursuance thereof, shall, upon proof of the offences respectively before any two justices of the peace for the district in which such offence has been committed, either by confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such justices, and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common gaol of such district, there to remain, without bail or mainprize, for such time as such justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

Fines levied.

Imprisonment.

Penalties appropriated.

XXII. And be it further enacted by the authority aforesaid, That all penalties imposed by this act, when levied and satisfied in manner aforesaid, shall be paid to the said officer, to be by him transmitted to his Majesty's receiver general of this province, to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, in such manner as his Majesty shall be pleased to direct.

Powers extended to all persons employed by his Majesty.

XXIII. And be it further enacted by the authority aforesaid, That all and singular the powers and authorities given by this act to his Majesty, or to the officer to be employed by his Majesty in superintending the construction of the said canal, or to the officer at any time hereafter in charge thereof, shall extend, so far as may be required for the purposes of this act, to all and every the persons employed or to be employed in the execution of any matter authorized to be done by this act.

To extend also to the improvements of the lakes and rivers along the course of the canal.

XXIV. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, and privileges, by this act given, relating in any manner to the canal intended to be made as aforesaid, shall extend and apply to that part of the navigation to be made or improved, which shall lie along the lakes or rivers, as well as to such parts as shall require to be wholly made and excavated through lands affording now no natural channel.

Navigation of rivers Tay and Goodwood may be improved under the powers given by this act, if his Majesty shall see fit.

(Repealed as to the navigation of the river Tay. See 1st Wil. IV, c 11.)

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any officers or persons employed by his Majesty, in case his Majesty shall desire to improve the navigation of the rivers Tay and Goodwood, which empty their waters into the river Rideau, to enter into or upon the lands or grounds of, or belonging to, any person or persons on the borders of the said rivers Tay and Goodwood, in the same manner and for the like purposes, and subject to the same conditions, as his Majesty is by this act authorized to do with respect to the lands bordering on the river Rideau.

Protection in case of actions brought.

Limitation of suit to six months.

General issue.

XXVI. And be it further enacted by the authority aforesaid, That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this act, or in execution of the powers and authorities or the orders and directions hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

XXVII. And be it further enacted by the authority aforesaid, That this act shall be deemed a public act, and shall be judicially noticed as such in the several courts in this province. Public act.

Chapter II.

An act to enable the president and directors of the Welland canal company to accept an aid from his Majesty's government, towards the completion of the said canal, and to secure his Majesty the free use thereof. (See 8th Geo. IV, c 17.)

[Passed February 17, 1827.]

WHEREAS his Majesty has been most graciously pleased to intimate, through his principal secretary of state for the colonies, to his excellency the lieutenant governor of this province, that his Majesty would be willing to afford to the Welland canal company his royal aid and assistance, to the extent of sixteen thousand three hundred and sixty pounds, sterling, being the one-ninth part of the sum represented to his Majesty as the estimated cost of the said canal, upon condition of the locks thereon being constructed of at least twenty-two feet in width; and also, upon his Majesty being secured in the use of the said canal, for all vessels and boats, when engaged in conveying government stores, without payment of any duty or toll; and whereas his Majesty's royal intention having been communicated by his excellency the lieutenant governor to the president and directors of the said company, they have expressed their desire to accept his Majesty's bounty upon the terms in which his Majesty has been pleased to signify his pleasure thereon; and whereas, for carrying his Majesty's most gracious intentions into effect, it is necessary to secure to his Majesty the free use of the said canal for the public services of his Majesty, by an act of the legislature; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the locks of the said canal shall not be constructed of a less width than twenty-two feet; and that in all time to come, all vessels and boats, the property of his Majesty, and all other vessels and boats, when engaged in carrying his Majesty's stores, shall be at liberty to pass and repass upon and through the said canal and locks without the payment of any duty or toll: Provided always, That nothing herein contained shall extend, or be construed to extend, to exempt from the ordinary charges of toll or duty such goods or commodities, the property of individuals, as shall be transported in any vessel or boat, not being the property of his Majesty, or the tonnage employed in the transport thereof. Preamble.

The locks on the Welland canal shall not be less than twenty-two feet in width.

His Majesty's vessels, and vessels employed in transporting his Majesty's stores, shall pass at all times free of toll.

Exception as to private vessels carrying also merchandize for individuals.

Chapter III.

An act to amend the laws regulating the practice of physic, surgery, and midwifery, in this province.

[Passed February 17, 1827.]

WHEREAS it is expedient to repeal part of and amend an act of the parliament of this province passed in the fifty-ninth year of the reign of his late Majesty, entitled, "An act to repeal an act passed in the fifty-fifth year of his Majesty's reign, entitled, 'An act to license practitioners in physic and surgery throughout this province, and to make further provision for licensing such practitioners;'" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of the said recited act as provides that no person duly authorized by any university in his Majesty's dominions, or by commission or warrant in his Majesty's naval or military service, shall be restrained from practising physic, surgery, and midwifery, in this province, for want of the license therein mentioned, and the third clause of the said recited act be, and the same are, hereby repealed. Preamble.

The 3d clause and part of the 2d clause of 59th Geo. III, c 13, repealed.

Who shall be authorized to practise physic, surgery, or midwifery, and upon what proof of qualification.

II. And be it further enacted by the authority aforesaid, That upon the application of any person exhibiting a diploma or license from any university in his Majesty's dominions, or from the royal college of physicians or of surgeons in London, as physician or surgeon, or a commission or warrant as physician or surgeon in his Majesty's naval or military services, and producing an affidavit made before any judge of any district court in this province, which such judge is hereby authorized, and, upon the payment of two shillings and six pence, required to administer, stating that he is the person named in such diploma, license, commission, or warrant, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to grant to such applicant a license to practise physic, surgery, and midwifery, in this province.

Affidavit.

Affidavit to be left in the office of the governor.

III. And be it further enacted by the authority aforesaid, That the said affidavit shall be left by such applicant, and remain in the office of the governor, lieutenant governor, or person administering the government of this province, and that if any person shall be guilty of false swearing in such affidavit, such person shall, on conviction thereof, receive and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and statutes of this province.

Perjury.

Necessity of diploma, warrant, &c. or of a license from the medical board, may be dispensed with in certain cases.

IV. And be it further enacted by the authority aforesaid, That upon the application of any person producing a certificate from the magistrates of any district in this province, in general quarter sessions assembled, signed by the chairman and clerk of the peace, stating that such person was resident in this province before the late war with the United States of America, practising physic, surgery, and midwifery, and remained during the said war in this province, and producing also a certificate from any three or more licensed practitioners of physic, surgery, and midwifery, in this province, such three or more licensed practitioners having been licensed, after examination by the medical board, or upon the production of a diploma, license, commission, or warrant, as hereinbefore provided, stating that they are acquainted with such applicant, and that he is, in their opinion, competent to practise physic, surgery, and midwifery, or either of them, the governor, lieutenant governor, or person administering the government, may grant to him a license to practise physic, surgery, and midwifery, or either of them, conformably to the last mentioned certificate, in the same manner as if the said applicant had obtained a certificate from the board, mentioned in the said second clause of the said recited act passed in the fifty-ninth year of the reign of his late Majesty.

License in such cases to be obtained from the lieutenant governor.

Persons who have been appointed to the medical board, and persons actually employed as physicians or surgeons in his Majesty's forces, may practise without a license.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person who has been appointed a member of the board mentioned in the second clause of the said recited act passed in the fifty-ninth year of his late Majesty's reign, or any person while employed on actual service in his Majesty's naval or military service, as physician or surgeon, to practise physic, surgery, or midwifery, in this province, without any license.

General prohibition to practise without the proper authority.

VI. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person, not being as aforesaid a member of the medical board, or not being licensed as aforesaid, or not having been heretofore licensed by any medical board, or not being actually employed as a physician or surgeon in his Majesty's naval or military service, to practise physic, surgery, or midwifery, in this province, for hire, gain, or hope of reward: Provided, That nothing in this act contained shall be construed to prevent or prohibit any female from practising midwifery in this province, or to require such female to take out such license as aforesaid.

Females may practise midwifery.

Practising without authority declared a misdemeanor.

VII. And be it further enacted by the authority aforesaid, That the practice of physic, surgery, or midwifery, for hire, gain, or hope of reward, by any person not licensed as aforesaid, or not being actually employed as a physician or surgeon in his Majesty's naval or military service, shall be a misdemeanor, and may be prosecuted and punished as any other misdemeanor can be; and that upon the trial of any person charged with such misdemeanor, the burthen of proof as to the license, or right of the person tried to practise physic, surgery, or midwifery, in this province, shall lie upon the defendant; but no prosecution shall be commenced for such misdemeanor after one year from the offence committed, and no person convicted of such misdemeanor shall be sentenced therefor to a longer period of imprisonment than six months, or to a greater fine than the sum of twenty-five pounds.

Proof of authority lies upon the defendant.

Limitation of prosecution to one year.

Fine and imprisonment therefor.

Fees for licenses.

VIII. And be it further enacted by the authority aforesaid, That it shall be lawful for the private secretary of the governor, lieutenant governor, or person administering the government of this province, to ask, demand, and receive, for any license granted under the provisions of this act, of and from the person receiving such license, the sum of twenty shillings; and that it shall be lawful for the clerk of the peace to ask, demand, and receive, for drawing up and signing any certificate, under the provisions of this act, of and from the person receiving such certificate, the sum of five shillings.

Chapter IV.

An act to require the magistrates of the several districts of this province, to publish a statement of their district accounts.

[Passed February 17, 1827.]

Preamble.

WHEREAS it is expedient and proper for the information and satisfaction of his Majesty's subjects in this province, that they should be made acquainted with the disposal of the monies raised, levied, and collected, by virtue of and under the authority of any laws imposing rates and assessments upon the inhabitants of the several districts within the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall be the duty of the justices of the peace, acting within the several districts of this province, at their court of general quarter sessions, holden in their respective districts, next after the passing of this act, to cause a true and correct statement in detail of all monies raised, levied, and collected, for the year preceding, by virtue of and under the authority of any act or acts of this province, imposing rates and assessments upon the inhabitants thereof, for the public uses of the district, with a detail of the amount of the expenditures during the said period, together with the account for which the same is paid, to be printed in some newspaper of the district, if any newspaper shall then be published therein; also to cause a copy of the same to be affixed in some conspicuous place on the court house, and in each and every year afterwards to cause a true and correct account in detail of all monies raised, levied, and collected, since the then last preceding publication, by virtue of and under the authority of any act or acts now or hereafter to be made, imposing rates and assessments upon the inhabitants thereof, for the public uses of the district, together with a detailed account of all the expenditures as aforesaid during such time, to be printed in some newspaper of the district as aforesaid, and a copy thereof to be affixed in some conspicuous place on the court house, as aforesaid.

Justices of the peace shall publish an annual account of receipts and expenditures of the district funds.

At what time accounts of the last year to be published.

Accounts of future years.

Mode of publication.

II. And be it further enacted by the authority aforesaid, That no treasurer of any district in this province shall hereafter be competent to hold the office of chairman of the quarter sessions of the peace for such district, any law, custom, or usage, to the contrary notwithstanding.

No treasurer to be chairman of the quarter sessions.

III. And be it further enacted by the authority aforesaid, That the expense of the publication of the accounts as aforesaid shall be paid out of the district treasury, by any order of sessions issued for that purpose.

Expense of publication.

Chapter V.

An act to continue and amend the law now in force for the trial of controverted elections.

[Passed February 17, 1827.]

Preamble.

WHEREAS an act passed in the fourth year of the reign of his present Majesty, entitled, "An act to repeal an act passed in the forty-fifth year of his late Majesty's reign, entitled, 'An act to regulate the trial of controverted elections, or returns of members to serve in the house of assembly, and to make more effectual provision for such trials,'" will expire at the end of the present session; and whereas it is expedient to continue and amend the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act be, and the same is, hereby continued.

4th Geo. IV, c 4, continued.

II. And be it further enacted by the authority aforesaid, That at the time when the day for trying any controverted election shall be fixed, a list of the witnesses of the parties, with their places of residence, shall be handed to the clerk of the house, and shall be by him read in his place; and in cases where it shall appear that the expense of bringing such witnesses before the committee, to be appointed under the provision of the said recited act would be considerable, or when the parties desire it, the house of assembly

List of witnesses to be delivered to the clerk of the house.

may nominate and appoint, under the hand and seal of the speaker, three commissioners, (one of whom shall be chairman, who with any other one shall be a quorum,) for the purpose of examining the witnesses of the parties, contained in such list, at such times and in such places as shall by the house be directed.

Commissions to examine witnesses may issue in certain cases.

Commissioner's oath.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall, before proceeding to business, take and subscribe the oath in the schedule marked *A*, annexed, which the chairman is authorized to administer to the other commissioners, having himself first taken and subscribed the same in their presence, and shall meet every day, Sundays and holy-days excepted, and shall not adjourn for any longer time than twenty-four hours, except in case of death, sickness, or unavoidable absence of one or more of them, or except in case of removal to another place of meeting.

Times of sitting.

Commissioners to appoint a clerk.

His duty.

IV. And be it further enacted by the authority aforesaid, That the said commissioners may from time to time appoint a clerk, for the purpose of taking down, in writing, minutes of their proceedings, and of such evidence as shall be taken before them, with the objections to the witnesses produced, or the matter offered in evidence, and that every such clerk, before proceeding to the discharge of the duties of his office, shall take the oath marked *B*, in the schedule annexed, which the said commissioners, or either of them, may administer, as well as oaths to witnesses, and all other oaths required to carry into effect the provisions of this act.

Oath.

Copies of proceedings and evidence.

V. And be it further enacted by the authority aforesaid, That the said clerk or clerks, at the request of either of the parties, shall make out and deliver to such party a true copy of the proceedings and evidence, for which he shall be entitled to demand and receive, from the party requiring the same, the sum of six pence for every hundred words contained therein.

Charge for the same.

How the evidence is to be transmitted to the house.

VI. And be it further enacted by the authority aforesaid, That after closing the said evidence, the commissioners shall cause a copy of the minutes of their proceedings, and of the evidence received, to be made, and shall compare the same with the said minutes, and transmit the same (certified under their hands and seals) to the speaker of the house of assembly, to be by him delivered to the chairman of the select committee, to be appointed under the provisions of the said recited act.

Evidence to be read on the trial.

VII. And be it further enacted by the authority aforesaid, That the said select committee, upon the receipt of the return of the said commissioners, shall proceed to try and determine the merits of the petition referred to them, in the same manner as if the evidence contained in such return had been delivered viva voce before them, without other or further testimony, having first heard the parties, or their counsel, if they shall request to be heard.

Witnesses may be summoned by the commissioners.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, by warrant or summons, under the hand of the chairman, or any two of them, at the request of either of the parties, are hereby authorized to require the attendance of the witness or witnesses, in the list hereinbefore mentioned, to give evidence before them, at such time and place as in the said warrant or summons shall be directed.

Penalty for not attending.

IX. And be it further enacted by the authority aforesaid, That if any person summoned to appear and give evidence shall wilfully refuse or neglect to appear, (a reasonable sum being advanced for his attendance if requested,) he shall forfeit and pay a sum not exceeding twenty pounds.

Punishment for contempt before the commissioners.

X. And be it further enacted by the authority aforesaid, That if any person shall be guilty of any contempt or improper behavior towards the said commissioners, while in the execution of the duties imposed upon them by this act, he shall forfeit and pay, for every such offence, a sum not exceeding twenty pounds.

How penalties to be recovered;

XI. And be it further enacted by the authority aforesaid, That the penalties imposed by this act shall be recoverable before the said commissioners in a summary manner, before or after the execution of the said commission, and in case of non-payment thereof, the same shall be levied by distress and sale of the offender's goods, with the officer's fees, on like proceedings from a justice of the peace; and in default of goods and chattels, such offender shall be committed to the common gaol of the district, for a term not exceeding six months.

and applied.

XII. And be it further enacted by the authority aforesaid, That the penalties imposed by this act shall be paid by the said commissioners into the hands of the receiver general of this province, for the use of his Majesty, to be applied towards the support of the government of this province, and shall be accounted for to his Majesty, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall please to direct.

What proceeding shall be had if the return of the commissioners is delayed.

XIII. And be it further enacted by the authority aforesaid, That upon the day appointed for the meeting of any select committee, when a commission under the provisions of this act shall have been issued and not returned, it shall be lawful for such committee to adjourn from day to day till such return shall be made, or until the house shall dissolve

the said committee for want of such return, which they are hereby authorized to do, any law to the contrary notwithstanding: Provided always, That nothing herein contained shall be construed to prevent the selection of another committee for the trial of such controverted election.

Remuneration to commissioners and their clerk.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners shall be authorized to demand and receive the sum of fifteen shillings per day, and the clerk ten shillings per day, while employed in the execution of the said commission, to be borne equally in the first instance by the parties, and eventually to be borne by the person who shall by law be subject to the costs of such controverted election.

By whom paid.

Act to be in force for four years.

XV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for four years, and from thence to the end of the then next ensuing session of parliament.

SCHEDULE.

A.

Oath of commissioners.

I, A. B., do swear, that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly perform the duty of a commissioner appointed to hear and examine the evidence which shall be brought before me, by virtue of a reference under the hand and seal of the speaker of the house of assembly, upon a petition, [here mention the names of the petitioners, or some of them,] according to the rules, regulations, and directions, contained in an act passed in the eighth year of the reign of King George the Fourth, entitled, "An act to continue and amend the law now in force for the trial of controverted elections."

B.

Clerk's oath.

I, A. B., do swear, that I will, without favor, affection, or malice, and according to the best of my skill and knowledge, well and truly perform the duty of clerk to the commissioners appointed to hear and examine the evidence which shall be brought before them, by virtue of a reference under the hand and seal of the speaker of the house of assembly, upon a petition, [here mention the names of the petitioners, or some of them,] according to the rules, regulations, and directions, contained in an act passed in the eighth year of the reign of King George the Fourth, entitled, "An act to continue and amend the law now in force for the trial of controverted elections."

Chapter VI.

An act respecting the appointment of guardians.

[Passed February 17, 1827.]

Preamble.

WHEREAS there are in all the respective districts of this province many infants within the age of twenty-one years, left by the decease of their fathers, subject to the disabilities of infancy and destitute of legal guardians, to act in their behalf, and to have the care of their persons and the charge of their estates; and whereas it is expedient to make some further provision than now exists for the appointment of guardians in such cases; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the judge of the provincial court of probate, and the judges of the surrogate courts, in their respective districts, upon the written application of any infant, or the friend or friends of such infant, residing within the jurisdiction of the judge to whom such application shall be made, and not having a father living, nor a legal guardian, and after twenty days' public notice of such application, and after proof of twenty days' notice thereof to the mother of such infant, or proof to the satisfaction of such judge that such infant has no mother living in this province, to appoint some suitable and discreet person or persons to be guardian or guardians of such infant, and to require and take from the guardian or guardians so appointed, a bond, in the name of such infant, in such penal sum and with such securities, as the judge shall direct and approve, having regard to the circumstances of the case, conditioned that the said guardian or guardians will faithfully perform the said trust, and that he or they, the said guardian or guardians, or his or their respective executors or administrators, will, when the said ward shall become of the full age of twenty-one years, or whenever the said guardianship shall be determined, or sooner, if thereto required by the judge of the said court, render to his or their said ward, or to his or her executors or administrators, a true and just account of all goods, monies, interest, rents, profits, or property of such ward, which shall have come into the hands of such guardian or guardians, and will thereupon, without delay, deliver and pay over to the said ward, or to his or her executors or administrators, the property, or the sum or balance of money, which may be in the hands of the said guardian or guardians, belonging to such ward, deducting therefrom and retaining a reasonable sum for the ex-

How guardians of infants shall be appointed, and by whom.

Security by bond.

Bond to be recorded.

penses and charges of the said guardian or guardians; which bond shall be recorded by the register of the said court in the books of his office.

Guardian's authority.

II. And be it further enacted by the authority aforesaid, That the guardian or guardians of any infant, so appointed as aforesaid, shall, during the continuance of his or their guardianship, have authority to act for and in behalf of the said ward, and to appear in any court, and prosecute or defend any action in his or her name; and shall have the charge and management of his or her estate, real and personal, and the care of his or her person and education, and may, with the approbation of two of his Majesty's justices of the peace, and the consent of such ward, place and bind him or her an apprentice to any lawful trade, profession, or employment; such apprenticeship, in case of males, not to extend beyond the age of twenty-one years, and in case of females, not beyond the age of eighteen years, or the marriage of the ward within that age.

To appear in actions at law.

Bind ward an apprentice.

Limitation of apprenticeship.

How guardian may be removed.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the judge who shall have appointed any guardian or guardians as aforesaid, or the successor of the said judge, upon reasonable complaint made and sustained, or cause shewn to the satisfaction of the said judge, to remove such guardian or guardians from his or their said guardianship, and if he shall judge it necessary to appoint another guardian or guardians of the said infant.

In what cases the surrogate judge shall appoint a guardian; and in what cases the judge of probate.

IV. And be it further enacted by the authority aforesaid, That in all such cases when the estate, real or personal, be situate in one district, the right of appointment of guardians shall belong to the surrogate court; and when such estate, real or personal, is situate in two or more districts, such appointment shall belong to the court of probate, which court of probate shall be a court of appeal, to which any party aggrieved or injured by any decision, decree, appointment, or other matter in the surrogate court, may apply.

Appeal from court of surrogate to court of probate.

Appeal from court of probate to the governor in council.

V. And be it further enacted by the authority aforesaid, That in all cases where any party aggrieved by any decision, decree, or appointment, or other matter decided in the said court of probate, may appeal therefrom to the governor, lieutenant governor, or person administering the government of this province, in council, who are hereby authorized to confirm or reverse any such decision, decree, appointment, or other matter, brought before them by such appeal or appeals; any law or usage to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the judges and officers of the probate and surrogate courts to demand and receive the following fees, and no more, for the services required by this act:

Fees.

OFFICIAL PRINCIPAL, OR SURROGATE JUDGE.

For the appointment of a guardian, with seals thereto, fifteen shillings.
For auditing a guardian's account, when required so to do, ten shillings.
For an order for removing a guardian from his guardianship, three shillings and four pence.

REGISTER.

For entering the appointment of a guardian, two shillings and six pence.
For entering an order of the judge, two shillings and six pence.
For drawing and recording a bond of guardianship, six shillings and eight pence.
For copies given out of his office, the same as in cases of probate.

Chapter VII.

An act to declare what fees shall be received by justices of the peace for the duties therein mentioned.

[Passed February 17, 1827.]

Preamble.

Whereas it is expedient that the fees to be taken by justices of the peace, for the services hereinafter mentioned, should be ascertained and authorized by law; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of November next, the following fees, and no more, shall be taken from the parties prosecuting by justices of the peace, in this province, or by their clerks, for the duties and services hereinafter mentioned, that is to say:

Fees to be taken by justices in criminal cases.

For an information and warrant for apprehension for an assault, or other misdemeanor, three shillings and nine pence.
For discharge of the defendant, one shilling and three pence.

For information and warrant for surety of the peace, three shillings and nine pence.
For discharge of the defendant, one shilling and three pence.
For every recognizance, two shillings and six pence.
For each information besides that of the complainant, one shilling and three pence.
For warrant of commitment, two shillings and six pence.

II. And be it further enacted by the authority aforesaid, That the costs to be charged in cases of convictions under penal statutes, when the fees are not expressly prescribed by any statute, shall be as follows, that is to say :

In convictions upon penal statutes.

For information and warrant of summons, three shillings and nine pence.
For every subpœna to a witness, six pence.
For every conviction under a penal statute, seven shillings and six pence.
For warrant to levy a penalty, two shillings and six pence.
For making up every record of conviction, when the same is required to be returned to the sessions, or on certiorari, ten shillings.

On conviction before a single justice, where the penalty does not exceed three pounds.

Provided also, nevertheless, That in such cases as admit of a summary proceeding before a single justice of the peace, and wherein no higher penalty than three pounds can be imposed, the sum of two shillings and six pence only shall be charged for the conviction, and two shillings and six pence for the warrant to levy the penalty.

To continue for four years.

III. And be it further enacted by the authority aforesaid, That this act shall be and remain in force for four years from the first day of November next, and from thence to the end of the next ensuing session of parliament, and no longer.

Chapter VIII.

An act for the further relief of insolvent debtors.

(See 2d Geo. IV, c 8.)

[Passed February 17, 1827.]

Preamble.

Whereas by the third section of an act, entitled, "An act to make further regulation respecting the weekly maintenance of insolvent debtors," it is enacted, "that in default of payment of the sum of five shillings, weekly allowance, pursuant to any rule or rules of court, under the provisions of an act passed in the forty-fifth year of his late Majesty's reign, entitled, 'An act for the relief of insolvent debtors,'" the first payment of which said sum of five shillings is declared by the said clause to become due and payable on Monday next after the service of such rule on the plaintiff, or his attorney, within the district where such defendant shall be imprisoned, the prisoner, upon application to the court from which such execution issued, in term time, or a judge thereof in vacation, shall, by order of the said court or judge, be discharged out of custody : Provided nevertheless, That such discharge shall not be construed as a release or satisfaction of the subsisting judgment, or to deprive the plaintiff or plaintiffs of his, her, or their remedy thereafter against the goods and chattels, lands and tenements, of such prisoner so discharged ; and whereas it is expedient that prisoners in execution for debt should be enabled to take the benefit of the said act, although the plaintiff or his attorney should not be residing within the district where such defendant shall be imprisoned ; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said clause be repealed ; and that in default of the payment of the sum of five shillings weekly allowance, pursuant to any rule or rules of court under the provisions of an act passed in the forty-fifth year of his late Majesty's reign, entitled, "An act for the relief of insolvent debtors," the first payment of which said sum of five shillings is hereby directed to become due and payable on the third Monday next after the service of such rule upon the plaintiff or his attorney, the prisoner, upon application to the said court, from which such execution issued, in term time, or a judge thereof, in vacation, shall, by order of the said court or judge, be discharged out of custody : Provided nevertheless, That such discharge shall not be construed as a release or satisfaction of the subsisting judgment, or to deprive the plaintiff or plaintiffs of his, her, or their remedy thereafter against the goods and chattels, lands and tenements, of such prisoner so discharged.

3d clause of 2d Geo. IV, c 18, repealed.

Court in term time, or judge in vacation, may order prisoners to be discharged on non-payment of their weekly allowance.

Such discharge not to operate as a release of the debt.

Chapter IX.

An act to repeal part of and amend the law now in force assigning limits to gaols in this province.

[Repealed by 11th Geo. IV, Ch. 3.]

Chapter X.

(Continuing the 2d Geo. IV, c 9.)

An act to continue the laws now in force providing a salary for certain sheriffs in this province.

[Passed February 17, 1827.]

Preamble.

Whereas an act passed in the second year of his present Majesty's reign, entitled, "An act to continue an act passed in the forty-sixth year of his late Majesty's reign, entitled, 'An act to make provision for certain sheriffs in this province;'" and a certain other act of the parliament of this province passed in the fifty-seventh year of his late Majesty's reign, entitled, "An act further to continue an act passed in the forty-sixth year of his Majesty's reign, entitled, 'An act to make provision for certain sheriffs in this province,' and also to extend the provisions of the said act, and to protect the interests of suitors in certain cases;" and also a certain other act passed in the fourth year of his present Majesty's reign, entitled, "An act granting to his Majesty a sum of money to be applied in the payment of a salary to the sheriff of the Bathurst district," will shortly expire, and it is expedient to continue the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act passed in the second year of his present Majesty's reign, and also the said act passed in the fourth year of the reign of his present Majesty, shall be, and the same are, hereby continued, and shall be in force for four years, and from thence to the end of the then ensuing session of parliament.

Certain acts relating to sheriff's salaries, and to the regulation of the office of sheriff, continued for four years.

Chapter XI.

An act to amend the law now in force in respect to granting licenses for keeping ale houses.

[Passed February 17, 1827.]

Preamble.

Whereas the law now in force relative to the granting of ale and beer licenses is defective, as regards the time of granting the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fourth clause of an act passed in the fourth year of his present Majesty's reign, entitled, "An act to restrain the selling of beer, ale, cider, and other liquors, not spirituous, in certain towns and villages in this province, and to regulate the manner of licensing ale houses within the same," be, and the same is, hereby repealed.

4th clause of 4th Geo. IV, c 15, repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the justices of the peace of the several districts of this province, or the majority of them, in their general quarter sessions assembled, shall have full power and authority to grant licenses to such person or persons as may apply for the same, under the hand and seal of the chairman, in order to carry into effect the provisions of the said recited act.

Justices in quarter sessions may grant license to sell ale, beer, &c.

Chapter XII.

An act to incorporate certain persons therein mentioned, under the style and title of "The Cataraqui Bridge Company."

[Passed February 17, 1827.]

Preamble.

WHEREAS John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, and Edward Forsyth, have petitioned to be incorporated for the purposes of this act; and whereas they have represented, by their agent, that they have made arrangements with his Majesty's government, in case the object above recited shall be carried into effect, for the passage of military and naval stores, and of the officers and men belonging or attached to the various military and naval departments, for a certain consideration to be annually paid by the government, and that for the purposes of their incorporation, they have subscribed stock to the amount of six thousand pounds; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said John R. Glover, John Marks, John Macaulay, John Kirby, Christopher Alexander Hagerman, Michael Spratt, John P. Hawkins, Robert Moore, Charles Jones, Stephen Yarwood, Augustus Barber, George Colls, Richard Williams, James B. Forsyth, George M'Beath, Adam Krien, John S. Cartwright, Robert D. Cartwright, Alexander Anderson, George Okill Stuart, Laughlin Currie, Donald M'Pherson, James Nickalls the younger, Francis Archibald Harper, John Cumming, James Sampson, Elizabeth Herchmer, Catharine Markland, Anne Macaulay, John Wallace, Archibald M'Donell, John Counter, John Jenkins, Edward Forsyth, and their successors, who shall become stockholders of the company hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be, a body corporate and politic, in fact, and by the name of "The Cataraqui Bridge Company;" and that by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts or places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of "The Cataraqui Bridge Company," shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary and expedient: Provided always, nevertheless, That the company shall not be allowed to hold real estate, exclusive of the said bridge, and its immediate dependencies, of a greater annual value than five hundred pounds, and that nothing herein contained shall be considered to authorize the said company to transact the business of banking.

£6000 stock subscribed.

Certain persons incorporated under the name of the Cataraqui bridge company.

Common seal.

To hold real and personal estate.

Not to hold real estate of greater annual value than £500, nor to transact business as bankers

II. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend to give to any femme covert, who may be a subscriber to the stock of the said company, a right to be regarded as a member of the company, but that her husband shall be regarded as the stockholder in her stead, notwithstanding the name of such femme covert, and not that of her husband, shall have been inserted in the petition hereinbefore recited.

Where femmes covert are stockholders, the husband shall represent the stock.

III. And be it further enacted by the authority aforesaid, That the said company are hereby authorized and empowered, at their own cost and charge, to erect and build a good and substantial bridge over the great river Cataraqui, near the town of Kingston, in the Midland district of this province, from the present scow landing on the military reserve opposite to the northeast end of the continuation of Front street, in the said town, to the opposite shore on point Frederick, at the present scow landing on the military reserve, adjoining the western addition of the township of Pittsburgh in the said district, with convenient access thereto at both ends of the said bridge, to and from the adjacent highways at present in use; that the said bridge shall be at least twenty-five feet in width,

The company to build a bridge over the river Cataraqui, from Kingston to point Frederick.

Description of the bridge.

and of sufficient strength for the passage of artillery carriages, and cattle of every description, having sufficient side rails for the security of passengers, and a convenient foot-way for passengers, separated from the carriage-way by secure railings; that the said company shall also be at liberty to erect and build toll houses and toll bars, and to construct turnpikes and other necessary dependencies on or near the said bridge, and also from time to time to alter, repair, amend, widen, or enlarge the same; and that for the purpose of erecting, building, and keeping in repair the said bridge, the said company shall have full power and authority to take from time to time and use such land on either side of the said river, at the places aforesaid belonging to his Majesty, as may be necessary, and there to lay timber, boards, lumber, stone, gravel, sand, and all other materials, which may be requisite for building, maintaining, or repairing the said bridge, and there to make, work up, and finish the same, doing no unnecessary damage, and also to construct, make, perform, and do all other matters and things which they shall think necessary and convenient for the making, preserving, improving, completing, and using the said bridge, in pursuance of and within the true meaning of this act: Provided always, That the said company shall make, or cause and procure to be made, in some part of the said bridge, a draw bridge, or moveable part, not less than eighteen feet in length, for the passage of all vessels, boats, and crafts, of every description, and shall cause the same to be opened for their passage at all hours during the season of navigation, without exacting any toll or reward; and that if from any improvement which shall hereafter be made, it shall become desirable to have a passage for vessels or boats of larger dimensions, through or under the said bridge, it shall be incumbent upon the said company, so soon as may be practicable, to increase the dimensions of their draw bridge, so that the navigation shall not be obstructed by the said bridge.

Toll houses and turnpikes.

Power given to occupy land for the purpose of placing and working up materials, &c.

General powers given to the company.

Draw bridge to be made to admit the passing of vessels and crafts;

and to admit of steam boats, if necessary.

IV. And be it further enacted by the authority aforesaid, That the said bridge, toll houses, turnpikes, and all other dependencies at or near thereto, and also the approaches to the said bridge, and all materials which shall be from time to time gotten or provided for erecting, building, making, maintaining, or repairing the same, shall be, and the same are hereby vested in the said company and their successors forever; and so soon as the said bridge shall be erected and built, and the same, as well as the access thereto, shall be made fit and proper for the passage of travellers, carriages, and cattle, of every description, and that the same shall be certified by the clerk of the peace, by order of a majority of the justices of the peace, present at any general quarter sessions of the peace, or at any adjourned general quarter sessions, and notice of such certificate shall be published twice in each of the public newspapers in the town of Kingston, it shall and may be lawful for the said company, and their successors, from time to time, and at all times, to ask, demand, receive, recover, and take, as toll, to and for their own proper use, benefit, and behoof, for pontage, as in the name of a toll or duty, before any passage over the said bridge shall be permitted, the several sums following, that is to say:

Bridge, &c. vested in the company.

Justices of the peace to certify when the bridge is completed.

Publication of such certificate.

Tolls permitted to be taken.

For every waggon or carriage of any description, on four wheels, (laden or unladen,) drawn by two horses, oxen, or other beasts of draught, seven pence halfpenny, provincial currency.

For every carriage with four wheels, and drawn by one horse, six pence.

For every additional horse, ox, or other beast of draught, two pence halfpenny.

For every chaise, cart, or other vehicle, on two wheels, (laden or unladen,) drawn by one horse, ox, or other beast of draught, six pence.

For every additional horse, ox, or other beast of draught, one penny halfpenny.

For every carriole, sleigh, or other vehicle, without wheels, drawn by one horse, or other beast of draught, six pence.

For every additional horse, or other beast of draught, two pence halfpenny.

For every horse and his rider, five pence.

For every horse, mule, ass, ox, bull, or cow, two pence halfpenny.

For every hog, pig, goat, calf, sheep, or lamb, one penny.

For every person who shall pass the said bridge, except children under two years of age, and except the driver of any chaise, carriage, cart, waggon, train, carriole, sleigh, or other vehicle, two pence.

Provided also, That the said company, and their successors, shall affix, or cause to be affixed, and kept affixed, at or near the toll house or gate, a table of the rates of toll payable for passing over the said bridge, painted or written in plain and conspicuous characters.

Rates of toll to be put up near the toll house in conspicuous characters.

V. And be it further enacted by the authority aforesaid, That the said tolls shall be, and the same are, hereby vested in the said company, and their successors.

Tolls vested in the company.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall pass over, or wilfully attempt to pass over, the said bridge without paying the tolls above specified, every such person or persons shall forfeit and pay, for every such offence, to the said company, the sum of five shillings, provincial currency, and that the same may

Penalty on persons attempting to evade the payment of toll.

be recovered upon the oath of one or more credible witness or witnesses, or upon confession of the party, before any one or more of his Majesty's justices of the peace in and for the Midland district, and the said penalty shall be levied by distress and sale of the goods and chattels of such offender or offenders, under the hand and seal, or hands and seals of such justice or justices, and the overplus, if any, (after deducting the charges of such distress and sale,) shall, upon demand, be returned to the owner or owners of such goods and chattels, and in case no such distress shall be found, such offender or offenders shall be committed to the common gaol of the district, for a time not exceeding one week, at the discretion of such justice or justices.

Provision for carrying into effect any agreement that may be made by the company with his Majesty's government for the passage of soldiers, &c. free of toll.

VII. And be it further enacted by the authority aforesaid, That if the said company shall contract with his Majesty's government, or with any public naval or military department of his Majesty's service, for a consideration to be paid to the said company, to allow officers and men belonging or attached to the various military and naval departments, and carriages of all descriptions, and horses, or other beasts of draught or burthen, belonging to, or used in the employment of any military or naval department of his Majesty's service, to pass free of all toll, or impost, over the said bridge and its dependencies, then and in such case it shall not be lawful to receive or exact any toll or impost, contrary to the said agreement, but all persons, carriages, and beasts of burthen, or draught, which it shall be agreed by any such contract to allow to pass free of toll or impost, shall be permitted to pass freely according to such agreement, without interference or obstruction on the part of the said company or their assigns.

Felony, maliciously to burn or destroy the bridge, &c.

VIII. And be it further enacted by the authority aforesaid, That if any person shall maliciously pull down or destroy the said bridge, or set fire to any part thereof, every person so offending, and being thereof lawfully convicted, shall be deemed guilty of felony.

Punishment for maliciously injuring the bridge, &c.

IX. And be it further enacted by the authority aforesaid, That if any person shall maliciously pull down or destroy any part of the said bridge, or any toll house, or other work to be erected or made by virtue of this act, or any part thereof, every such person or persons shall forfeit and pay, for every such offence, to the said company, a sum not exceeding forty shillings, nor less than two shillings and six pence, and that the same may be recovered (upon the oath of one or more credible witness or witnesses, or upon confession of the party) before any one or more of his Majesty's justices of the peace in and for the said district, and the said penalty shall be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal or hands and seals of such justice or justices, and the overplus, if any, after deducting the charges of such distress and sale, shall, upon demand, be returned to the owner or owners of such goods and chattels; and in case no such distress shall be found, such offender or offenders shall be committed to the common gaol of the district, for a time not exceeding fourteen days, at the discretion of such justice or justices: Provided, That nothing herein contained shall prevent, or be construed to prevent, the said company from commencing or maintaining any action or actions at law against any person or persons.

Not to restrain the company from seeking a remedy by civil action.

President and directors how to be chosen.

To be one year in office.

Qualifications.

Notice of election.

X. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by five directors, one of whom shall be chosen president, who shall hold their offices for one year; which said directors shall be stockholders and inhabitants of this province, and be elected on the last Monday in January in every year, in the town of Kingston, at such time of the day as a majority of the directors for the time being shall appoint, and public notice thereof shall be given in the several public newspapers of the said town, at least ten days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose, in their own person, or by proxy, and all elections for such directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be directors; and if it should happen at any such election, that two or more have an equal number of votes, in such manner that a greater number of persons than five shall, by a plurality of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot, until it is determined, by plurality of votes, which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of five; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president; and if any director shall absent himself from this province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the directors, by death, resignation, or removal from the province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the said directors: Provided always, That no person shall be eligible to be a director who shall not be a stockholder to the amount of at least four shares.

Five directors.

President.

Vacancies, how supplied.

Ratio of votes.

XI. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say: at the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Corporation not to be dissolved, if directors not chosen on the day appointed.

XII. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any day to make and hold an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Dividends of profits.

XIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends, in the months of January and July in each year, of so much of the profits of the said company as to them, or the majority of them, shall appear advisable; and that once in every year, at the general election of directors, an exact and particular statement shall be rendered of all debts which shall be due to or by the said company, and of the surplus profits, if any, after deducting losses, dividends, and expenditures.

Power and duty of directors.

XIV. And be it further enacted by the authority aforesaid, That the directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty and conduct of the officers, clerks, and servants, and all such other matters as appertain to the business of the said company; and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: Provided, That such rules and regulations be not repugnant to the laws of this province.

Clerks, servants, &c Salaries.

Company may make rules for preventing damage to the bridge in certain cases.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company to make such rules and regulations as shall be deemed necessary for the preservation of the said bridge, by preventing any person or persons from crossing the same at too rapid a rate, or drawing thereon logs of timber, or other heavy articles, without a carriage.

Tolls may be farmed.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company, and they are hereby authorized, to let and farm the said tolls, (authorized to be taken by this act,) to such person or persons as may be willing and desirous of taking and farming the same; and all such person or persons shall receive the like tolls, and may recover the same penalties for non-payment thereof, as the said company can or might do, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Shares, number and amount.

XVII. And be it further enacted by the authority aforesaid, That each share in the said company shall be twenty-five pounds, provincial currency, and that the number of shares shall not exceed two hundred and forty: Provided always, nevertheless, That in case the sum of six thousand pounds already subscribed by the stockholders of the said company, shall not be sufficient for the building and erecting of the said bridge, agreeably to the provisions of this act, it shall and may be lawful for the said directors, and they are hereby authorized, to declare the same by a resolution passed for that purpose, and published in the several newspapers of the town of Kingston; and that in such case additional stock may be subscribed and held under the provisions of this act, so that the whole number of shares do not exceed three hundred and twenty, and all persons thus becoming stockholders shall be entitled to all the privileges and benefits of this act, in as full and ample a manner as if they had been original subscribers.

Shares may be increased to three hundred and twenty.

Calling in instalments.

XVIII. And be it further enacted by the authority aforesaid, That so soon as the directors shall be elected, after the passing of this act, it shall and may be lawful for them to call in, by instalments of not more than ten per cent. on each share, the amount of the shares subscribed, which are hereby declared to be due and payable to the said company as above mentioned: Provided, That no instalment shall be called for in less than thirty days after public notice shall be given in one or more of the public newspapers of the town of Kingston: Provided always, That if any stockholder or stockholders shall neglect or refuse to pay to the said company the instalment due on any share or shares held by him, her, or them, at the time required by law, such stockholder or stockholders shall forfeit such share or shares as aforesaid, with the amount previously paid thereon, and the share or shares shall be sold by the directors at public auction, after having given thirty days' notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said company: Provided always, That such purchaser or purchasers shall pay to the said

Forfeiture of shares by non-payment.

company the amount of the instalment required, over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased as aforesaid.

Shares may be transferred.

XIX. And be it further enacted by the authority aforesaid, That after the first instalment on each share shall have been paid to the said company, the shares shall become transferable on the books of the said company, and that such shares shall be deemed personal property, and as such, shall and may be disposed of and distributed, and shall, like other personal property, be subject to execution and sale for the satisfaction of debts.

Shall be deemed personal property, and be subject to be sold in execution, &c.

When first directors shall be chosen.

XX. And be it further enacted by the authority aforesaid, That on the second Monday after the passing of this act, a meeting of the stockholders shall be held at the court house in the town of Kingston, who, in the same manner as hereinbefore provided, shall proceed to elect five persons to be directors, who shall continue in office as such directors until the last Monday in January next after their election, and who shall, during their continuance in office, discharge the duties of directors in the same manner as if they had been elected at the annual election in January.

Their continuance in office.

Directors may at any time diminish the rates of tolls.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the directors, for the time being, to diminish the rate of toll or duty on passing the said bridge, as hereinbefore mentioned, to such standard as to them, or a major part of them, shall seem necessary: Provided always, That no such diminution shall be construed to prevent them from again increasing the same as they shall think expedient, so that such increase shall not exceed the rate of toll hereinbefore established by the fourth clause of this act.

And increase them again, but not beyond the rates authorized by this act.

The bridge shall in some one part, have a space not less than forty feet between the piers for rafts to pass.

XXII. And be it further enacted by the authority aforesaid, That the said bridge shall be built in such a manner that the piers shall, at least in one part of the same, be forty feet apart, in order that rafts may pass under and through the same without any hindrance or obstruction.

Bridge must be completed in three years.

XXIII. And be it further enacted by the authority aforesaid, That the said company, to entitle themselves to the benefits and advantages to them by this act granted, shall, and they are hereby required to, erect and complete the said bridge, toll houses, turnpike, and dependencies, within three years from the day of the passing of this act; and if the same shall not be completed within the time last mentioned, so as to afford a convenient and safe passage over the said bridge, the said company and their successors shall cease to have any right, title, or claim, of, in, or to the tolls hereby imposed, which shall from thenceforward belong to his Majesty, and the said company shall not, by the said tolls, or in any other manner or way, be entitled to any reimbursement of the expenses they may have incurred in and about the building of the said bridge; and in case the said bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, carriages, or cattle, the said company and their successors shall, and they are hereby required, within twelve months from the time at which the said bridge, by presentment of a grand jury at any general quarter sessions of the peace, in and for the Midland district, be declared to be impassable or unsafe, and notice thereof to the directors by the said court given, to cause the same to be re-built or repaired, and made safe and commodious for the passage of travellers, carriages, and cattle; and if within the time last mentioned the said bridge be not so repaired or re-built, as the case may require, then the said bridge, and all its dependencies, shall be taken and considered to be the property of his Majesty, and the right of the said company and their successors in the premises shall be wholly and forever determined: Provided always, That before the said default is incurred, and during the interval hereby allowed for the repairing or re-building of the said bridge, it shall and may be lawful for the said company and their successors, and they are hereby authorized and obliged, to provide proper and convenient ferry boats or scows for the passage of travellers, carriages, and cattle, over the said river, as near to the said bridge as conveniently may be, and to demand, collect, and receive, for the passage of such travellers, carriages, and cattle, in the said ferry boats and scows, before they respectively shall be permitted to pass, the like tolls as are hereby authorized to be taken for passing over the said bridge, any thing hereinbefore contained to the contrary notwithstanding.

(Extended to two years from 20th March, 1827. See 10th Geo. IV, c 16.)

Or the tolls shall go to his Majesty, and the company shall not be reimbursed their expenses.

If bridge out of repair, it may be presented at the quarter sessions.

Forfeiture if neglect to repair after presentment.

Company to provide ferry boats while the bridge is being re-built or repaired.

Tolls for such ferry.

There shall be no ferries to interfere with the bridge.

Nor bridge erected.

XXIV. And be it further enacted by the authority aforesaid, That so soon as the said bridge shall be passable and opened for the use of the public, the present ferries between the town of Kingston and point Frederick shall cease, and from thenceforward no person or persons shall erect, or cause to be erected, any bridge or bridges, or work or use any ferry for the carriage of any persons, carriages, or cattle, whatsoever, for hire, across the said river Cataraqui, between any part of the said town of Kingston and point Frederick, aforesaid; and if any person or persons shall at any time, for hire or gain, pass or convey any person or persons, cattle, carriage, or carriages, across the said river, within one mile of the said bridge, on either side thereof, such offender or offenders shall, for each car-

Penalty.

riage, person, or animal, forfeit and pay to the said company the sum of twenty shillings currency, which said sum shall be recovered in like manner as the penalty mentioned in the fifth clause of this act: Provided always, nevertheless, That it shall and may be lawful for any person to hire a boat for the purpose of crossing the said river, within the limits aforesaid, on any occasion, so that no boat shall be used as a public or common ferry, to the prejudice of the said company.

Exception as to boats hired.

Protection afforded in actions brought for matters done under this act.

XXV. And be it further enacted by the authority aforesaid, That if any action shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this act, or in execution of the powers and authorities, or the orders or directions, hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease, and not afterwards.

Public act.

XXVI. And be it further enacted by the authority aforesaid, That this act shall be taken and deemed to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and all other persons, without being specially pleaded.

After fifty years, his Majesty may assume the possession of the bridge.

XXVII. And be it further enacted by the authority aforesaid, That after the expiration of fifty years, to be accounted from the passing of this act, it shall and may be lawful for his Majesty, his heirs and successors, under the authority, and upon the conditions, and subject to the provisions, of any act of the legislature of this province, to assume the possession and property of the said bridge, toll houses, turnpikes, and dependencies, and the approaches thereto, upon paying to the said company the full and entire value thereof at the time of such assumption, which value shall be ascertained by three arbitrators, one of whom shall be appointed by the governor, lieutenant governor, or person administering the government of this province, another by the said company, and a third shall be chosen by such two arbitrators; and if his Majesty shall, in the manner hereinbefore mentioned, assume the possession and property of the said bridge, toll houses, turnpikes, and dependencies, and the approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to his Majesty, his heirs and successors, to and for the uses to be declared in any such act, who shall from thenceforth be substituted in the place and stead of the said company for all and every the purposes of this act.

Compensation to be paid to the company.

Arbitration.

Chapter XIII.

An act to provide for the erection of a gaol and court house in the district of Gore.

[Passed February 17, 1827.]

Preamble.

Whereas it appears by the petitions of the magistrates and inhabitants of the Gore district, that the magistrates thereof have contracted for the erection of a gaol and court house at Hamilton, in the said district, but the legal assessments, although rapidly increasing, not enabling them to discharge the amount for which they have contracted, with suitable promptness, provision by law is required to aid them in carrying the said contract into effect; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, and they are hereby authorized and required to apply towards the expense of building such gaol and court house, all such monies arising from such rates and assessments as now are, or may come into the hands of the treasurer of the said district, and applicable to the uses of the same, not required for the ordinary and incidental expenses of the said district: Provided always, That nothing in this act contained shall authorize the expenditure of a greater sum than four thousand pounds in the erecting and completing the said goal and court house.

Justices of the peace for the district of Gore may apply the district rates towards building a gaol and court house.

The charge shall not exceed £4,000.

II. And whereas from the present state of the building used as a gaol and court house in the said district, it is highly expedient that the provisions of this act should be carried into effect without delay, be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, in April next, and they are hereby required by an order of the said court, to authorize and direct the treasurer of the said district to raise, by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the district, a sum not exceeding four thousand pounds, to be applied in the building of the said gaol and court house.

The justices at the quarter sessions in April next, may authorize a loan on the credit of the district funds.

Not exceeding £4,000.

III. Provided always, and be it further enacted by the authority aforesaid, That the money so borrowed under the authority of this act shall not bear a greater interest than six per centum per annum, and that the treasurer of the said district, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum not less than three hundred pounds, from and out of the rates and assessments so coming into his hands for the use of the district as aforesaid, together with all such monies as may remain in his hands after the payment of the ordinary and incidental charges of the year.

The loan shall not bear a greater interest than six per cent.

Not less than £300 shall be applied annually to the repayment of the loan.

IV. And be it further enacted by the authority aforesaid, That the treasurer of the district of Gore shall not receive any per centage for any sum or sums of money which may be loaned under the authority of this act, and which may come into his hands, or for paying out the same.

Treasurer to have no per centage on the money borrowed.

Chapter XIV.

An act to amend the laws now in force for the appointment of street surveyors, so far as relates to the several towns in this province other than those in which the general quarter sessions of the peace are by law holden.

[Passed February 17, 1827.]

Preamble.

WHEREAS by the fourth and fifth sections of an act passed in the fourth year of his present Majesty's reign, entitled, "An act to amend and make perpetual an act passed in the fifty-ninth year of his late Majesty's reign, entitled, 'An act to repeal part of and amend the laws now in force for laying out, amending, and keeping in repair, the public highways and roads in this province,'" and also to amend an act passed in the fiftieth year of his late Majesty's reign, entitled, "An act to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province, and to repeal the laws now in force for that purpose," it is enacted that the justices of the peace in and for the several districts of this province shall have power, at any general or adjourned sessions of the peace in and for the said district, to appoint a surveyor of streets in and for each town within their respective districts, and to remove such officer so appointed at their will and pleasure; and that such surveyor of streets shall, before entering upon his office, take an oath, in open court before such justices, that he will well and faithfully execute the duties thereof, and shall, with two securities to be approved of by such justices, enter into a bond to his Majesty, his heirs and successors, in such sum as to the justices may seem meet, to account well and truly for all such monies as shall come into his hands by virtue of his said office; and whereas it has been found impracticable, in towns remote from that in which the general quarter sessions of the peace are holden, to find persons willing to undertake the duties of the said office, from the inconvenience attending their taking the oath of office and giving the required security; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the said recited act as requires that the oath of the street surveyors appointed for towns other than those in which the general quarter sessions of the peace shall be holden, shall be taken in open court, be, and the same is, hereby repealed.

4th Geo. IV, c 9, recited.

So much of 4th Geo. IV, c 9, repealed, as requires the oath of street surveyors for towns to be taken in open court, except as respects those towns in which the court is holden.

II. And be it further enacted by the authority aforesaid, That any street surveyor, appointed under the provisions of the said act, for any town in this province, other than those in which the general quarter sessions of the peace shall be holden, shall not proceed to the discharge of the duties of his office, until he shall have taken and subscribed the oath of office required by the said act, before any justice of the peace in the district in which such towns shall be situated, and given security pursuant to the provisions of the said act.

Street surveyors for towns in which the quarter sessions is not holden, shall take the oath of office before a justice of the peace for the district; and give security.

III. And be it further enacted by the authority aforesaid, That the justices of the peace before whom the said oath shall be taken, and the securities entered into, shall forthwith transmit the same to the clerk of the peace of the district in which the said surveyor of streets shall be appointed.

Oath and security to be transmitted to the clerk of the peace.

Chapter XV.

An act to provide for the erection of a gaol and court house in the Eastern district.

[Passed February 17, 1827.]

Preamble.

Whereas the gaol and court house for the Eastern district have been recently destroyed by fire, and it is necessary to provide for the safe custody of prisoners, and the accommodation of the several courts of justice; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That Donald McDonell, esquire, sheriff of the said district, James Pringle, esquire, and Noah Dickenson, esquire, shall be commissioners for the purpose of superintending the erection of a gaol and court house in the town of Cornwall, in and for the said district.

Commissioners appointed for superintending the erection of a gaol and court house at Cornwall, in the Eastern district. (See 1st Wil. IV, c 5.)

II. And be it further enacted by the authority aforesaid, That a majority of the said commissioners shall decide in all matters relating to the erection and completion of the said gaol and court house: Provided, nevertheless, That the said gaol and court house shall not be erected on any other site than that on which the original gaol and court house for the said district was erected.

A majority of the commissioners shall decide in all matters intrusted to them.

The buildings shall be built on the site of the former gaol and court house.

III. And be it further enacted by the authority aforesaid, That the said commissioners so to be appointed as aforesaid shall have power to raise by loan, at a rate of interest not exceeding six per cent. from such person or persons, bodies politic or corporate, as may be willing to lend the same on the credit of the district, a sum of money not exceeding four thousand pounds, to be applied for the purposes hereinbefore mentioned, and not otherwise; and the treasurer of the district, for the time being, shall enter into a bond to the person or persons, bodies politic or corporate, from whom the same may be loaned, for the due payment of the said sum of money and the interest thereon, at such time and times as may be agreed upon, and such bond shall constitute a debt and charge, binding upon the treasury, but not upon the said treasurer in his individual and personal capacity.

Authority to raise £4,000 by loan, on the credit of the district funds.

Treasurer to give his bond for the same.

IV. And be it further enacted by the authority aforesaid, That the treasurer of the said district shall annually, until the said loan shall be paid and discharged with interest, apply towards the payment thereof, not less than three hundred pounds, from and out of the rates and assessments of the said district.

Not less than £300 shall be annually applied towards extinguishing the debt.

V. And be it further enacted by the authority aforesaid, That in case the commissioners for the building of the said gaol and court house, shall not, within three months from the passing of this act, be enabled to effect or obtain a loan for the said sum of four thousand pounds, to be repaid in manner aforesaid, then and in such case it shall and may be lawful for the magistrates of the said district, in general sessions assembled, to levy by assessment, to be made on each and every inhabitant householder in the said district, in the same manner and form as by law any assessment may now or hereafter be levied for any public purposes in the said district, annually, for such term of years as may be necessary to repay the said sum of money and interest, and no longer, an additional rate, not exceeding one half penny in the pound, to be applied for the purposes hereinbefore mentioned, and not otherwise.

An additional rate of one half penny in the pound allowed to be imposed for the purposes of this act, if found to be necessary.

(See 11th Geo. IV, c 29, and 1st Wil. IV, c 5.)

Chapter XVI.

An act granting to Chauncey Beadle the exclusive privilege of establishing and running a line of public stages between the village of Ancaster, in the Gore district, and the town of Sandwich, in the Western district.

[Passed February 17, 1827.]

Preamble.

Whereas it is desirable for the accommodation of his Majesty's subjects, travelling from the village of Ancaster, in the Gore district, to the town of Sandwich, in the Western district, that a public stage or conveyance by land carriage, from Ancaster aforesaid, passing through the village of Brantford, in the said Gore district, by the present high road, through Burford, Oxford, and the tract of land called the Long Woods, crossing the river Thames at Delaware, to Sandwich aforesaid; and whereas it would greatly conduce to the general interests of the province, to afford an inducement by particular encouragement to the establishment of such a line of public stages at an earlier period than the state of the roads and settlements, through which such stages must pass, would otherwise admit; and whereas Chauncey Beadle, of St. Catharines, in the Niagara district, is willing to establish and support a line of public stages upon the above route, as hereinafter spe-

cified, provided the exclusive right of a public stage, upon such route, shall be secured to him, his executors, administrators, and assigns, for the period of twenty-one years; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if the said Chauncey Beadle, his executors, administrators, or assigns, do and shall, at or before the expiration of one year from the first day of July next, establish a land conveyance, or line of public stages, for the conveyance of travellers, from Ancaster aforesaid to Sandwich aforesaid, and from Sandwich to Ancaster, by the route aforesaid, and do and shall, from thenceforth, furnish safe, convenient, and comfortable covered carriages, with springs, during all seasons when carriages shall be required, and also safe, commodious, and comfortable sleighs, when requisite, for the accommodation of the passengers, and shall and do also furnish and provide good horses, with proper relays at convenient distances, and also, careful, experienced, and civil drivers; and do and shall run such stages from thenceforward, at all seasons of the year, with regularity and diligence, leaving each of the said extreme points of departure, Ancaster and Sandwich, at least once in each week, at a stated day and from a stated place, and perform the whole journey from Ancaster to Sandwich, and from Sandwich to Ancaster, alternately, by the route aforesaid, within the space of four days each time, unless prevented by inevitable accidents or unavoidable delays; and shall not exact from each grown passenger, with thirty pounds weight of baggage, a greater price than three pence currency per mile; for each mile he may be conveyed by such stage, nor exact from each child under twelve years of age, with half the quantity of baggage, more than half the said price or fare of three pence per mile, nor any thing for infants under two years of age; then and in such case and so long, not exceeding the period of twenty-one years from the day of the passing of this act, as such line of public stages shall be maintained, and be properly conducted according to the purport, true intent, and meaning of this act, and all the conditions aforesaid be observed and fulfilled, but no longer; it is hereby enacted and declared, that the said Chauncey Beadle, his executors, administrators, or assigns, shall and may have and enjoy the exclusive right, privilege, advantage, and profit, of a line of public stages from Ancaster to Sandwich, and from Sandwich to Ancaster, as aforesaid, by the route aforesaid, and that it shall not be lawful for any other person or persons whatsoever, so long as the privileges hereby granted shall continue by the terms and provisions of this act, to establish, maintain, run, or keep any public stage, or line of stages, from Ancaster to Sandwich, or from Sandwich to Ancaster, aforesaid, or upon any part of the route aforesaid; and that any person or persons establishing, maintaining, running, or keeping any public stage, contrary to this act, shall be liable to be prosecuted by the said Chauncey Beadle, his executors, administrators, or assigns, and he or they shall be entitled to recover from any person or persons infringing the provisions of this act as aforesaid: Provided always, nevertheless, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person travelling the whole or any part of the aforesaid route in any private carriage or conveyance, whether owned by the party or hired for the purpose of travelling therein.

Chauncey Beadle and his assigns to have an exclusive privilege of running a public stage from Ancaster to Sandwich for twenty-one years, on certain conditions.

Periods of departure.

Time occupied on the route.

Baggage.

Rates of fare.

Right to be enjoyed only so long as all the conditions are observed.

Persons may hire carriages for their own use.

II. And be it further enacted by the authority aforesaid, That none of the privileges hereby granted to the said Chauncey Beadle, his executors, administrators, or assigns, shall be enjoyed by him or them, unless the said line of stages shall be by him or them established and in operation within the period of one and a half years from the passing of this act, nor for a longer period than twenty-one years from the passing hereof; and that unless the said line of stages shall, from their first establishment, continually to the end of the said period of twenty-one years, be maintained and kept in regular operation, according to the true intent and meaning of this act, then and in such case, and in default thereof, the privileges hereby granted shall cease and determine to all intents and purposes whatsoever: Provided always, That no casual suspension of the running of the said stages for a period not exceeding at one time two weeks, owing to inevitable accidents or unavoidable obstacles, shall be construed or considered as cancelling, repealing or making void the said privileges hereby granted.

Stage shall commence running within a year and a half.

Casual detentions.

III. And be it further enacted by the authority aforesaid, That if at any time or times during the continuance of this act, it shall appear that the conditions upon which the privileges aforesaid are by this act granted to the said Chauncey Beadle, his executors, administrators, and assigns, or any of the said conditions shall be disregarded or not be complied with, or if it shall appear that any of the privileges hereby granted, have been or are abused or misapplied, or that the regular and convenient public accommodation hereby contemplated, shall not be provided and furnished according to the purport, true intent, and meaning of this act, it shall and may be lawful for the parliament of this pro-

Remedy, if the privileges hereby given shall be abused.

vince, by any future act or acts, as occasion may require, to repeal, alter, or amend this act, as shall seem expedient and just, and to the furtherance of the public good; and it is hereby expressly declared that the privileges hereinbefore mentioned are granted to the said Chauncey Beadle, his executors, administrators, and assigns, upon this express condition, and not otherwise.

Chapter XVII.

An act for affording public aid towards the completion of the Welland canal.

[Passed February 17, 1827.]

Preamble. (See 4th Geo. IV, c 17; 6th Geo. IV, c 2; 7th Geo. IV, c 19; 7th Geo. IV, c 20; 8th Geo. IV, c 2; 8th Geo. IV, c 17; 10th Geo. IV, c 9; 11th Geo. IV, c 11; 1st Wil. IV, c 18.)

Whereas it is necessary to afford public aid in furtherance of the great undertaking now in progress for uniting the waters of lakes Erie and Ontario by a canal, navigable for such vessels as are ordinarily used for transport on the lakes; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That at any time before the first day of April next, it shall be in the power of the governor, lieutenant governor, or person administering the government of this province, to direct his Majesty's receiver general to subscribe stock in the Welland canal company to the amount of fifty thousand pounds; which stock shall from thenceforth be held as, and deemed to be, public stock, and that the government of this province shall, as the holders of such stock, be subject to the same conditions and have the same powers, advantages, and privileges, as other stockholders in the said company.

£50,000 public stock may be taken in the Welland canal company.

II. And whereas it will afford great relief to the said company to be enabled to avail themselves of the whole funds thus subscribed by the government, without the delay of calling in instalments, and such advance will further enable the said company to resume and continue their operations without the necessity of exacting from individual stockholders such rapid advances of capital as they have hitherto, at great inconvenience, been compelled to furnish; and whereas it is reasonable that, in consideration of such facility to be afforded to the company, the government should be relieved from the immediate payment of interest on the sum to be advanced by them; be it therefore enacted by the authority aforesaid, That before such sum of fifty thousand pounds shall be advanced by the government to the said company, a written assent, under the seal of the said company, shall be deposited with his Majesty's receiver general, for the time being, signifying that they are willing to accept the said subscription of stock and the payment of the same in full, upon the condition that the said company shall pay to the government, half yearly, the interest upon the said sum of fifty thousand pounds, from the time of the same being advanced, until the expiration of one year from and after the completion of the Welland canal from Grand river to lake Ontario: Provided always, nevertheless, That so soon as the proceeds of the said canal shall afford to the company a clear dividend of six per centum upon the capital advanced, such interest so paid to the government shall be equitably adjusted, as between the government and the other stockholders, in any dividends to be thereafter made.

Stock shall not be subscribed, unless the company shall agree to allow interest upon the amount paid in, until the expiration of one year from the completion of the whole canal.

Such interest to be hereafter adjusted in account.

III. And be it further enacted by the authority aforesaid, That the Welland canal company shall, before receiving the payment of the stock to be taken under the authority of this act, deposit with his Majesty's receiver general a bond, under their seal, in the penalty of twenty thousand pounds, binding themselves to pay annually to his Majesty the legal interest upon such payment, until the expiration of one year after the whole canal shall be finished.

Bond to be given for payment of such interest.

IV. And be it further enacted by the authority aforesaid, That it shall be in the power of the governor, lieutenant governor, or person administering the government of this province, at any time, in his discretion, to direct the receiver general, for the time being, to sell and transfer the stock so subscribed, or any portion thereof, so soon as its nominal value can be obtained, and that the sum to be received for the same shall be paid to and remain in the hands of his Majesty's receiver general, for the time being, subject to the disposition of the legislature thereof.

Government may transfer the stock, but not for a price below its nominal value.

V. And be it further enacted by the authority aforesaid, That the interest to be paid by the said company within the period aforesaid, shall be applicable by his Majesty's receiver general to the payment of interest on any loan that may be contracted by the government for the purposes of this act, and that all such payments and dividends as may

Application of interest.

thereafter be paid to the government, on account of the said stock, shall and may be applicable to the public uses of this province, as the legislature thereof may direct.

No deduction for per centage to receiver general.

VI. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan and paid on account of stock to be held in the said company, shall not be subject to any deduction of poundage for the receiver general of this province.

Authority to raise £50,000 by loan, upon debenture.

VII. And whereas, to provide for the payment of the stock to be subscribed as aforesaid, it is necessary to authorize the raising upon debenture, the sum of fifty thousand pounds, in manner hereinafter mentioned; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province, to raise by loan, at a rate of interest not exceeding six pounds per centum, and as much lower as can be obtained from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued as hereinafter mentioned, such sum, not exceeding in the whole fifty thousand pounds, as may be required for the purposes of this act.

Debentures how prepared and issued.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause or direct any number of debentures to be made out for such sum or sums of money, not exceeding in the whole the said sum of fifty thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and shall be signed by him; and that for each loan or advance, three several debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced, at the expiration of periods not shorter than two, four, and six years respectively, with interest according to the rate at which such loan shall be negotiated, from the date of such debenture until the same shall be discharged.

Upon what fund charged.

IX. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

Conditions of loan, in regard to its redemption.

X. And be it further enacted by the authority aforesaid, That the loan authorized by this act shall be contracted for upon the express condition, that at any time either before or after the said debentures, or any of them, which are by this act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment; and if, after insertion of the said notice for three months, any debenture shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

General provisions respecting thedebentures to be issued under this act.

XI. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money upon debenture, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with certain public accountants, the payment of interest upon the same by such accountants, and the suspension of interest in certain cases, the submitting to the legislature accounts of such debentures, and the interest paid thereon and the expenses attending the same, the payment of interest to holders of such debentures, the remuneration to the receiver general for the services required by the said act, paying off and cancelling the said debentures, and also the provision made in the seventh section of the said act, for punishing the forging of any debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged debenture, or other matter as aforesaid, shall apply to, and be in force in respect to the debentures which shall be issued according to this act.

Chapter XVIII.

An act to provide for the construction of a harbor at the mouth of Kettle creek, in the London district.

[Passed February 17, 1827.]

Preamble.

Whereas it is expedient and desirable to construct a harbor at the mouth of Kettle creek, on the shores of lake Erie, in the county of Middlesex, in the London district, and for that purpose to provide for the raising of the sum of three thousand pounds by debenture, and for the appointment of commissioners to contract for and superintend the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures authorized to be issued under this act, a sum of money, not exceeding three thousand pounds, at a rate of interest not exceeding six per centum, to make and complete the said harbor.

(See 1st Wil. IV, c 26, loaning £3,500 to the commissioners.)

£3,000 to be raised by debenture, and applied to constructing a harbor at the mouth of Kettle creek, in the district of London.

Debentures how to be prepared and issued.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause any number of debentures to be made out, for any such sum or sums of money, not exceeding in the whole the said sum of three thousand pounds, at a rate of interest not exceeding six per centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and that for each loan or advance, a debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said sum of three thousand pounds, or such part thereof as may be actually received, and redeemed at a period not exceeding twenty years, and shall and may be signed by the said receiver general of this province, for the time being.

To be redeemable within twenty years.

Accounts to be rendered by the receiver general, for the information of the legislature, of the debentures issued, payments of interest, &c.

III. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates of the different debentures which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the said debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing of the same, to be laid before the legislature of this province.

Payment of interest.

IV. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same endorsed on each debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively; and that the governor, lieutenant governor, or person administering the government of this province, shall, after the thirtieth day of June and thirty-first day of December in each year, issue warrants to the receiver general for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

Warrants to issue.

Payment and cancelling of debentures.

V. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general, by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof; and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

General provisions respecting the debentures to be issued under this act.

VI. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money upon debentures, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with certain public

accountants, the payment of interest on the same by such accountants, and the suspension of interest in certain cases, the submitting to the legislature accounts of such debentures and the interest paid thereon, and the expenses attending the same, the payment of interest to the holders of such debentures, the remuneration to the receiver general for the services required by the act, the paying off and cancelling the said debentures, and the punishment awarded for forging any of the said debentures, or for any thing relating thereto, shall apply to, and be in force in respect to the debentures which shall be issued under the authority of this act.

Forgery.

VII. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all the charges incident to or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the said receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

Debentures and interest charged upon the provincial revenue.

VIII. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan, shall not be subject to any deduction of poundage for the receiver general of this province, any law, usage, or custom, to the contrary notwithstanding.

No deduction to be made for poundage to the receiver general.

IX. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of said debentures to present the same for payment, according to this act; and if, after the insertion of the said notice for three months, any debentures then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Calling in debentures.

X. And be it further enacted by the authority aforesaid, That so soon after the passing of this act as he may deem proper, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, to nominate and appoint, under his seal at arms, not more than five commissioners, any three of whom shall be a quorum, who may appoint two of their body to be a president and a vice president, one of whom shall preside at all meetings of the board; which commissioners' duty it shall be to contract with such person or persons as shall, after public notice being given for that purpose, undertake to make the said harbor, and all works therewith connected, or any part thereof, at the cheapest and lowest rate, in the shortest time, and most convenient terms, and giving security to the satisfaction of the said commissioners, or a majority of them, for the due performance of the contract to be entered into for that purpose, and shall and may do and perform all and whatsoever act and acts, thing and things, which are necessary and proper to carry the intention of this act into full effect, and shall report to the governor, lieutenant governor, or person administering the government of this province, once in three months, during the progress of the work, all matters by them done or performed by virtue of the authority so vested in them, to be laid before the legislature at its next meeting.

Commissioners to be appointed for making contracts, and superintending the work.

Contractors to give security.

Report to be made once in three months of the progress of the work.

XI. And be it further enacted by the authority aforesaid, That so soon as the said harbor shall be completed, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of the province, to nominate and appoint a careful and discreet person to collect the toll and dues imposed by this act, who shall account to his Majesty's inspector general of this province, on the thirtieth day of June and the thirty-first day of December in each and every year; which account shall be rendered in detail on oath, and specify the number of barrels, packages, and all other articles passing through the said harbor, together with the number of vessels, boats, and other craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen, and shall retain to his own use five per cent. on all monies to be collected and paid by him.

Toll keeper to be appointed.

To account to the inspector general on oath.

Remuneration.

XII. And be it further enacted by the authority aforesaid, that the toll and dues mentioned in the following schedule, and no other, shall be exacted and paid on all goods, wares, merchandize, produce, lumber, vessels, boats, raft, or craft, previous to their passing through or into the said harbor; and the said money so to be raised and collected shall be paid by the said collector into the hands of the receiver general of this province, to be by him applied to and for the redemption of the said debentures, and the interest thereon annually accruing.

Tolls authorized to be paid to the receiver general.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, from time to time, during the continuation of this act, to issue his warrants

Warrants to be issued in favor of the commissioners for the monies granted by this act.

to the receiver general of this province in favor of the said commissioners, for such sum or sums of money, not exceeding three thousand pounds, to enable them to carry the provisions of this act into effect, which sums shall be paid out of any monies which may have been advanced to him upon debentures, by virtue of this act.

Monies how to be paid and accounted for.

XIV. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this act, shall be paid by the receiver general, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Limits of the harbor.

XV. And be it further enacted by the authority aforesaid, That the limits of the said harbor shall extend from the centre of the mouth of the said creek, half a mile east and west, along the shores of the said lake.

Remedy to enforce payment of the tolls.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this act, it shall and may be lawful for the collector, to be appointed to receive such tolls or dues, to seize and detain such vessel or boat, or the goods on which the same were due and payable, until such dues and tolls shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said collector shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said toll or dues, by public auction, after ten days' public notice.

Survey and estimate to be made before commissioners are appointed.

XVII. And be it further enacted by the authority aforesaid, That before any commissioners shall be appointed, or other measures taken in pursuance of this act, a survey shall be made by a competent civil engineer, employed for that purpose by the governor, lieutenant governor, or person administering the government, and estimates made by such engineer in detail of the expense of completing the said work; and that unless it shall satisfactorily appear, upon the report of such engineer, that the whole work can be completed for a sum not exceeding three thousand pounds, no further measures shall be taken under the provisions of this act.

Rates of toll.

XVIII. And be it further enacted by the authority aforesaid, That the tolls or dues to be collected at the mouth of Kettle creek aforesaid, as soon as the intended pier or breakwater shall be so far completed as to afford shelter for vessels, shall be in accordance with the following scale:

Pot and pearl ashes, per barrel, one shilling.
Salt, pork, whiskey, or oil, per barrel, seven pence half penny.
Flour, per barrel, six pence.
Ditto per cwt. three pence.
Lard and butter, per keg, five pence.
Sugar, per cwt. five pence.
Hollow ware, per cwt. seven pence half penny.
Boards and lumber, per thousand feet, of board measurement, one shilling and three pence.
Boats, under twelve tons, two shillings and six pence.
Boats and vessels, from twelve tons and upwards, per ton measurement, two pence half-penny.
Wheat, per sixty pounds, two pence.
All other articles not enumerated to pay in proportion to the above rates, subject to the direction of the said commissioners appointed by virtue of this act: Provided, nevertheless, That any boat, vessel, or craft, entering the said harbor, shall be at liberty to pass and return through the same on payment of the toll or dues herein specified, and such toll shall not be exacted more than once for such passing and return.

No return tolls to be charged.

Chapter XIX.

(See 7th Geo. IV, c 31; 11th Geo. IV, c 12; 11th Geo. IV, c 27.)

An act to provide for a further survey of the works done at the Burlington bay canal, and also to afford further aid to complete the same.

[Passed February 17, 1827.]

Preamble.

Whereas it appears from the report of the commissioners for the canal at Burlington bay, and the survey of a civil engineer, accompanying the said report, that the said work cannot be completed with the funds at the disposal of the commissioners, but that a great additional expenditure will be necessary for that purpose; and whereas it also appears that a large sum of money has been expended upon the said work, and that from the nature of the undertaking no public benefit will accrue from such expenditure, if the canal

and the works necessary for its protection are left unfinished; and whereas the interests and convenience of a great portion of the surrounding country, as well as the general safety of navigation upon lake Ontario, hold forth strong inducements to persevere in the work till it is completed, more especially as there are good grounds for believing that the tolls which the canal will yield will ultimately reimburse whatever advance it may be necessary to make from the public revenue; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to procure a minute inspection and particular survey and report of the work done at the said canal, by two competent civil engineers; and if it shall be ascertained that the portion which has been completed is substantially and judiciously executed, so that it may be properly proceeded in and finished according to the present design, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to raise by loan, at a rate of interest not exceeding six per centum, and as much lower as can be obtained, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued as hereinafter mentioned, such sums (not exceeding in the whole eight thousand pounds) as may be required for the purposes of this act.

Certain surveys and estimates required to be made of the work in progress at Burlington bay.

A sum not exceeding £8,000 to be raised by loan, upon debenture, for completing the work.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said receiver general to cause or direct any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of eight thousand pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and shall be signed by him; and that for each loan or advance three several debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced at the expiration of three, six, and nine years respectively, with interest according to the rate at which such loan shall be negotiated, from the date of such debenture until the same shall be discharged.

Debentures how to be made and issued.

III. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the said receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

Debentures charged on the provincial revenues

IV. And be it further enacted by the authority aforesaid, That the loan authorized by this act shall be contracted for upon the express condition, that at any time either before or after the said debentures, or any of them, which are by this act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment, and if after the insertion of the said notice for three months, any debentures shall remain out more than six months from the first publication of such notice, all interest on the said debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Debentures may be called in upon six months' notice.

And if not presented, interest shall cease thenceforward to accrue.

V. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money upon debentures, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with certain public accountants, the payment of interest on the same by such accountants, and the suspension of interest in certain cases, the submitting to the legislature accounts of such debentures, and the interest paid thereon, and the expenses attending the same, the payment of interest to the holders of such debentures, the remuneration to the receiver general for the services required by the act, the paying off and cancelling the said debentures, and the punishment awarded for forging any of the said debentures, or for any thing relating thereto, shall

General provisions respecting debentures.

Forgery.

apply to, and be in force in respect to, the debentures which shall be issued under the authority of this act.

No deduction to be made for poundage by the receiver general.

VI. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan, shall not be subject to any deduction of poundage for the receiver general of this province, any law, usage, or custom, to the contrary notwithstanding.

The governor to appoint a competent civil engineer to superintend the work.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if the said sum of eight thousand pounds shall be raised as aforesaid, to appoint a competent civil engineer of established reputation to superintend the said work, to whom such allowance shall be made for his services as to the governor, lieutenant governor, or person administering the government of this province, shall seem just.

Monies appropriated by this act shall be paid into the bank of Upper Canada, on account of the commissioners, and paid by them to the contractor, upon the engineer's estimate of work done.

VIII. And be it further enacted by the authority aforesaid, That the said sum of money to be raised as aforesaid, shall be paid into the bank of Upper Canada, to the account of the commissioners appointed by law for superintending the said work, upon any warrant or warrants which may be issued by the governor, lieutenant governor, or person administering the government of this province, in favor of the said commissioners, and shall be paid out monthly, upon the order of any three of the said commissioners, countersigned by the engineer to be appointed as aforesaid, and upon the estimate of the work done in each month, as certified by such engineer, and attested by him upon oath, to be a just and true estimate, to the best of his knowledge and belief; which oath any justice of the peace is hereby authorized to administer.

Estimate of the work now done to be made on oath, and also of the cost of completing the work.

IX. And be it further enacted by the authority aforesaid, That the engineers employed to survey and inspect the said work as aforesaid, shall make an accurate estimate in detail, upon oath, of the value of the work which shall have been done at the time of such survey, as well as of the cost of completing the said canal: and that in estimating the work already done to the said canal, the engineers to be employed as aforesaid, shall receive the information of the commissioners heretofore appointed for superintending the said work, in addition to such other information as may appear to them desirable, and having reference to the contracts under which the work was done, shall allow for no damage or accidents, which, according to such contracts, ought in justice to be borne by the contractor; and that if the said estimate shall exceed the amount of compensation which has been paid to the person who has contracted for the said work, two thirds of such excess shall be paid to such person within one month after it shall be so ascertained, and the remainder when the canal, and the works and erections appertaining to the same, shall be completed: Provided nevertheless, That it shall and may be lawful for the commissioners, and they are hereby required immediately after the passing of this act, to pay to the contractor for making the said canal, all such sum and sums of money as are now in their hands, and applicable to the construction of the said canal.

Contractor to be remunerated for any excess of that estimate above the sum received.

Sums now in the hands of the commissioners, to be paid over immediately to the contractor.

Security to be taken from the contractor, before further monies are to be paid for work remaining to be done.

X. And be it further enacted by the authority aforesaid, That no monies shall be paid by the commissioners for the said canal, to any contractor employed, or to be employed on the same, on account of work remaining to be executed after such survey and estimates shall have been made as aforesaid, until such contractor shall have given a bond to his Majesty, his heirs and successors, in the sum of two thousand pounds, with good securities, conditioned to repay such money to his Majesty, his heirs and successors, in case the said canal and erections, and work appertaining thereto, shall not be completed in a sufficient and workmanlike manner, on or before the first day of August, in the year of our Lord one thousand eight hundred and twenty-eight.

Monies paid under this act, how to be accounted for.

XI. And be it further enacted by the authority aforesaid, That the money paid under the authority of this act shall be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty shall be pleased to direct.

Chapter XX.

An act for the relief of James Radcliffe.

[Passed February 17, 1827.]

Preamble.

Whereas the provisions of an act passed in the seventh year of his Majesty's reign, entitled, "An act to encourage the progress of useful arts within this province," are confined to the sole inventors of any new and useful art, machine, manufacture, or composition or matter, not known or used before the application, being subjects of his Majesty, and inhabitants of this province; and whereas James Radcliffe, of Niagara, gentleman, claims to be a co-inventor with one George Deming, a foreigner, of an improved mode of propelling boats by the application of the power of the steam engine acting on the water passing through trunks under or through the boat; and also claims to be a co-proprietor

with the said George Deming, the inventor of a certain wheel, capable of great power when immersed in running water without head; and whereas the said James Radcliffe hath been at considerable expense, and hath bestowed great pains and ingenuity in bringing the said inventions into public notice, and is therefore entitled to public protection; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That upon the said James Radcliffe substantiating his respective claims aforesaid, to be co-inventor of the first mentioned improvement, and of joint proprietor of the other as aforesaid, in the manner pointed out in the before in part recited act for original inventors, he, the said James Radcliffe, shall be entitled to a patent or patents, according to the provisions of the said act, for the said inventions, in the same manner as he would or might be entitled, were he the original inventor of the said improvements respectively.

James Radcliffe to be entitled to receive patents for certain inventions made by him jointly with one George Deming, a foreigner.

Chapter XXI.

An act to authorize James Atkinson to convey to trustees a lot of land, for purposes therein mentioned.

[Passed February 17, 1827.]

WHEREAS James Atkinson, of the town of Kingston, in the township of Kingston, in the Midland district, esquire, hath, by petition, requested legislative authority to convey a certain piece or parcel of land adjoining the village of Waterloo, in the said Midland district, being part of lot number sixteen, in the third concession of the said township of Kingston, containing one-fifth of an acre, upon which a brick school house has been erected, to trustees, for the purpose of having a school taught in the said building; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said James Atkinson to convey the said parcel of land, by metes and bounds, for the purpose of having a school taught in such building, to such person or persons as he may think proper; which person or persons, and their successors, to be appointed in such manner as may be provided in any such deed, shall have power and capacity to hold the said estate for the purpose aforesaid, any law or statute to the contrary notwithstanding: Provided, nevertheless, That such person or persons, and their successors as aforesaid, as well as the master and teachers employed in such school as aforesaid, shall be British subjects.

Preamble.

James Atkinson, esq. empowered to convey certain real estate in the township of Kingston, to trustees, in perpetual succession, for the purpose of a school.

Trustees to be British subjects.

Chapter XXII.

An act to authorize the reverend John M'Laurin to convey to the Ottawa district school trustees a lot of land, for the purposes therein mentioned.

[Passed February 17, 1827.]

WHEREAS the reverend John M'Laurin, of the township of Longueil, in the Ottawa district, hath, by his petition, prayed to be authorized by law to convey a certain piece of land in the said township of Longueil, where a stone school house is erected, to the trustees of the district school of the said Ottawa district, and their successors, for the use of the said district school forever; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said John M'Laurin, by deed, under his hand and seal, to convey the said piece or

Preamble.

Rev. John M'Laurin empowered to convey

certain real estate to the trustees for the time being of the district school for the district of Ottawa.

parcel of land, to be described by metes and bounds, and to contain not more than one acre, to the trustees of the district school of the Ottawa district, and their successors, to be held by the said trustees and their successors, to and for the use of the said district school forever.

Chapter XXIII.

An act granting a sum of money to aid in the erection of a bridge across the Otanibe river, in the district of Newcastle.

[Granting £100 for that purpose.]

Chapter XXIV.

An act to make good certain monies advanced by his excellency the lieutenant governor, pursuant to the addresses of the house of assembly at the last session of parliament.

[Granting £3,178 5s. 11d. to meet the like sum advanced to pay the contingent expenses of the legislature in the session of 1826, and to defray the expenses of a survey of the St. Lawrence.]

Chapter XXV.

An act for granting to his Majesty a supply for the support of the civil government for the year one thousand eight hundred and twenty-seven.

[Granting £7,470 towards the support of the civil service, for the year 1827.]

Fourth Session of the ninth Provincial Parliament.

MET AT YORK, ON THE FIFTEENTH DAY OF JANUARY, 1828, AND PROROGUED ON THE TWENTY-FIFTH DAY OF MARCH, IN THE NINTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1828.

Chapter I.

An act to limit to a certain period the proceedings under an act of the parliament of this province passed in the fifty-fourth year of his late Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and to afford further facilities to claimants of estates forfeited under the said act, in certain cases."

[Passed March 25, 1828.]

Preamble.

WHEREAS it is expedient that the proceedings under a certain act of the parliament of this province, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty," should after a limited period be closed, and that certain facilities should be afforded to claimants of estates forfeited under the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of July next, no commission shall issue under the authority of that act, except such as may be necessary for rectifying any error or errors in the proceeding under which any estate has been returned as forfeited.

No commission under 54th Geo. III, c 9, to issue after 1st July next

Claims to real estate may be received at any time before sale.

II. And be it further enacted by the authority aforesaid, That it shall and may be competent to the commissioners for forfeited estates to receive claims to real estate which has been returned as forfeited at any time before such estate has been actually sold, provided such claim shall appear to them to be well founded; and to decide thereupon in the same manner as if such claim had been made within the period heretofore prescribed by law, and that the award thereupon in favor of such claimant shall have the legal effect of diverting the title to such estate out of the commissioners, and vesting the same in such claimant, according to the nature and degree of the estate awarded.

Provision for enabling the commissioners to rectify errors in certain cases, notwithstanding the estate may have been sold.

Purchaser's consent to be first obtained.

Return of purchase money.

III. And be it further enacted by the authority aforesaid, That in all cases in which it shall come to the knowledge of the commissioners for forfeited estates, after sale has been made under their direction of any real estate as forfeited, that by reason of any error which has taken place in the proceedings relative to the forfeiture, or in any subsequent proceedings, such real estate, or any part thereof, has been improperly returned as forfeited, and when the purchaser of such estate, or his assigns, shall be willing to receive from the commissioners the return of the purchase money, and legal interest thereon, which they are hereby authorized to pay, and shall surrender to such commissioners the title to such estate, it shall and may be lawful for such commissioners, by deed executed by them in the same manner as they are at present authorized to execute conveyances, to transfer such real estate, which has been erroneously vested in them, to the person or persons who shall establish before them a legal claim to the same.

Saving of right to traverse.

IV. And be it further enacted by the authority aforesaid, That nothing contained in this act shall extend to deprive any party of his right to traverse, or to limit the period for filing the same as now authorized by law.

Chapter II.

An act for the relief of the religious societies therein mentioned.

[Passed March 25, 1828.]

Preamble.

Whereas religious societies of various denominations of Christians find difficulty in securing the title of land requisite for the site of a church, meeting house, or chapel, or burying ground, for want of a corporate capacity to take and hold the same in perpetual succession; and whereas it is expedient to provide some safe and adequate relief in such cases; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That whenever any religious congregation or society of Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers, or Moravians, shall have an occasion to take a conveyance of land for any of the uses aforesaid, it shall and may be lawful for them to appoint trustees, to whom and their successors to be appointed in such manner as shall be specified in the deed, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees, and their successors in perpetual succession, by the name expressed in such deed, shall be capable of taking, holding, and possessing such land, and of commencing and maintaining any action or actions in law or equity for the protection thereof, and of their right thereto.

Provision in behalf of certain religious societies; allowing lands to be held for their use by trustees and their successors in perpetual succession.

No one congregation shall hold more than five acres.

II. And be it further enacted by the authority aforesaid, That there shall not be held in trust for the purposes aforesaid more than five acres of land for any one congregation.

Trust deeds to be registered.

III. And be it further enacted by the authority aforesaid, That such trustees shall, within twelve months after the execution of such deed, cause the same to be registered in the office of the register of the county in which the land lies.

Conveyances heretofore made for the purposes of this act made valid.

IV. And be it further enacted by the authority aforesaid, That all conveyances made before the passing of this act, for all or any of the purposes aforesaid, shall be good and valid in law, in like manner as if the same had been made after the passing of this act, and subject to the provisions of this act; provided such conveyance shall have been already registered, or shall be hereafter registered as aforesaid, within twelve months after the passing of this act.

Registry.

Chapter III.

An act to amend the assessment laws of this province.

(See 59th Geo. III, c 7; 6th Geo. IV, after c 6.)

[Passed March 25, 1828.]

Preamble.

Whereas it is expedient to enable persons holding lands in the several districts of this province to pay the rates and taxes on the same to the treasurer of the district in which they may reside; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful, in certain cases, for any person or persons holding or owning lands in any district of this province, which are not returned on the assessment roll of any township or place therein, to pay the rates on such lands to the treasurer of the district in which he, she, or they, or their agent or agents, may reside; and the treasurer who may receive such rates shall, and he is hereby required, on being requested so to do, to give a receipt for the same, specifying the amount paid, the period for which it is paid, the lot or parcel of land on which the same is paid, and the concession and township in which such land is situated, and also the time or date of such payment: Provided always, That in all cases when the rates as aforesaid shall be paid by virtue of this act to the treasurer of another district than that in which the land on which such rates are paid is situate, the person so paying the rates shall at the same time pay to such treasurer a sum equal to five per cent. on said rates, in addition to such rates, which per centage shall be retained by such treasurer as a compensation for the duties imposed upon him by this act.

Persons may, in certain cases, pay to the treasurer of the district in which they reside, taxes upon lands situate in other districts.

Receipts to be given.

Additional compensation to the treasurer in such cases.

Accounts to be kept by the treasurers.

II. And be it further enacted by the authority aforesaid, That it shall be the duty of the treasurer of any district receiving rates and assessments under this act, on any land not situated in his district, to keep an exact and accurate account of the monies which he shall receive for each district separately, stating the lots, parcels, or tracts of land on which the same may be paid, and the concessions and townships in which they may be situated, and the period for which such rates are paid, and also the time or date of such payments; a copy of which account, verified upon oath, he shall transmit annually, on the first day of July, to the treasurer of the district in which the lands may be situated, and he shall at the same time transmit the amount of taxes, rates, or assessments, which he may have received under the provisions of this act.

What shall be specified in such accounts.
Copies of accounts verified on oath, to be transmitted to the treasurers of the districts in which the lands lie, and assessments paid over.

The treasurer receiving assessments from treasurers of other districts, to credit the respective lots, and transmit receipts to the treasurers forwarding the money.

III. And be it further enacted by the authority aforesaid, That the treasurer of any district, on receiving money from the treasurer of any other district, shall forthwith credit the several lots or parcels of land, specified in the schedule accompanying the money, with the amount mentioned in such schedule to be paid thereon, and shall, within ten days after the same shall have been received, transmit to the treasurer from whom the same may have been received, a receipt for the amount, specifying the lots, parcels, or tracts of land on which such rates or taxes are paid, the amount paid on each particular lot or parcel of land, the periods for which the same are paid, and the concessions, townships, and districts, in which the lands are situated, and the time or date of the several payments, which receipt the treasurer who may have received the taxes in the first instance, shall show to any person interested therein, on being requested so to do.

IV. And whereas, in consequence of the difficulty of transmitting monies, many of the inhabitants have been unable to pay the taxes on lands owned by them in distant districts, and it is expedient to extend the period for the payment thereof; and whereas none of those persons who have paid the tax on wild lands, on or before the first day of January in this present year, have been subject to the payment of more than fifty per cent. additional tax, and it is expedient to make provision respecting the increase of taxes in future; be it therefore enacted by the authority aforesaid, That if the amount of taxes due and payable on any lots or parcels of land shall be paid and satisfied on or before the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-nine, the same shall not be liable to any other or greater increase than fifty per cent., and that from and after the passing of this act, it shall and may be lawful for the treasurers of the several districts, and they are hereby authorized and required, when the taxes, rates, or assessments, have been suffered to fall in arrear for any period exceeding four years, to receive from any person, and give a receipt for, the tax on such lot or parcel of land, with no other addition or advance than fifty per cent. on the amount due at the time of the payment thereof; and that in all cases where it shall be necessary to levy the amount of taxes in arrear by distress, or by the sale of a portion of the lands on which such taxes may be due, the amount of tax due thereon shall be levied with an increase of fifty per cent. and no more, exclusive of costs, any law to the contrary in any wise notwithstanding.

No greater accumulation than fifty per cent. shall be charged upon any lands on which the assessments shall be paid on or before 1st July, 1829.

And in all cases hereafter, fifty per cent. and no more, shall be charged in addition, where the assessments shall remain in arrear longer than five years.

Arrears of assessments which shall be paid by the 1st July, 1828, shall be liable only to an increase of fifty per cent. on the amount due for the first five years.

V. Provided always, and be it further enacted by the authority aforesaid, That if the amount of taxes payable on any lot or parcel of land shall be paid and satisfied on or before the first day of July next after the passing of this act, the same shall not be liable to any other or greater increase than fifty per cent. on the first five years.

Treasurers shall not, after the 1st July, 1829, receive taxes on lands in other districts, if they have been suffered to run in arrear for more than six years.
In such case the assessments must be paid in the district in which the lands lie.

VI. And be it further enacted by the authority aforesaid, That from and after the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-nine, the treasurers of the several districts shall not receive any taxes on lands in any district other than that in which they shall severally reside, in any case where the rates or taxes have been suffered to run or be in arrear for the space of six years, knowing it to be so; but in such case, the said tax shall be transmitted by the party desirous to pay the same, or his agent, to the treasurer of the district in which the lands are situated.

No partial payment shall be received when more than eight years' assessments are due.

VII. Provided always, and be it further enacted by the authority aforesaid, That in all cases where the rates, assessments, or taxes, have been suffered to remain unpaid for the space of eight years on any tract or parcel of land, it shall not be lawful for any treasurer to receive and place to the credit of any lot, tract, or parcel of land, any sum in satisfaction of such rates, assessments, or taxes, less than the full amount due for the eight years which have been suffered so to remain unpaid, any law, usage, or custom, to the contrary notwithstanding.

Penalty of neglect or omission in the treasurer.

VIII. And be it further enacted by the authority aforesaid, That if the treasurer of any district shall neglect or refuse to perform the duties imposed upon him by this act, he shall forfeit and pay for such neglect or refusal, the sum of fifty pounds, to be recovered before the court of general quarter sessions of the peace, on the oath of one or more credible witness or witnesses, one half of which sum shall be paid to the informer or person prosecuting for the same, and the other moiety to be paid into the public funds of the district;

Justices in quarter sessions bound to ascertain that he has correctly discharged the duties imposed on him by this act.

and it shall be the duty of the magistrates in general quarter sessions, next after the first day of July in each and every year, to examine the accounts required to be kept under this act, and to ascertain whether the same have been transmitted, together with the monies, to the treasurers of the several districts interested therein.

6th Geo. IV, c 7, s 6, repealed.

IX. And be it further enacted by the authority aforesaid, That the sixth clause of an act passed in the sixth year of his present Majesty's reign, entitled, "An act to amend and make permanent a certain act of the parliament of this province passed in the fifty-ninth year of the reign of his late Majesty King George the Third, entitled, 'An act to repeal the several laws now in force relative to levying and collecting rates and assessments in this province, and further to provide for the more equal and general assessment of lands and other rateable property throughout this province,' and to render more effectual the several laws of this province imposing rates and assessments, by providing under certain restrictions for the levying such rates and assessments, by the sale of a portion of the lands on which the same are charged," be, and the same is, hereby repealed; and that the several acts and duties therein prescribed and requried to be done by the several treasurers shall be by them respectively performed, at or before the court of general quarter sessions of the peace which shall ensue next after the first day of July, one thousand eight hundred and twenty-nine, and at the same period in each and every year thereafter, and the respective clerks of the peace shall thereon proceed in manner pointed out by the seventh clause of the said last recited act.

Further time given for performing the duties mentioned in that clause.

1st July, 1829.

Relief afforded where assessments paid have not been credited.

X. And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for all or any person or persons who may have paid the assessment upon their lands, from time to time, without the lot or concession being specified as the law requires, or in any case where an erroneous description of any lot or parcel of land may have been given, to make oath before any of his Majesty's justices of the peace within the respective districts of this province, that such sum or sums of money as have been paid from time to time for such lands as assessed, were for such lots and concessions, specifying the same, to enable the treasurers of the different districts wherein lands are so affected, to credit, and he is hereby directed to credit such lots so specified with the amount which may have been paid from time to time upon the assessment roll.

Proof supplied where the party who has made such payment is dead.

XI. And be it further enacted by the authority aforesaid, That when from death or other causes such affidavit cannot be made, it shall and may be lawful for his Majesty's justices of the peace within their respective districts, in general quarter sessions assembled, to hear and determine upon such evidence as may be adduced respecting such land being paid for, and if in favor of the plaintiff, to issue an order upon the treasurer directing him to credit the respective lots accordingly.

Chapter IV.

An act to provide for the construction of aprons to mill dams over certain streams in this province.

[Passed March 25, 1828.]

Preamble.

Whereas it is expedient and found necessary to afford facility to the inhabitants of this province engaged in the lumber trade, in conveying their rafts to market, as well as for the ascent of fish in various streams now obstructed by mill dams, for the accommodation of those residing at a distance from the mouths thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the first day of May, in the year of our Lord one thousand eight hundred and twenty-nine, every owner or occupier, or owners or occupiers, of any mill dam which is or may be legally erected, or where lumber is usually brought down the stream on which such mill dam is erected, or where salmon or pickerel abound therein in this province, who shall neglect to construct and erect a good and sufficient apron to his or their dam, as hereinafter set forth, shall for such offence, yearly, and every year, forfeit and pay the sum of twenty-five pounds of current money of this province; one moiety thereof to his Majesty, his heirs and successors, for the public uses of the said province and the support of the government thereof, and the other moiety of the said sum to any person who shall sue for the same in any of his Majesty's courts of record within this province.

Owners or occupiers of mills to construct aprons to their dams.

Penalties for neglect.

Appropriation.

Mode of constructing such apron

II. And be it further enacted by the authority aforesaid, That every such apron shall be erected and constructed in the following manner, that is to say; such apron shall not

be less than eighteen feet wide, by an inclined plane of twenty-four feet eight inches, to a perpendicular of six feet, and so in proportion to the height where the width of the stream will admit of it; and where such stream or dam is less than fifteen feet wide, the whole dam shall be aproned in like manner with the same inclined plane.

Chapter V.

An act to make valid the acts of road surveyors, and to make further provision for the same.

(See 50th Geo. III, c 1.)

[Passed March 25, 1828.]

Preamble.

WHEREAS doubts have been entertained, whether by law any person appointed surveyor of highways can hold his office, or legally act as surveyor for a longer period than one year, without being re-appointed, and again taking the oath required by law to be taken by every surveyor of highways, and whether any report or act of such surveyor, or the order of any court of general quarter sessions confirming any report of such surveyor, made after such period, is legal and valid; and whereas in many instances, persons appointed surveyors of highways have continued to act in that capacity for several years, without their appointments being annually renewed, and without again taking the oath required by law to be taken by every such surveyor, and it is expedient to confirm and make valid the acts of such surveyors, so far as the same would have been legal and valid had such surveyors been in this respect legally appointed and qualified; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That any person who has at any time heretofore been appointed a surveyor of highways by the justices of the peace in any district of this province, in general quarter sessions, in that month assembled in which by law they are authorized to appoint surveyors of highways, and who has continued to act as a surveyor of highways after the general quarter sessions in such district, in the same month in the year next succeeding that in which he was appointed as aforesaid, although he may not again in any succeeding year have been appointed surveyor of highways by the justices of the peace of such district, in general quarter sessions assembled, in the month in which by law they are authorized as aforesaid to appoint a surveyor of highways, and although he may not again have taken the oath required by law to be taken by every surveyor of highways as aforesaid, shall be deemed and taken to have been a surveyor of highways for the county or riding for which he was originally appointed, and to have been legally qualified to act as such, and that all acts done by him, as such surveyor, and all orders of any court of general quarter sessions for confirming any report made by him, as such surveyor, shall be deemed and taken to be legal and valid, as fully to all intents and purposes as if such surveyor had been reappointed in each and every succeeding year by the justices of the peace of such district, in general quarter sessions assembled, in the month in which by law they are authorized as aforesaid to appoint surveyors of highways, and had duly taken the oath annually required by law to be taken as aforesaid by every surveyor of highways: Provided, That nothing herein contained shall extend, or be construed to extend, to confirm or render legal or valid any thing done by any surveyor of highways after his removal, who shall have been legally removed from the office of surveyor of highways by the justices of the peace in general quarter sessions assembled.

All acts done by road surveyors who have been suffered to serve beyond their year, without being re-elected or sworn, made valid, notwithstanding the want of such re-election, &c.

But this act shall not confirm any thing done by road surveyors after they have been legally removed from office.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, any person legally appointed surveyor of highways, and who shall take and subscribe the oath in such case made and provided, is hereby authorized and required to perform the duty of road surveyor until such time as he shall be legally removed from office, without again taking the oath of office, any thing in any law, usage, or custom, to the contrary in any wise notwithstanding.

Hereafter road surveyors, having been sworn, may continue to discharge their duty without again taking the oath of office.

Chapter VI.

An act for making and maintaining a road between Ernestown and the gore of Fredericksburgh.

[Passed March 25, 1828.]

Preamble.

WHEREAS in consequence of a dispute having arisen between the justices of the peace of Ernestown and the justices of the peace of Fredericksburgh, in the Midland district,

respecting the right of either party of such justices to take charge of a public road running from front to rear between the aforesaid township of Ernestown and the gore of Fredericksburgh, or to which party of right the making and repairing of such road belongs; in consequence of which dispute, the aforesaid road, though much travelled from necessity, is dangerous and difficult to travel on account of being left, in a great measure, for a long time past, without being mended and improved; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall be the duty of the justices of the peace, acting for the township of Ernestown, and they are hereby authorized and required to take charge of, and to cause to be made and repaired, and kept in repair, one half, or an equal proportion, of the aforesaid road; which proportion shall be in the following manner, that is to say; the rear half of the first and the whole of the second, fifth, and sixth concessions, commencing at the front and ending at the rear of the concessions of Ernestown.

The justices of the peace acting for Ernestown, in the Midland district, to attend to the making and repairing one half of the road between Ernestown and the gore of Fredericksburgh.

II. And be it further enacted by the authority aforesaid, That the justices of the peace acting for the township of Fredericksburgh, are hereby authorized and required to take charge of, and cause to be made and kept in repair, one half, or an equal proportion, of the aforesaid road; which proportion shall be in the following manner, that is to say; the front half of the first, and the whole of the third, fourth, and seventh concessions, commencing at the front and ending at the rear of the concessions of Ernestown.

The justices acting for Fredericksburgh to attend to and take charge of the other half of the same road.

Chapter VII.

(See 10th Geo. IV, c 21.)

An act to provide for the erection of a light house on the False-Ducks island, in lake Ontario.

[Passed March 25, 1828.]

Preamble.

Whereas it would tend greatly to the safety and convenience of navigation upon lake Ontario, if a light house were constructed upon the island commonly called the False-Ducks island in the said lake; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, immediately after the passing of this act, to appoint three persons to be commissioners for erecting a good and sufficient light house upon such part of the island commonly called the False-Ducks island, in lake Ontario, as they shall judge the most proper, and for procuring the necessary apparatus for lighting the same.

Commissioners to be appointed for erecting a light house on the False-Ducks island in lake Ontario.

£1,000 granted for erecting and furnishing such light house.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties now raised, levied, and collected, or which may hereafter be raised, levied, and collected, and remaining in the hands of the receiver general unappropriated, there be granted to his Majesty the sum of one thousand pounds, to enable his Majesty to defray the expense of erecting the said light house, and furnishing the same; and that such sum shall be paid by warrant of the governor, lieutenant governor, or person administering the government of this province, for the time being, to be issued in favor of the said commissioners, or any of them, and shall be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty shall be graciously pleased to direct.

Commissioners to report on 1st December next, and account for the monies expended by them; and also to report what tonnage or other duties on vessels will be sufficient to defray the charge of the light house, and how such duties can be most conveniently collected.

III. And be it further enacted by the authority aforesaid, That the commissioners to be appointed for the purposes of this act shall, before the first day of December next, render an account to the governor, lieutenant governor, or person administering the government of this province, of the monies expended by them under this act, and shall, at the same time, report what tonnage, or other duties, upon vessels of all descriptions navigating lake Ontario, will, in their opinion, be sufficient to defray the charge of maintaining the said light house, and repay the said sum of one thousand pounds, with the interest accruing thereon, and in what manner and at what place the said duties can be most conveniently collected; which account and report shall be laid before the legislature at their next session.

Chapter VIII.

An act to continue an act, entitled, "An act to continue, for a limited time, an act passed in the fifty-eighth year of his late Majesty's reign, entitled, 'An act to continue, repeal part of, and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned,' and to extend the provisions of the same.

[Passed March 25, 1828.]

Preamble.

Reciting 4th Geo. IV, c 18.

WHEREAS an act passed in the fourth year of his Majesty's reign, entitled, "An act to continue for a limited time an act passed in the fifty-eighth year of his late Majesty's reign, entitled, 'An act to continue, repeal part of, and amend an act passed in the fifty-sixth year of his Majesty's reign, entitled, 'An act granting to his Majesty duties on licenses to hawkers, pedlars, and petty chapmen, and other trading persons therein mentioned,' and to extend the provisions of the same,'" is about to expire; and whereas it is expedient to continue the same for a limited period; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act be, and the same is, hereby continued for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

58th Geo. III, c 5, continued for four years, and from thence to the end of the next session of parliament.

Certain articles grown or manufactured in the province may be peddled and exposed to sale by the persons growing or manufacturing the same, without a license.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, being his Majesty's subject or subjects, or their agent or agents, to peddle and expose to sale, leather, hollow-ware, farming utensils, goods, wares, or merchandize, being the growth, produce, or manufacture of this province, having been grown or manufactured by such person or persons, or by persons employed by him, her, or them, or printed papers published in this province, without a license so to do, any law or usage to the contrary in any wise notwithstanding.

Chapter IX.

An act to continue for a limited time the laws imposing duties upon stills.

Preamble.

WHEREAS an act passed in the fourth year of his Majesty's reign, entitled, "An act prescribing the mode of measuring the contents of wooden stills, also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this province," is about to expire; and whereas it is expedient to continue the same for a limited time; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act be, and the same is, hereby continued for four years, and from thence to the end of the then next ensuing sesion of parliament and no longer.

4th Geo. IV, 1st session, c 13, continued for four years, and from thence to the end of the next session of parliament.

Chapter X.

An act to continue an act imposing duties on goods sold by auction.

[Passed March 25, 1828.]

Preamble.

WHEREAS an act passed in the fourth year of his Majesty's reign, entitled, "An act to continue for a limited time an act passed in the fifty-eighth year of his late Majesty's reign, entitled, 'An act granting to his Majesty a duty on licenses to auctioneers, and on goods, wares, and merchandize, sold by auction,'" is about to expire; and whereas it is expedient for a limited time to continue the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act

to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act be, and the same is, hereby continued for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

4th Geo. IV, c 17, continued for four years, and to the end of the next ensuing session of parliament.

Chapter XI.

(Amended. See 10th Geo. IV, c 7.)

An act to repeal the laws now in force respecting the late pretended bank of Upper Canada, and to make provision for settling the affairs of the said institution.

[Passed March 25, 1828.]

Preamble.

Whereas a certain act of the parliament of this province passed in the fourth year of the reign of his present Majesty, entitled, "An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," and a certain other act of the parliament of this province passed in the fourth year of his present Majesty's reign, entitled, "An act to repeal part of an act passed in the last session of parliament, entitled, 'An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution;' and to make further provision for settling the affairs of the said pretended bank," have been found ineffectual, and it is expedient to provide other means for collecting the debts contracted with the said institution, for the benefit of the creditors thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said several acts hereinbefore recited be, and the same are, hereby repealed.

4th Geo. IV, c 22, and 4th Geo. IV, 2d session, c 21, repealed.

Two commissioners to be elected for settling the affairs of the late pretended bank, one by the stockholders, and another by the holders of certificates.

Time of holding election by the stockholders.

II. And be it further enacted by the authority aforesaid, That the holders of stock in the said late pretended bank shall and may meet at the court house in the town of Kingston, in the Midland district, on the first Monday in May next after the passing of this act, at or after the hour of eleven in the forenoon of the same day, for the purpose of choosing some one person to be a commissioner for the purposes hereinafter mentioned; and that the persons holding certificates given for notes of the said pretended bank, by the commissioners heretofore appointed for settling the affairs of the said pretended bank, shall and may meet at the court house in the town of Kingston aforesaid, on the second Monday in May next after the passing of this act, at or after the hour of eleven in the forenoon of the same day, for the purpose of choosing some one other person to be a commissioner for the purposes hereinafter mentioned.

Time of holding election by the holders of certificates.

Votes may be given by proxy.

Each person to give one vote.

Commissioners to be chosen by a majority of votes.

III. And be it further enacted by the authority aforesaid, That at the respective elections hereinbefore provided for, the holders of stock and certificate holders may vote by proxy, such proxy to be appointed by power of attorney, under the hand and seal of the principal; that each stockholder and each certificate holder shall have one vote, and no more; and that the commissioners shall be chosen at such elections respectively, by a majority of the votes so to be given personally or by proxy.

Third commissioner to be appointed.

IV. And be it further enacted by the authority aforesaid, That the two commissioners to be chosen as aforesaid, shall and may, within one week from the time of their being so chosen, appoint some one person to be a commissioner with them for the purposes of this act.

How vacancies are to be supplied.

V. And be it further enacted by the authority aforesaid, That in case of vacancy by death, incapacity, removal from the district, or resignation, it shall and may be lawful for the surviving or remaining commissioner or commissioners, in case the commissioner or commissioners, so vacating his or their appointment or appointments, shall have been chosen at either of the elections provided for by this act, to call a meeting of the stockholders, or of the holders of the certificates, according to the nature of the vacancy to be supplied, to be held at the court house in the town of Kingston, at some day to be named by the said commissioners; and of which public notice shall be given by advertisement in the several newspapers in the town of Kingston, at least two weeks before the time appointed for such meeting; and in case of vacancy of the commissioner who shall have been appointed by the other two commissioners, in the manner hereinbefore mentioned, it

shall and may be lawful for the two remaining commissioners, and they are hereby required to appoint, within two weeks, a third commissioner, to supply such vacancy.

Acts of a majority of the commissioners shall be valid.

VI. And be it further enacted by the authority aforesaid, That the act of any two commissioners, who shall be appointed under this act, shall be valid, so far as the authority of such commissioners shall extend.

The late commissioners shall deliver over the books and papers, &c.

VII. And be it further enacted by the authority aforesaid, That the commissioners heretofore appointed for settling the affairs of the late pretended bank, shall, within one week after the appointment of the commissioners under this act, deliver, or cause to be delivered over, upon request, to the commissioners who shall be constituted under this act, all the books, papers, documents, matters, and things, whatsoever, remaining in their charge and appertaining to the said late pretended bank, or the affairs thereof.

Commissioners may bring actions. By what name.

VIII. And be it further enacted by the authority aforesaid, That the commissioners to be constituted under this act may, from time to time, prosecute in and by the name of the Kingston bank commissioners, such actions at law as may be necessary for the recovery of any debts due to the institution, or to others, to the use and in behalf or account of the said institution, by mortgage, bond, note, or otherwise; and that all such debts, whether due by specialty or by simple contract, may, if the plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the defendant and the parties suing by the name aforesaid; and such specialty or other proof of debt may be received as evidence of an account stated.

How they may sue.

Statute of limitations shall not bar if actions are brought within a year from the passing of this act.

IX. And be it further enacted by the authority aforesaid, That the statute of limitations shall not apply to bar or extinguish any debt due to the said late pretended bank, provided the same shall be put in suit within one year from the passing of this act.

Want of notice to drawers and indorsers shall not avail, unless they have been prejudiced by the want of such notice.

X. And whereas from the sudden failure of the said institution, and the consequent confusion in its affairs, which rendered it for a long time impracticable to resort to the necessary legal remedy for the recovery of the debts then outstanding, it may have happened in some instances, that the indorsers of notes or drawers of bills discounted at the said institution, have not received notice of non-payment or non-acceptance within the period which the law requires, and it is expedient to prevent advantage being taken of such omission when it has not operated to the prejudice of such indorsers; be it therefore further enacted by the authority aforesaid, That the omission to give any such notice as aforesaid, upon any demand that may have become due after the failure of the said institution shall not bar a recovery against any indorser or drawer, unless it shall be satisfactorily proved that such indorser or drawer has by reason of such notice not being given, as the law requires, been prejudiced in the means of recovery, against the party by whose non-payment or non-acceptance he had become liable.

Mode of proceeding against persons who have left the province.

XI. And be it further enacted by the authority aforesaid, That whenever any person, appearing to be indebted to the said institution, shall have left this province, since the failure of the said institution, and shall not be resident therein, it shall and may be lawful to serve process in any suit to be instituted under the authority of this act, against such person, by leaving a copy of such process at the last place of abode of such person within this province, with any grown up person dwelling or living in such house, or by affixing a copy of such process in the crown office of this province, eight days before the return thereof; and that a declaration in every such case, being filed in the crown office of this province, and all other and subsequent proceedings in any such cause which in ordinary cases are served upon the defendant, shall be considered to be served, by filing the same in the crown office at York, and the office of deputy clerk of the crown at Kingston, and on notice of such filing, inserted for two weeks in the Kingston Chronicle and Upper Canada Herald.

Illegality of the institution shall not be objected by any person indebted to it.

XII. And be it further enacted by the authority aforesaid, That no bond, mortgage, note, security, or undertaking, of what kind or nature soever, made to the said institution, or to any person or persons to their use, shall be held to be invalid or irrecoverable on account of any alleged illegality of the said institution.

Commissioners to give notice of their place and hours of business.

XIII. And be it further enacted by the authority aforesaid, That the commissioners to be constituted under this act shall, within two weeks after their appointment, cause a notice of their place and hours of business to be advertised in the Upper Canada Gazette, and in all other newspapers in Upper Canada, and in the Montreal and Quebec gazettes, in six successive numbers of each paper, calling upon all holders of notes or certificates, or other creditors of the said late institution, to present their claims within the period prescribed by this act, or otherwise such claims will be forever barred and cancelled.

To call for the production of all claims against the late institution.

All claims shall be barred which shall not be presented by first of November next.

XIV. And be it further enacted by the authority aforesaid, That every claim upon the said institution, unless it shall be presented to the commissioners to be appointed under this act, on or before the first day of November next, shall be forever extinguished and barred.

Certain discretionary powers given to the

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners to be constituted under this act, to exercise their dis-

commissioners for the more equitable and convenient settlement of debts due to the late bank.

cretion in regard to the giving a longer credit to any debtor or debtors to the said late institution, and that they shall also have authority to accept of property, real or personal, or to receive bills or notes of the said late institution, or certificates given for the same, in satisfaction of the whole or part of any debt which said commissioners are authorized to collect, or to refer any such matter to arbitration, or make any compromise in regard to any such debt as they may think reasonable and proper.

Interest on debts due to the said bank, to cease in certain cases.

XVI. And be it further enacted by the authority aforesaid, That if any person indebted to the said late institution shall, before the passing of this act, have tendered payment of the debt, or any part thereof due by him, in notes of the said late institution, or certificates given for such notes, no interest shall be charged in respect to such debt, or such part thereof as he shall have so tendered payment for, from the time of such tender having been so made.

Commissioners to make reports of their proceedings, and of the state of the affairs of the late bank.

XVII. And be it further enacted by the authority aforesaid, That the commissioners shall make a report to the governor, lieutenant governor, or person administering the government of this province, on the first day of January in every year, of their proceedings under this act, and of the state of the affairs of the said bank, to be laid before the legislature at its next session.

To make half yearly dividends.

XVIII. And be it further enacted by the authority aforesaid, That the commissioners who shall be constituted under this act shall make half yearly dividends among the creditors of the said late institution, of the monies collected by them, first deducting therefrom their necessary disbursements in the execution of this act; and that the first of such dividends shall be made at the expiration of twelve calendar months after the appointment of the said commissioners.

May deduct disbursements.
First dividend, when to be made.

Provision for indemnifying the commissioners heretofore appointed, for all disbursements necessarily incurred by them.

XIX. And be it further enacted by the authority aforesaid, That the commissioners heretofore appointed for settling the affairs of the said late institution, shall be allowed to make out an account against the government of this province, for all disbursements necessarily incurred by them in the execution of the duties imposed upon them by law, which account shall be sworn to by them, and shall be accompanied by the proper receipts, or other vouchers; and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue his warrant in favor of the said commissioners, for the amount to be allowed in such account; which warrant shall and may be discharged by the receiver general, out of the monies of this province remaining in his hands unappropriated, and the monies to be paid thereon shall be accounted for to the commissioners of his Majesty's treasury, in such manner and form as his Majesty shall be graciously pleased to direct.

This act to be noticed as a public act.

XX. And be it further enacted by the authority aforesaid, That this act shall be deemed to be a public act, and as such shall be judicially noticed without specially shewing the same.

Chapter XII.

(See 8th Geo. IV, c 19; 11th Geo. IV, c 12; 11th Geo. IV, c 27; 1st Wil. IV, c 21.)

An act to provide for the valuation of the labor and materials applied in constructing the harbor at Burlington bay, and for other purposes relating to the said harbor.

[Passed March 25, 1828.]

Preamble.

Whereas there appears reason to doubt whether the amount paid to the contractor for making the canal at Burlington bay, upon the estimate made in pursuance of the act of the parliament of this province passed for that purpose during the last session, will remunerate the said contractor for the monies actually expended by him for labor and materials applied in the construction of the said work; and whereas from the peculiar nature of the said undertaking, the difficulties and expense attending its prosecution could not be certainly foreseen, and as there is reason to expect that the revenue arising from tolls and duties to be levied at the said canal will reimburse the charge of the work, and the said contractor, James G. Strowbridge, hath by his petition set forth that he has suffered great losses by the said work, and hath prayed that measures may be taken for ascertaining by arbitration the true value of the labor and materials applied by him in constructing the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the commissioners appointed to superintend the said work at Burlington bay, or a majority of them, within one month from the passing of

Arbitrators to be appointed for estimating the actual value of the

this act, to appoint one arbitrator, and for the said James G. Strowbridge within the same period, to appoint another arbitrator, and that the said two arbitrators, within one week after their appointment, shall and may appoint a third arbitrator, which three arbitrators shall have power to summon witnesses before them, and to hear them on oath; and, if they think it expedient, to hear the commissioners, or any of them, and also the said James G. Strowbridge, on oath, as to all such matters and things as may appear necessary for enabling them to make a just award upon the true value of the materials and labor applied by the said James G. Strowbridge, in the prosecution of the work.

labor and materials employed in making the harbor at Burlington bay.

Power and duties of such arbitrators.

II. And be it further enacted by the authority aforesaid, That if within the period limited by this act, no third arbitrator shall be chosen, a third arbitrator shall be appointed by the said James G. Strowbridge, on the one part, and the said commissioners, or a majority of them, on the other part.

Provision in case default shall be made in choosing a third arbitrator.

III. And be it further enacted by the authority aforesaid, That each of the said arbitrators shall, before entering upon the duties assigned to them by this act, take an oath before some one of his Majesty's justices of the peace in and for the district of Gore, that he will, to the best of his skill and judgment, make a just award upon the value of the work and materials applied by the said James G. Strowbridge, in the work undertaken by him at Burlington bay.

Oath to be taken by the arbitrators.

IV. And be it further enacted by the authority aforesaid, That the sum which shall be awarded by the said arbitrators, or a majority of them, to be due to the said James G. Strowbridge, if any sum shall be found to be so due, shall be paid to him by the commissioners for superintending the said work, out of the monies heretofore granted for the making of the said canal: Provided always, nevertheless, That such award shall be made in writing, under the hands and seals of the arbitrators, making the same on or before the first day of June next.

Sum awarded to be paid by the commissioners out of monies heretofore granted for making the said harbor.

Award to be made on or before 1st June next.

V. Provided also, and be it further enacted by the authority aforesaid, That it shall not be lawful for the said arbitrators to award to the said James G. Strowbridge a greater sum of money than shall at the time of the making of the said award remain unexpended of the monies already appropriated for the erection and completion of the said works.

Sum awarded shall not exceed the balance remaining at the time of the award in the hands of the commissioners unexpended. (See 1st Wil. IV, c 21.)

VI. And be it further enacted by the authority aforesaid, That the said arbitrators shall be paid by the commissioners appointed for superintending the said work, out of the monies placed at their disposal, such compensation as shall appear to them reasonable for their time and trouble, and as may enable them to remunerate any engineer, or other person employed by them, in surveying the said work.

Compensation to be made to the arbitrators for their time and trouble.

VII. And whereas the rates of tolls and tonnage duty to be levied at the said canal require to be in some respects altered, be it therefore further enacted by the authority aforesaid, That so much of an act passed in the fourth year of his Majesty's reign, entitled, "An act to provide for constructing a navigable canal between Burlington bay and lake Ontario," as enacts that boats or craft under five tons each shall pay a toll or due of five shillings sterling, and that vessels over five tons shall pay one shilling and three pence, sterling, per ton measurement, shall be, and the same is, hereby repealed; and that the tolls or dues chargeable upon vessels, boats, or craft, shall be as follow: that is to say, upon all vessels or boats under ten tons burthen, the sum of two shillings and six pence, and upon all vessels over ten tons burthen, the sum of one shilling per ton, upon all cargo contained in them which shall be declared upon oath to be intended to be unladen at the harbor or elsewhere in Burlington bay: Provided always, That no vessel exceeding fifty tons in burthen shall pay a less toll than ten shillings.

Alteration in the tonnage duty on vessels.

Rates of tonnage duty.

VIII. [Repealed by 11th Geo. IV, c 12.]

Wheat, or other grain, to pay 1½d. per bushel.

IX. And be it further enacted by the authority aforesaid, That so much of the above recited act as provides that the tolls and dues thereby imposed shall be charged in sterling money, shall be repealed, and that the same sums therein mentioned, as well as the tolls and dues hereby imposed, shall be considered to be and shall be charged in lawful currency of this province.

Tolls to be charged in provincial currency, and not in sterling. (See 4th Geo. IV, c 9.)

Chapter XIII.

An act to borrow a sum of money from his Majesty's government, and to make provision for the payment of the same.

[Passed March 25, 1828.]

WHEREAS it has been found necessary for the advancing certain public improvements most essential to the prosperity of this province, to borrow several sums of money, amounting together to upwards of one hundred thousand pounds, currency, which sums have been raised upon debentures, issued under the authority of several acts of the legis-

Preamble.

lature, and bearing the high rate of interest of six pounds, per centum, being the ordinary and legal rate of interest in this province; and whereas there is good reason to believe that his Majesty's government will be graciously pleased to effect a loan in England, at a reduced rate of interest, for the re-payment of the monies so borrowed, on receiving security by an act of the legislature of this province, for the redemption of such loan and the regular interest thereon, and it is most desirable to accept of such loan, and to make provision for the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the duties raised, levied, and collected, or hereafter to be raised, levied, and collected, at the port of Quebec, and payable to this province for the public uses thereof, his Majesty's receiver general, for the time being, shall pay annually to the lords commissioners of his Majesty's treasury, the sum of four thousand five hundred pounds, sterling, which shall be applied and paid towards the payment of the interest upon any loan which may be effected in England for the use of this province, and for the gradual liquidation of the principal thereof.

£4,500 sterling to be appropriated annually towards the payment of interest and principal upon any loan which may be contracted for under the provisions of this act.

II. And be it further enacted by the authority aforesaid, That the said annual sum of four thousand five hundred pounds, sterling, shall be paid by his Majesty's receiver general of this province, for the time being, at such periods as may in that behalf be required by his Majesty's government, and in discharge of such warrant or warrants as may for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province.

To be paid by the receiver general, on warrant of the governor, &c.

III. And be it further enacted by the authority aforesaid, That the receiver general shall account to the governor, lieutenant governor, or person administering the government of this province, for the time being, for all sums of money which he may receive as premium on bills of exchange, on drawing any loan from England, which may be effected in consequence of this act; which account the receiver general shall verify upon oath, and apply the amount so received to the credit of the province for the general uses thereof: Provided always, That the said sum of four thousand five hundred pounds, sterling, shall not be set apart, remitted, or paid, as aforesaid, until the said loan shall be effected and available for the redemption of the said public debt of this province.

Premium on bills of exchange drawn in consequence of any such loan, to be accounted for by the receiver general.

The grant of £4,500 not to be set apart until the loan shall be effected.

Chapter XIV.

An act for granting to his Majesty a supply for the support of the civil government and the administration of justice.

[Granting £2,000 towards the support of the civil government for the year 1828.]

Chapter XV.

An act to make good certain monies advanced by his excellency the lieutenant governor, pursuant to an address of the house of assembly at the last session of parliament.

[Granting £2,857 18s. ½d. to meet a like sum advanced for the contingent expenses of the legislature during the session 1827.]

Chapter XVI.

(See 2d Geo. IV, c 2; 4th Geo. IV, c 2, 9, and 15.)

An act granting to his Majesty a sum of money to be applied in defraying the expense of drafting and engraving a map of the Rideau canal.

[Granting £280 to defray the expense of procuring five hundred copies of the map of the Rideau canal.]

Chapter XVII.

An act for the relief of John Matthews.

[Passed March 25, 1828.]

Preamble.

Whereas the commissioners under an act passed in the fifty-fourth year of the reign of his late Majesty, entitled, "An act to declare certain persons therein described, aliens,

and to vest their estates in his Majesty," have received from John Matthews, esquire, the sum of twenty-five pounds, as the consideration money of some piece or parcel of land, in the township of Thorold, in the Niagara district, described in the deed from the said commissioners to the said John Matthews, as follows: "A certain parcel or tract of land in the seventh concession in the said township of Thorold, so found to have been in the seizen of the said Samuel Hartwell, at the time of his committing high treason as aforesaid, purchased by the said Samuel Hartwell from one John Fox, and at the present supposed to be in the possession of Thaddeus Davis, of Thorold, as aforesaid, containing, by admeasurement, thirty acres, be the same more or less;" and whereas the said description is vague, uncertain, and insufficient, and not such as by the terms of the sale ought to have been given, and it is therefore desirable to pass a law to enable the said commissioners to refund the said sum of twenty-five pounds, received as aforesaid, to the said John Matthews; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said commissioners under the said act to return the said sum of twenty-five pounds to the said John Matthews.

Commissioners for forfeited estates authorized to repay to John Matthews, esq. £25, received from him as the purchase money for an estate imperfectly described.

II. Provided also, That the said John Matthews shall first surrender any deed and memorial which the said commissioners have heretofore transmitted to the said John Matthews, purporting to be a title to the aforesaid piece or parcel of land.

The deed given to the said J. Matthews shall first be surrendered.

Chapter XVIII.

An act for the relief of Eliza Thompson and Eliza Anne Eleanor Clute.

[Passed March 25, 1828.]

WHEREAS Eliza Thompson, widow of the late Timothy Thompson, of Fredericksburgh, esquire, deceased, hath by petition set forth, that her late husband, together with herself and family, have been resident on lot number three in the first concession of the township of Fredericksburgh, since the year one thousand seven hundred and ninety-six, and have made great improvements thereon, and that long prior to the death of her said husband, it was understood that the said lot had many years since been purchased and paid for by him, from his uncle the late Samuel Thompson, the original grantee thereof, but that since the death of the said Timothy Thompson, no conveyance could be found among the papers of the said Timothy Thompson for the same, and that since the death of her said husband, she has learnt, by advertisement in the public papers, that the said lot has been forfeited as the property of the said Samuel Thompson, an indicted and outlawed traitor during the late war with the United States of America, and that upon application to the commissioners of forfeited estates, they have decided that they have no power to grant relief, and that by the will of the late husband she has been left a life estate in the said premises, with the remainder in fee to Eliza Anne Eleanor Clute, her grand-daughter; and whereas it is necessary and expedient that relief should be granted in the premises; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful to and for the said commissioners of forfeited estates, and they are hereby authorized and required, at their next or any subsequent meeting after the passing of this act, to receive the claim of the said Eliza Thompson, in behalf of herself and her said grand-daughter, to the said lot of land, and decide thereupon, upon such testimony as may be brought before them; and if in addition to the long possession of the said Timothy Thompson, other reasonable evidence is adduced to satisfy them, or a majority of them, that the said Samuel Thompson had conveyed or intended to convey the said land to the said Timothy Thompson, having been either wholly or in part satisfied for the same; then it shall be lawful for such commissioners to decree the said lot to such claimants as aforesaid, according to the terms of the will of the said Timothy Thompson, and to do and execute whatever may be necessary for vesting the property in such claimants, pursuant to such decree.

Preamble.

Commissioners for forfeited estates authorized to receive the claim of Eliza Thompson and Eliza Anne Eleanor Clute to a certain estate forfeited under an inquisition against Samuel Thompson.

Power and duty of the commissioners in regard to such claim.

Chapter XIX.

(See 1st Wil. IV, c 25, loaning him £2,500 towards its completion.)

An act to enable William Chisholm, esquire, to erect a harbor at the Sixteen-Mile creek, in the township of Trafalgar, in the Gore district.

[Passed March 25, 1828.]

Preamble.

Whereas the construction of a harbor at the entrance of the Sixteen-Mile creek into lake Ontario, in the township of Trafalgar, in the district of Gore, would be of great advantage to the owners of vessels navigating the said lake, as well as to persons in general living in the adjacent country; and whereas William Chisholm, esquire, the owner of the land on both sides of the said stream, near the mouth, where the said harbor can alone be constructed, hath, by his petition to the different branches of this present parliament, prayed that permission be granted to him by a legislative enactment, to construct a harbor at the mouth of the said creek, upon being allowed a reasonable toll upon goods and other commodities passing into or out of the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said William Chisholm, his heirs, executors, and assigns, within five years from the passing of this act, to construct a harbor at the place aforesaid, which shall be accessible to, and fit, safe, and convenient, for the reception of such description and burthen of vessels as commonly navigate the said lake; that it shall and may be lawful for the said William Chisholm, his heirs, executors, and assigns, to erect and build all such needful moles, piers, wharves, erections, buildings, and edifices, as shall be useful and proper for the protection of the said harbor, and for the accommodation of vessels entering or lying within the same.

Authority given to W. Chisholm, esquire, his heirs, &c. to construct a harbor at the mouth of the Sixteen-Mile Creek, in Trafalgar.

With piers, wharves, &c.

Permission to levy toll.

II. And be it further enacted by the authority aforesaid, That as soon as the said harbor shall be so far completed as to be capable of admitting the free passage of vessels into the same, the said William Chisholm shall have full power and authority to ask and demand toll, as hereinafter mentioned.

Rates of toll.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said William Chisholm, his heirs, executors, and assigns, to ask, demand, and receive toll of and from all and every master, owner, or person in charge, of any vessel or boat, passing into the said harbor; and also on any goods, wares, or commodities, loading or unloading within the same, according to the rate following, that is to say:

RATE OF FEES.

Pot and pearl ash, per barrel, four pence.
Salt pork, beef, and whiskey, per barrel, three pence.
Flour, per barrel, two pence.
Lard and butter, per barrel, three pence.
Lard and butter, per keg, one penny.
Boards, per thousand feet, one shilling and three pence.
Lumber, per thousand feet, board measure, one shilling and three pence.
Pipe staves, per thousand, ten shillings.
West India, ditto, two shillings and six pence.
Wheat, and all other grain, for exportation, per bushel, one penny.
Merchandize, per barrel bulk, nine pence.
Merchandize, per hundred weight, three pence.
Boats under twelve tons, one shilling and three pence.
All boats or other vessels under ten tons, burthen free.
Boats and vessels above twelve tons, and under fifty, two shillings and six pence.
All vessels over fifty tons, five shillings.
All other articles of merchandize, not here enumerated, per barrel bulk, nine pence.
All other articles of merchandize, not here enumerated, per hundred weight, three pence.

Remedy for compelling payment of tolls and dues.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this act, it shall and may be lawful for the said William Chisholm, or his agent, to receive such tolls or dues, to seize and detain such vessel or boat, or the goods on which the same were due and payable, until such dues shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said William Chisholm, or his agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay

the said toll or dues, by public auction, after ten days' public notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

After thirty years, the legislature may purchase the entire estate in the harbor, &c. upon an estimation of the value.

V. And be it further enacted by the authority aforesaid, That the legislature of this province shall be at liberty, at any time beyond the space of thirty years, to purchase the entire estate, property, and use of the said harbor, from the said William Chisholm, his heirs and assigns, by paying to the said William Chisholm, his heirs and assigns, the estimated value of the works so erected by him the said William Chisholm, his heirs and assigns, at the time that they shall be so purchased, to be ascertained by arbitration of three persons, one of whom shall be appointed by the governor, lieutenant governor, or person administering the government of this province, another by the said William Chisholm, his heirs or assigns, and a third by such two arbitrators, together with twenty per cent. advance thereupon, to the credit of which payment all revenue exceeding twenty per cent. upon the said bona fide expenditure, and over and above the expense of maintaining and repairing the said harbor shall be charged and taken; and it is also hereby provided and declared, that if any deficiency of the said twenty per cent. annual profit should occur in the receipt of the tolls or dues of the said harbor, as hereinbefore established, such deficiency shall be also charged against the increasing revenue of the subsequent years, so that the said William Chisholm, his heirs and assigns, may fairly and actually receive the sum of twenty per cent. on the capital expended for the whole time for which he or they shall have been in legal possession and enjoyment of the said harbor.

To be settled by arbitration, and twenty per cent. advance upon such value to be paid in addition.

Any excess of tolls above twenty per cent. on the amount expended, which W. Chisholm shall have received during the period, shall be taken into account as part of the sum to be paid him, and credited to the public accordingly.

VI. And be it further enacted by the authority aforesaid, That whenever the said tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said harbor, and to afford an annual income to the said William Chisholm, his heirs and assigns, of twenty per cent. profit upon the capital actually expended in the construction of the said harbor, from the time of the commencement of its use by vessels as aforesaid, then, and in such case, the increasing surplus revenue of the said tolls shall be charged against the said William Chisholm, as so much by him received in the nature of a sinking fund, by means whereof to purchase from the said William Chisholm, his heirs and assigns, the entire estate, use, and property of the said harbor, or with the wharves, piers, and other appurtenances, to and for the use of the public, in such manner and form as the legislature of this province may hereafter provide.

Excess of the tolls above twenty per cent. on the capital invested, shall be regarded as a sinking fund, to accumulate for the purpose of purchasing the said harbor, for the public use.

VII. And be it further enacted by the authority aforesaid, That the said William Chisholm, his heirs and assigns, shall at any time, when so required by either branch of the legislature, furnish a true and correct copy, verified upon oath, of the imports and exports into and out of the said harbor, and of the tolls and dues levied and collected on the same; and that after the first day of January, in the year of our Lord one thousand eight hundred and thirty-eight, the rate of tolls to be charged and taken by the said William Chisholm, his agent or agents, at the said harbor, on all goods imported into or exported therefrom, shall be subject to the regulation of the legislature of this province.

Wm. Chisholm to account.

After January 1, 1838, the tolls may be further regulated by the legislature.

VIII. And be it further enacted by the authority aforesaid, That this act shall continue in force for the space of fifty years from the time of the passing thereof, and from thence to the end of the then next ensuing session of parliament, at which time the estate, right, title, tolls, and rates, of the said harbor, together with the piers, wharves, waters, and navigation thereof, shall vest in his Majesty, his heirs and successors, to and for the public use of this province, and at the disposition of the parliament thereof, unless otherwise provided for by any act of the legislature for that purpose at any time hereafter enacted.

Act to be in force for fifty years, at the end of which period the harbor and all right to tolls, &c. shall vest in his Majesty.

Chapter XX.

An act for enabling William Warren Baldwin, esquire, to carry into effect the will of the late Laurent Quetton Saint George, and for other purposes relating to the real and personal estates which were of the said Laurent Quetton Saint George.

(See 1st Wil. IV, c 27.)

[Reserved for his Majesty's consent, which was not given within the time allowed by law.]

An Act,

To secure to and confer upon certain inhabitants of this province, the civil and political rights of natural born British subjects.

[Assented to by his Majesty in council, May 7th, 1828.]

Preamble.

WHEREAS it is expedient to remove by law doubts that may have arisen as to the civil rights and titles to real estate of some of the persons hereinafter mentioned, and to provide by some general law for the naturalization of such persons not being by law entitled to be regarded as natural born subjects of his Majesty, as are actually domiciled in this

province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all persons who have at any time received grants of land in this province from the crown, and all persons who have held any public office in the province, under the great seal or privy seal of the province, or under the sign manual of the governor, lieutenant governor, or person administering the government of the province, and all persons who have taken the oath of allegiance, or being of the persons who by the laws of this province are allowed to affirm in civil cases, have made the affirmation of allegiance to his Majesty, or his Majesty's predecessors, before any person duly authorized to administer such oath or affirmation, and all persons who had their settled place of abode in this province before the year of our Lord one thousand eight hundred and twenty, and are still resident therein, shall be, and are hereby admitted and confirmed in all the privileges of British birth, and shall be deemed, adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart, or transmit, any real estate in his Majesty's dominions, or any right, title, privilege, or appurtenance thereto, or any interest therein, to have been natural born subjects of his Majesty, to all intents, constructions, and purposes, whatsoever, as if they and every of them had been born in his Majesty's united kingdom of Great Britain and Ireland, and that the children, or more remote descendants, of any person or persons of either of the foregoing descriptions who may be dead, shall be, and are hereby admitted to the same privileges which such parents or ancestors, if living, could claim under this act: Provided, nevertheless, That no one (except females) of either of the above description of persons who has not taken the oath, or being of those persons who are allowed by the laws of this province to affirm in civil cases, has not made the affirmation of allegiance before some person duly authorized to administer the same, shall be entitled to the benefits of this act, unless he shall take the said oath or affirmation (as the case may be) before some person duly authorized to administer the same.

Certain descriptions of persons admitted to, and confirmed in the privileges of British birth.

Their children or descendants.

Oath of allegiance required.

All persons domiciled in this province on the 1st of March, 1828, and residing seven years, to be deemed subjects.

II. And be it further enacted by the authority aforesaid, That all persons actually domiciled in this province on the first day of March, one thousand eight hundred and twenty-eight, not being of either of the descriptions of persons before mentioned, who shall have resided, or shall continue to reside therein, or in some other part of his Majesty's dominions, until they shall have been resident inhabitants of his Majesty's dominions for the space of seven years continually, without having been during that time stated residents in any foreign country, shall be deemed and adjudged, and taken to be, and so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart, or transmit, any real estate in this province, or any right, title, privilege, or appurtenances thereto, or any interest therein, to have been natural born subjects of his Majesty, to all intents, constructions, and purposes whatsoever, as if they, and every of them, had been born within this province: Provided, nevertheless, That no one of the persons described in this clause (except females) who at the passing of this act has been resident in his Majesty's dominions seven years continually as aforesaid, shall be entitled to the benefits of this act, unless within three years from and after the passing of this act, if at the said passing of the act, he shall be of the age of sixteen years or upwards, (or if he shall not at the said passing of the act be of the said age, then within three years after he shall attain the said age,) he shall take and subscribe the oath in the schedule to this act annexed, marked *A.*, or being of those persons who are allowed by the laws of this province to affirm in civil cases, shall make affirmation to the same effect, before the register or deputy register of some county in this province, and that no one of the persons described in this clause, who has not been resident as aforesaid seven years continually in his Majesty's dominions, shall be entitled to the benefits of this act, unless within three years after he shall have completed a stated residence of seven years continually, as aforesaid, in his Majesty's dominions, (if at the completion of such residence he shall be of the age of sixteen years or upwards, or if at that time not of that age, then within three years after he shall have attained that age,) he shall take and subscribe such oath, or make such affirmation.

Oath to be taken, or affirmation.

(Period for taking the oath extended to four years from 16th March, 1831, and to the end of the ensuing session. See 1st Wil. IV, c 8, s 2.)

False swearing, perjury.

III. And be it further enacted by the authority aforesaid, That any person who shall wilfully swear falsely, or make false affirmation in making said oath or affirmation before the register or his deputy, under the provisions of this act, shall be deemed guilty of wilful and corrupt perjury, and that every such person shall, on conviction thereof, forfeit all the privileges and advantages which he would otherwise by such oath or affirmation

have been entitled to under this act; but that the rights of others in respect to estates derived from or held under such persons, shall not be thereby prejudiced. *But rights of others shall not be prejudiced thereby.*

IV. And be it further enacted by the authority aforesaid, That the register of each and every county in this province, or his deputy, shall administer the oath or affirmation by this act required, to any person above the age of sixteen years who shall desire to take the same, and shall keep books of registry, in the beginning of which shall be written the oath and affirmation required by this act, and which shall contain the columns and specifications described in the second schedule to this act annexed, marked *B.*, and that in the column appointed for that purpose, the person making the oath or affirmation shall set his signature, or if unable to write, his mark, in the same line of the register in which entry is made of the name and description of such person. *Registers may administer the oaths, and shall keep registers.*

V. And be it further enacted by the authority aforesaid, That duplicate books of such registry shall be kept, both of which being original, shall contain the actual signatures or marks of the person subscribing, and that on or before the thirty-first day of December, in each and every year, the register shall transmit one of the originals thereof to the secretary of the province, for the time being, and that the said books of registry shall remain and be preserved as public records in the said offices respectively. *Duplicate registers to be made and how preserved.*

VI. And be it further enacted by the authority aforesaid, That if from any casualty or otherwise, either of such original registers, or any part thereof, shall be lost or destroyed, it shall be supplied by a copy taken from the other original of such register, remaining in the office of the register or secretary of the province, (as the case may be,) and attested as a true copy upon the oath of the officer having custody of the same, made before any commissioner for taking affidavits in the court of king's bench, which copy so attested shall be regarded to all intents and purposes as the original register. *In case of loss of registry, how supplied.*

VII. And be it further enacted by the authority aforesaid, That a copy or extract from any book of registry, made under the authority of this act, of the whole entry made in such register, with respect to any person whose name is recorded therein, and certified by the register or by the secretary of the province, for the time being, or their respective deputy or deputies, shall be deemed and taken to be sufficient evidence of the naturalization of the person therein described. *Extract of register to be evidence.*

VIII. And be it further enacted by the authority aforesaid, That whenever any register shall transmit any book of registry to the secretary of the province, as hereinbefore provided, he and his deputy, if he shall have a deputy, shall at the end of such book of registry verify the same on oath, to be taken before some one of his Majesty's justices of the peace, in which the said register and his deputy shall severally depose that to the best of his or their knowledge and belief, such book of registry forms a true and correct record of the statements made to him or them by the several persons therein described, and which they severally verified by oath or affirmation taken before him or them. *Register shall verify his books on oath.*

IX. And be it further enacted by the authority aforesaid, That after the first day of January, in the year of our Lord one thousand eight hundred and fifty, no further oaths shall be administered, or proceedings had, for the purpose of being naturalized under this act. *No proceedings to be had under this act after 1850.*

X. Provided always, and be it further enacted by the authority aforesaid, That if any person to whom it shall belong to attest the truth of any such record, shall neglect or omit to attest the same in manner aforesaid, he shall forfeit and pay the sum of two hundred pounds, to be recovered by information in his Majesty's court of king's bench; but such omission shall not prejudice the right of any person who may have taken the oath or made the affirmation required by this act, or preclude him from receiving a certificate or extract, according to the provisions thereof. *Penalty for omitting to verify record.*

XI. And be it further enacted by the authority aforesaid, That a general alphabetical list shall be made and kept by the secretary of this province, and by the several registers, of the sir names and christian names of all persons whose names and descriptions are recorded in the several books of registry, referring to their place in such books respectively, and that such list and books shall be open at all times to inspection, during the hours of business in such office, and that any person desirous of searching in the said list or books, shall pay to the officer keeping the same, one shilling, for each person whose name he shall desire to search for. *Alphabetical lists.* *Books to be left open for inspection.* *Fee for search.*

XII. And be it further enacted by the authority aforesaid, That for administering the oath or affirmation as aforesaid, making the entry required by this act, and giving a certified copy or extract of such entry, the register or his deputy shall be entitled to demand and recover from every person making such oath or affirmation, the sum of one shilling and three pence; and that the register and secretary of the province, and their respective deputies, shall be entitled to demand and receive for searching and giving such extract at any other time, the sum of one shilling; and that no more or other fees than are expressly allowed by this act shall be demanded or received for any services done under this act, by the register or by the secretary of the province, or their respective deputies. *Fees.*

Remedy in case of persons dying before they can be naturalized under this act.

XIII. And be it further enacted by the authority aforesaid, That if any person, not entitled to be regarded as a natural born subject of his Majesty, who at the time of the passing of this act was domiciled in this province, shall die before the period limited by this act for his taking the oath, according to the provisions thereof, such person shall be nevertheless deemed to have been a natural born subject of his Majesty, so far as regards the taking, holding, imparting, and transferring of any real estate, by grant, marriage, dower, devise, or inheritance.

Acts respecting eligibility to the assembly, or 54th Geo. III, c 9, not to be affected by this act.

XIV. And be it further enacted by the authority aforesaid, That nothing in this act contained shall be taken to repeal, or in any manner alter or affect any statute passed by the legislature of this province, respecting the qualification of voters for members to serve in the assembly of this province, or the eligibility of members to serve in the said assembly, or in any manner to affect or interfere with a certain act of the legislature of this province passed in the fifty-fourth year of his late Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty," or with any proceedings had thereupon, or to repeal any laws now in force in this province for the naturalization of foreigners.

Remedy with respect to estates held by aliens, or derived thro' aliens.

XV. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person shall be disturbed in the possession, or shall be precluded from the recovery, of any lands, tenements, or hereditaments, in this province, on the ground of his or her being or having been an alien, or on the ground of any person from or through whom he or she may claim, being or having been an alien, provided the person against whom such disability shall be so objected, being a female, was resident in this province on the twenty-sixth day of May, in the year of our Lord one thousand eight hundred and twenty-six, or being a male, was resident in this province on the said twenty-sixth day of May, and was then actually under the age of sixteen years.

Exceptions in certain cases.

XVI. And be it further enacted by the authority aforesaid, That in all cases where any person claiming to hold as next entitled, on account of any person nearer in the line of descent having been an alien, shall in virtue of such claim have taken actual possession of any real estate, before the said twenty-sixth day of May, and have made improvements thereon; and also, in all cases where any person claiming to hold as next entitled, on account of the person nearer in the line of descent having been an alien, shall have actually sold or departed with, or shall have actually contracted to sell or depart with his real estate, before the said twenty-sixth day of May, no person being at that time in adverse possession of the same; the provisions of this act shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this act had not passed.

Schedules.

A.

I do swear, [or being one of the persons allowed by law to affirm in civil cases, do affirm,] that I have resided seven years in his Majesty's dominions, without having been during that time a stated resident in any foreign country, and that I will be faithful and bear true allegiance to the Sovereign of the united kingdom of Great Britain and Ireland, and of this province, as dependent thereon.

B.

NAME.	PRESENT RESIDENCE.	ADDITION, DEGREE, OR OCCUPATION.	SIGNATURE.	DATE OF REGISTRY.	NUMBER OF ENTRY.

First Session of the tenth Provincial Parliament.

MET AT YORK, ON THE EIGHTH DAY OF JANUARY, 1829, AND PROROGUED ON THE TWENTIETH DAY OF MARCH, IN THE TENTH YEAR OF THE REIGN OF GEORGE IV.

SIR JOHN COLBORNE, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1829.

Chapter I.

An act to provide for the admission of the evidence of Quakers, Menonists, Tunkers, and Moravians, in criminal cases.

[Passed March 20, 1829.]

Preamble.

WHEREAS the administration of the law in criminal proceedings is much impeded by reason that the evidence of persons belonging to certain religious sects, who from scruples of conscience decline taking an oath, cannot be received, to the impunity of offenders, and the consequent encouragement of crime; for remedy whereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, every Quaker, Menonist, or Tunker, or person being a member of the church or congregation known by the name of "Unitas Fratrum," or the United Brethren, sometimes otherwise called the Moravian church, in any criminal case in which an oath is required by law, or upon any lawful occasion whatever in the administration of the law, for the prevention or punishment of offences wherein the oath of any persons can be admitted, may make his or her affirmation or declaration in these words following, that is to say: "I, A. B., do solemnly, sincerely, and truly declare and affirm," having first made the following declaration or affirmation, viz: "I, A. B., do solemnly, sincerely, and truly declare, that I am one of the society called Quakers, Menonists, Tunkers, or Unitas Fratrum, or Moravians," (as the case may be;) which affirmation or declaration as aforesaid, of any Quaker, Menonist, Tunker, or person being of the said church or congregation called Moravians or United Brethren, shall be, and is hereby declared to be, of the same force and effect to all intents and purposes, in all courts of law or other places where by law an oath is or shall be allowed, authorized, directed, or required, for the purposes aforesaid, as an oath taken in the usual form; and all and every person and persons who is or are or shall be authorized or required to administer any oath for any of the purposes aforesaid, by any law now in force or hereafter to be made, although no express provision is made for that purpose in any such law, shall be, and is or are hereby, required to administer such affirmation or declaration.

Quakers, Menonists, Tunkers, and Moravians admitted to give evidence in criminal cases.

Form of affirmation.

Previous declaration.

Evidence so given to have the same effect as if on oath.

All persons authorized to administer oaths in criminal cases may take affirmations.

II. And be it further enacted by the authority aforesaid, That if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which if the same had been deposed in the usual form upon oath, would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures, and disabilities, which by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Perjury may be assigned on false affirmation.

III. And be it further enacted by the authority aforesaid, That no Quaker, Menonist, or Tunker, or person belonging to the society of United Brethren or Moravians, shall by virtue of this act be qualified or permitted to serve on juries, in criminal cases.

Persons admitted to affirm under this act not to serve on juries in criminal cases.

Chapter II.

An act to authorize the detention of debtors in certain cases.

[Passed March 20, 1829.]

Preamble.

Whereas from the delay and inconvenience to which creditors are at present by law in many cases subjected, in procuring the necessary process for the speedy arrest of debtors, such debtors are enabled to escape without being arrested, it is therefore expedient to provide some more speedy and effectual method of proceeding for the detention of debtors about to leave the province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'"

Justices may issue detaining warrants.

and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any of his Majesty's justices of the peace, upon affidavit made before him, to issue his warrant, under his hand and seal, and cause the defendant to be arrested and detained until he can be served with a proper process of the court in which the plaintiff may intend to proceed with his suit for the recovery of his debt; which affidavit shall be made by the plaintiff, his, her, or their servant, clerk, or agent, and may be in the form hereinafter mentioned, or to a similar effect, intent, or meaning: Provided, nevertheless,

Detention not to exceed four days.

That the time of such detention by virtue of such warrant, shall in no case exceed the space of four days, and that nothing in this act shall extend, or be construed to extend, to dispense with the necessity of filing the usual affidavit required by law, previous to the writ of capias ad respondendum issuing from the office of the clerk of the crown, or his deputies, or from the clerks of the several district courts in the respective districts.

The usual affidavit must be filed before capias ad respondendum can issue.

Sheriff must receive debtors so detained, and keep them in gaol, but not longer than forty-eight hours.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, and each and every sheriff is hereby required in every district where such warrant of the justice of the peace shall so have issued, to receive such debtor so arrested and detained by any constable, into his custody, at the gaol of the district, and the said debtor detain, for any period not exceeding forty-eight hours.

Act limited to two years, &c.

III. And be it further enacted by the authority aforesaid, That this act be and remain in force for the space of two years, and from thence to the end of the next ensuing session of parliament, and no longer.

Form of the Affidavit.

Form of affidavit for detaining warrant.

District, to wit:
A. B. of the township of in the district, maketh oath and saith, that C. D. is justly and truly indebted to him or her, this deponent, [as the case may be,] in the sum of £ of lawful money of Upper Canada; and deponent further saith, that he or she is apprehensive that the said C. D. will leave this province without satisfying the said debt, before the regular process can issue to hold him to bail, and that he or she does not sue out process from any vexatious or malicious motive whatsoever. Sworn before me, at in the district, this day of 18

Form of the Warrant.

Form of the warrant.

To a constable of the district of
These are to command and require you, to take into your custody, C. D., and his person detain in security until the expiration of four days from the time of actual arrest, A. B. having made oath before me, as a justice of the peace, that the said C. D. is indebted to him in the sum of £ and for so doing, this shall be your sufficient authority.
E. F. (L.S.)
Dated at in the district of this day of 18 *J. P.*

Fees allowed.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the persons hereinafter mentioned to demand and receive the following fees, and no more:

Justices of the peace, for each affidavit, two shillings and six pence.
For each warrant, two shillings and six pence.
Constable apprehending debtor, two shillings and six pence.
Every mile of travel, four pence.
For actual detention in charge, per diem, five shillings.

Chapter III.

An act the better to protect the Mississaga tribes, living on the Indian reserve of the river Credit, in their exclusive right of fishing and hunting therein.

[Passed March 20, 1829.]

Preamble.

Whereas heretofore the principal chiefs and warriors of the Mississaga Indians, that is to say, Chechalk, Osenega, Acheton, and others of the said chiefs, for themselves and their people, did sell, make over, and surrender, by several deeds registered in the office of the secretary of the province, to his Majesty, King George the Third, his heirs and successors, divers large tracts of land lying between the river Etobicoke and the head of

the lake Ontario, reserving to themselves, their people, and their posterity forever, amongst other portions of the said tracts, a certain parcel thereof on the river Credit, called in the Indian language the river Mazenahekasepa, with the sole right to the fisheries therein, which parcel of land so reserved is, in the office of the surveyor general, described as follows, that is to say; commencing in the southern boundary of the said reserve, at a large white oak squared post, planted by Mr. Wilmot, deputy surveyor, in the year one thousand eight hundred and six, standing on the bank of lake Ontario, one mile southwesterly from the said river; thence north sixty-nine degrees west, sixty-three chains, thirty-one links, more or less, to where the said boundary line forms the first angle; thence south sixty-four degrees west, one hundred and ninety-one chains, more or less, to where the said boundary line forms the second angle; thence north, forty-five degrees west, twenty chains, more or less, to within the distance of fifty chains of the eastern limit of Dundas street; thence north, thirty-eight degrees east, parallel to Dundas street, three hundred chains, more or less, to the intersection of the said line with the northern boundary line of the said reserve, produced on a course north sixty-nine degrees west, from a squared white oak post, planted in the year one thousand eight hundred and six, by the said deputy surveyor, piled with stone, near the bank of lake Ontario, one mile from the river Credit, at right angles from the general course to the first bend of the said river, which is north sixty-nine degrees west; thence along the said northern boundary line on a course south sixty-nine degrees east, one hundred and eighty-five chains, more or less, to lake Ontario, at the last mentioned squared post; thence along the water's edge of the said lake to the place of beginning, containing four thousand acres, more or less; and whereas the tribe of the said Mississagas living on the said river Mazenahekasepa, or Credit, have by petition to his excellency sir John Colborne, complained of many unwarrantable disturbances, trespasses, and vexations, practised by divers idle and dissolute fishermen, and others, upon the said reserved parcel of land and fishery aforesaid, thereby unjustly diminishing the source of their subsistence, wantonly destroying fish and game, and setting evil examples by their rudeness and ill manners towards the said worthy and unoffending people; and it is necessary to prohibit such unwarrantable disturbances, trespasses, vexations, and evil example, in order to preserve to the said Mississaga people the quiet and peaceable enjoyment of their said land and fishery, and the rights and privileges thereunto belonging; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if, after the passing of this act, any person or persons whatsoever, against the will of the said Mississaga people, or without the consent of three or more of their principal men or chiefs, shall hunt or fish in any way, mode, or manner, whatsoever, for fish, or game, or fur, of any kind, upon the said reserved parcel of land and waters thereof, such person or persons so offending shall be liable to be taken by one of the principal men of the said Indian people, and one of the sworn constables of the said district, before any one of his Majesty's justices of the peace, convenient to the said reserved parcel of land, and being convicted by the oath of one or more creditable witness or witnesses, before such justice of the peace, shall be committed to prison in the next gaol, there to remain for a space of time not less than one, nor more than three days; and the fish, flesh, game, and fur, taken with the offender, shall be deemed to belong to the Indians arresting and taking such offender; and the boat, skiff, canoe, net, spears, light-jacks, traps, springs, or other craft or implements in the possession of the offender at the time of the offence, or set, placed, laid, moved, or otherwise used by him in hunting or fishing on the said reserved land, and the waters thereof, against the provision of this law, shall be liable to be seized and taken by the said Indian people, and held and taken to be public property of the said Indian tribe, disposable at the discretion of their principal men or chiefs, for the public benefit of the said tribe.

Reserve made for the Mississaga Indians on the river Credit, with a right of fishery.

Boundaries of such reservation.

Petition of the said Indians.

Persons restrained from hunting or fishing on the said reservation, without consent from the Indians.

Penalty.

Mode of conviction.

Imprisonment of offenders.

Forfeiture of utensils used in hunting or fishing.

How to be disposed of.

II. And whereas it may be necessary to obviate all doubt or ignorance of the extent of the said right of fishing so necessary to the existence and support of the said Indian tribe living on the said river Mazenahekasepa, or Credit; be it therefore enacted by the authority aforesaid, That the said right to the sole fishery aforesaid shall be held and taken to extend through the entire stream, from Racey's line down its course, to its mouth, and from thence one mile into lake Ontario, occupying such a space thereon as may be supposed to be included in the segment of a circle, having the middle of the said river at its mouth as the centre, and the distance thence to the eastern boundary where it touches the shore as its radius, whereby to describe the said segment from the east to west boundaries thereof on the shore as aforesaid: Provided always, nevertheless, That nothing

Limits defined within which such exclusive privilege is to be enjoyed by the Indians.

This act not to take away any common law remedy for offences committed against the Indians.

herein contained shall extend, or be construed to extend, to take away or in any wise diminish, the common law rights and remedies, which the said Indian people may at any time be desirous of availing themselves, as other subjects of his Majesty within this province, in protection of their lands from trespass, waste, or other damage whatsoever; neither shall any thing herein contained extend, or be construed to extend, to prevent or in any wise to obstruct any of his Majesty's subjects, in travelling, passing, and repassing, by themselves, their teams and carriages, by and along any public highway or road now or hereafter laid out by lawful authority, in or over any part of the said reserved land, nor to prevent or in any wise to obstruct any of his Majesty's subjects with their vessels, boats, and rafts, to navigate freely the said river and waters, for the purposes of trade or other lawful occasion.

The privileges hereby granted not to obstruct travellers on public highways, on the free navigation of the river.

III. And be it further enacted by the authority aforesaid, That this act shall continue in force for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter IV.

An act to afford greater facility in procuring testimony upon claims to lands in this province, by the heirs or devisees of the original nominees of the crown, or their assignees.

(Referring to 48th Geo. III, c 10, and 4th Geo. IV, c 7.)

[Passed March 20, 1829.]

Preamble.

Whereas under the several acts now in force in this province to afford relief to those persons who may be entitled to claim lands in this province, as heirs or devisees of the original nominees of the crown, or their assignees, when no patent has been issued, it is doubtful whether the governor, lieutenant governor, or person administering the government of this province, has by the said several acts, power and authority to appoint more than one person in each and every district of this province, for taking and receiving evidence touching and relating to any such claim or claims; and whereas it is necessary to afford greater facility in procuring and receiving such evidence; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for each and every commissioner in his Majesty's court of king's bench in this province, to take and receive the testimony and evidence of any person or persons, relative to such claim or claims to be brought forward under the provisions of the said several acts; which said testimony and evidence upon oath, the said several commissioners in his Majesty's court of king's bench in this province, are hereby authorized and empowered to take and receive; and if any person or persons shall wilfully forswear him, her, or themselves, before any such commissioner authorized to receive testimony under the provisions of this act, he, she, or they shall, on conviction thereof, be subject to the pains and penalties of wilful and corrupt perjury.

Commissioners for taking affidavits in the king's bench, may take affidavits relative to claims under heir and devisee acts.

False swearing in such case, made perjury.

II. And be it further enacted by the authority aforesaid, That for each and every affidavit so to be taken by any commissioner, empowered by this act to take the same, it shall and may be lawful for such commissioner to demand and receive the sum of one shilling, and no more.

Fee for taking affidavits.

Chapter V.

An act to repeal an act passed in the forty-fourth year of George the Third, entitled, "An act for the better securing this province against all seditious attempts or designs to disturb the tranquility thereof."

[Passed March 20, 1829.]

Preamble.

Whereas in the forty-fourth year of his late Majesty's reign, it being thought expedient more effectually to guard the peace of this colony, an act was passed, entitled, "An act for the better securing this province against all seditious attempts or designs to disturb the tranquility thereof;" and whereas the ordinary laws of this province are sufficient for the protection of the inhabitants thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An

act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act be, and the same is, hereby repealed.

44th Geo. III, c 1, repealed.

Chapter VI.

An act to alter the time of holding the court of general quarter sessions of the peace in the Ottawa district.

[Passed March 20, 1829.]

Whereas the periods now fixed by law for holding the courts of general quarter sessions of the peace, in the Ottawa district, are found to be inconvenient, and application hath been made by the magistrates of the said district to alter the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the fourth clause of an act passed in the fifty-sixth year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal part of an act of the parliament of this province passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act for the better division of this province, and more effectually to provide for the administration of justice, by constituting the counties of Prescott and Russell, under certain modifications, a separate district,'" be, and the same is, hereby repealed; and that from and after the passing of this act, the said court of general quarter sessions of the peace, in and for the said district of Ottawa, shall be holden at the place appointed by law for that purpose, on the third Tuesday in the months of January, April, June, and September, in each year.

Preamble.

Section 4th of 56th Geo. III, c 2, repealed.

Times appointed for holding the general quarter sessions in the district of Ottawa.

Chapter VII.

An act to make more effectual provision for settling the affairs of the late pretended bank of Upper Canada.

[Passed March 20, 1829.]

Whereas a certain act of the parliament of this province passed in the fourth year of the reign of his present Majesty, entitled, "An act vesting in the hands of certain commissioners, therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution," and a certain other act of the parliament of this province passed in the fourth year of his present Majesty's reign, entitled, "An act to repeal part of an act passed in the last session of parliament, entitled, 'An act vesting in the hands of certain commissioners therein named, all the stock, debts, bonds, and property of the pretended bank of Upper Canada, lately established at Kingston, for the benefit of the creditors of that institution;' and to make further provision for settling the affairs of the said pretended bank;'" and a certain other act of the parliament of this province passed in the last session, entitled, "An act to repeal the laws now in force respecting the late pretended bank of Upper Canada, and to make provision for settling the affairs of the said institution;" and whereas sundry of the debtors of the said pretended bank have, by petitions to the legislature, complained of grievous injuries sustained by them through the provisions of the before recited acts; and whereas it is the true end and design of legislation, to promote and secure as far as possible universal justice, it is expedient and just to provide other means for a final, amicable, and equitable settlement of the affairs of the said institution; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said several acts hereinbefore recited be, and the same are, hereby repealed.

Preamble.

4th Geo. IV, c 22; 4th Geo. IV, 2d session, c 21, and 9th Geo. IV, c 11, repealed.

Certain persons appointed commissioners for settling the affairs of the late pretended bank of Upper Canada.

II. And be it further enacted by the authority aforesaid, That Hugh Christopher Thomson, Henry Smith, and John Strange, be and are hereby appointed to act as commissioners to settle the affairs of the late pretended bank, lately established at Kingston, and in case of vacancy by death, removal from the district, or resignation of any one of them, it shall and may be lawful for the remaining commissioners to appoint another person of their mutual choice, to supply such vacancy, in one week from the time of its occurrence.

How vacancies shall be supplied.

Books and other documents to be delivered over to the commissioners.

III. And be it further enacted by the authority aforesaid, That the commissioners heretofore appointed for settling the affairs of the late pretended bank, shall, within two weeks after the passing of this act, and demand made, deliver over, or cause to be delivered over, upon such demand, to the commissioners hereinbefore named, all the books, papers, documents, matters, and things, whatsoever, remaining in their charge, and appertaining to the said late pretended bank, or the affairs thereof.

How commissioners may sue for debts.

IV. And be it further enacted by the authority aforesaid, That the commissioners aforesaid may from time to time prosecute, in and by the name of the Kingston bank commissioners, such actions at law, as may be necessary for the recovery of any debts due to the institution, or to others, to the use or in the behalf or account of the said institution, by mortgage, bond, note, or otherwise; and that all such debts, whether due by specialty, or by simple contract, may, if the plaintiff shall choose to sue in that form, be recovered in an action on an account stated, as between the defendant and the parties suing by the name aforesaid, and such specialty, or other proof of debt, may be received as evidence of an account stated: Provided always, That upon request made by any debtor of the said institution, it shall be incumbent upon the said commissioners to refer such debt or demand to arbitration; that the said commissioners and the debtor, before appointing men of their respective choice, shall agree upon some person as the third man in the arbitration, and in case they do not agree in the choice of such person, it shall and may be lawful for the commissioners to write the names of three persons not being debtors or creditors of said institution, or otherwise interested, on slips of paper, and for the debtor to do the same, when the whole shall be put into a box and shook together, and one drawn therefrom by an indifferent person; and the person whose name shall be so drawn shall be the third arbitrator, to act in conjunction with the two to be named by the commissioners and debtor respectively, in considering and deciding upon all matters and things set before them, and their award, or the award of any two of them delivered in writing shall be final, and to all intents and purposes binding on the parties.

In what form of action.

Debtors may insist upon having the claims against them referred to arbitration.

How arbitrators shall be appointed.

Umpire.

Award shall be final.

Statute of limitations not to apply in case the action shall be brought within a year.

V. And be it further enacted by the authority aforesaid, That the statute of limitations shall not apply to bar or extinguish any debt due to the late pretended bank, providing the same shall be put in suit within one year from the passing of this act.

Mode of proceeding against debtors absent from the province.

VI. And be it further enacted by the authority aforesaid, That whenever any person appearing to be indebted to the said institution shall have left this province since the failure of the said institution, and shall not be resident therein, it shall and may be lawful to serve process in any suit, to be instituted under the authority of this act, against such persons, by leaving a copy of such process at the last place of abode of such person, within this province, with any grown up person dwelling or living in such house, or by affixing a copy of such process in the crown office of this province eight days before the return thereof, and that a declaration in every such case being filed in the crown office of this province, and all other and subsequent proceedings in any such case, which in ordinary cases are served upon the defendant, shall be considered to be served by filing the same in the crown office at York, and the office of the deputy clerk of the crown at Kingston, and on notice of such filing inserted for two weeks in the Kingston Chronicle and Upper Canada Herald.

Confirmation of mortgages, bonds, &c. given to or for the use of the late bank.

VII. And be it further enacted by the authority aforesaid, That no bond, mortgage, note, security, or undertaking, of what kind soever, made to the said institution, or to any person or persons to their use, shall be held to be invalid or irrecoverable, on account of any alleged illegality of the said institution.

Notice of their sittings to be published by the commissioners.

VIII. And be it further enacted by the authority aforesaid, That the commissioners to be constituted under this act, shall within two weeks after their appointment, cause notice of their place and hours of business to be advertised in the Upper Canada Gazette, and in all other newspapers in Upper Canada, and in the Montreal and Quebec gazettes, in three successive numbers of each paper, calling upon all holders of notes or certificates, or other creditors of the said late institution, to present their claims within the period of six months, or otherwise such claims will be forever barred and cancelled.

Claims against the institution to be preferred within six months.

All claims barred unless presented before first of November next.

IX. And be it further enacted by the authority aforesaid, That every claim upon the said institution, unless it shall be presented to the commissioners to be appointed under this act, on or before the first day of November next, shall be forever extinguished and barred.

Commissioners may give longer credit to debtors.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners to be constituted under this act, to exercise their discretion in regard to the giving a longer credit to any debtor or debtors to the said late

institution, and that they shall also have authority to accept of property, real or personal, or to receive bills or notes of the said late institution, or certificates given for the same, in satisfaction of the whole or part of any debt which said commissioners are authorized to collect, or make any compromise in regard to any such debt as they may think reasonable and proper.

May accept property real or personal, or bills or notes of the late bank; or make other compromise.

XI. And be it further enacted by the authority aforesaid, That if any person indebted to the said late institution shall before the passing of this act have tendered payment of the debt or any part thereof, due by him in notes of the said late institution, or certificates given for such notes, no interest shall be charged in respect to such debt, or such part thereof as he shall have so tendered payment for, from the time of such tender having been so made.

No interest to be charged to debtors in certain cases.

XII. And be it further enacted by the authority aforesaid, That the commissioners shall make a report to the governor, lieutenant governor, or person administering the government of this province, on the first day of January in every year, of their proceedings under this act, and of the state of the affairs of the said bank, to be laid before the legislature at its next session.

Report of proceedings under this act, shall be laid before the legislature.

XIII. And be it further enacted by the authority aforesaid, That the commissioners who shall be constituted under this act shall make dividends among the creditors of the said late institution, of the monies collected by them, as often as they shall have sufficient to divide two shillings in the pound, first deducting therefrom their necessary disbursements in the execution of this act.

Dividends to be made.

Disbursements to be deducted.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners shall have authority, after receiving such payment or compromise as they may deem reasonable and proper, to release and discharge any bonds, mortgages, specialties, notes, or securities, of any kind whatsoever, given by any person or persons to the commissioners heretofore appointed for the settlement of the affairs of the said institution, or to the said pretended bank, or to any person or persons, for the use, benefit, or security of the said institution, whether it be expressed in such bond, mortgage, specialty, note, or security, that the same was given for the use, benefit, or security of the said institution, or not.

Commissioners empowered to release mortgages, discharge bonds, &c.

XV. And be it further enacted by the authority aforesaid, That the claim of the agent appointed by the late directors of the said bank, for settling the affairs and examining the books and accounts of the said bank, shall be ascertained by the said commissioners, and the amount so ascertained to be due to the said agent for the services performed by him, shall be payable from and out of the first monies which shall come into the hands of the said commissioners, applicable to the payment of the debts of the said bank.

Satisfaction to be made to the agent appointed by the late directors of the pretended bank.

XVI. And be it further enacted by the authority aforesaid, That the act of any two commissioners who shall be appointed under this act, shall be valid, so far as the authority of such commissioners shall extend.

Acts of two commissioners to be valid.

XVII. And be it further enacted by the authority aforesaid, That this act shall be deemed to be a public act, and as such shall be judicially noticed without specially shewing the same.

Public act.

Chapter VIII.

An act to make valid under certain restrictions the registry of deeds and conveyances, made by the registrar of the county of Northumberland, under an appointment adjudged to be invalid.

[Passed March 20, 1829.]

WHEREAS in or about the year of our Lord one thousand eight hundred and eight, Thomas Ward, esquire, was appointed registrar of the county of Northumberland, in the district of Newcastle, and in that capacity registered many conveyances and other deeds relating to real estate in the said county; and whereas the appointment of the said Thomas Ward was afterwards adjudged by the court of king's bench in this province to be invalid, and he was therefore removed from the said office, but hath since continued to keep the memorials and registries of all such deeds and conveyances in his custody, and purchasers and others are exposed to loss and inconvenience from not being able to satisfy themselves of the state of any title, by searching in the office of registrar of the said county; for remedy thereof, be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the

Preamble.

Certain registries of conveyances made by Thomas Ward, esq. under an invalid appointment as registrar of the county of Northumberland

Memorials and registries so made by T. Ward shall be transmitted to the present registrar for Northumberland.

same, That the said Thomas Ward shall, within two months from the passing of this act, transmit and deliver over to the registrar of the said county of Northumberland, all such memorials and registries by him received and made in the capacity of registrar of such county as aforesaid, and before his appointment was declared void, as hereinbefore recited.

When so transmitted, they shall form public records of such office.

II. And be it further enacted by the authority aforesaid, That such memorials and registries, when so transmitted and delivered over, shall form part of the papers and records of the office of registrar for the said county of Northumberland, in the same manner as if the same had been entered, proved, and recorded, by any person heretofore legally holding the said office, and that all and every such registries of any conveyance or other deed, entered, made, and certified, by the said Thomas Ward, as such registrar as aforesaid, before his appointment was adjudged void, and his consequent removal from the said office, shall be deemed and taken to have been entered, made, and certified, by the lawful registrar of such county: Provided always, nevertheless, That nothing in this act contained shall extend to invalidate, affect, or interfere with the title, claim, or interest of any purchaser or purchasers of any lands or estates, comprised in any of the said memorials or registries, provided such purchase shall have been made bona fide for valuable consideration, and without notice or knowledge of such lands or estates being comprised in any such memorial or registry, but that such title, claim, or interest, shall be and remain as if this act had not been passed, and not otherwise.

And shall be deemed valid registries.

Claims of innocent purchasers, without notice of any such registry, shall not be prejudiced by this act.

This act to make no alteration in the tenure of the office of registrar.

III. And be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to make any alteration in the tenure of the office of registrar, in any county of this province.

Chapter IX.

(See 8th Geo. IV, c 17; 11th Geo. IV, c 11.)

An act to render effectual certain securities to be given by the Welland canal company, for a loan advanced by his Majesty's government, and for other purposes relating to the said canal; and also for authorizing the making a lateral cut from the Welland canal, through the town of Niagara, to the mouth of the river Niagara, by a company incorporated for that purpose.

[Passed March 20, 1829.]

Preamble.

Petition of Welland canal company recited.

Imperial statute 9th Geo. IV, recited.

Loan made by his Majesty to the Welland canal company.

Conditions exacted.

Authority required to fulfil those conditions.

Power given to the Welland canal company to secure the said loan by mortgage.

Whereas the president and directors of the Welland canal company have by their petition set forth that certain alterations are expedient in the charter of the said company, which it appears proper to provide for; and whereas under and by virtue of an act made and passed by the parliament of the united kingdom of Great Britain and Ireland, in the ninth year of the reign of his present Majesty, entitled, "An act to authorize the advance of a certain sum out of the consolidated fund, for the completion of the Welland canal navigation in Upper Canada," the lords commissioners of his Majesty's treasury have lent and advanced to the Welland company the sum of fifty thousand pounds, sterling money of Great Britain, to be applied by the president and directors of the said company towards defraying the expenses of completing the said canal, upon the condition, however, required by the said act, that the repayment of the monies so advanced, with interest at four per centum per annum, within the term of ten years from the passing of the said last recited act, should be secured by an assignment of the tolls and profits of the said canal, to such persons in such manner and under such conditions and regulations as the said commissioners of the treasury should order and direct; and whereas it may be doubted whether the president and directors of the said Welland canal company can, without legislative authority, pledge the said canal and the tolls and profits thereof, in fulfilment of the assignment for that purpose made by them with the lords commissioners of his Majesty's treasury, through the agency of William Hamilton Merritt, esquire, agent for the said company; and it is just and expedient to remove all such doubts, and to enable the said company to afford the required security to his Majesty's government; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said Welland canal company, by any instrument or instruments, in writing, under the seal of the said company, well and effectually to convey, transfer, and assign, the said Welland canal, and the tolls and profits thereof, and all and singular the funds, property, and effects of the said company, unto such

person or persons as the said commissioners of his Majesty's treasury, or the governor, or lieutenant governor for the time being of the province of Upper Canada, by the direction of the said commissioners have directed, or shall hereafter direct, and to his or their heirs, executors, administrators, and assigns, upon such conditions for redemption thereof, and upon such terms, and with such provisions and conditions, as have been heretofore agreed upon by the lords commissioners of his Majesty's treasury, with the said company, or their agent, and upon such other terms and conditions as the said company shall agree to and think reasonable, for the effectually securing the repayment of the said fifty thousand pounds, and interest as aforesaid, to the satisfaction of the lords commissioners of his Majesty's treasury: Provided always, nevertheless, That no mortgage, or other security, which shall be given by the said company, under the authority of this act, shall have the effect of defeating, or in any manner prejudicing, any security or securities by them given, for monies advanced to them, before the eighteenth day of August, in the year of our Lord one thousand eight hundred and twenty-eight, being the date of the agreement entered into between the lords commissioners of his Majesty's treasury and the agent of the said company.

Such mortgage not to prejudice any security given for prior debts.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and directors of the said company to contract either with his Majesty's government, or with any public company or body, either politic or corporate, or with any private individual, for the loan of any sum or sums of money, to be laid out in the completion of the said canal, and for securing the repayment thereof, to cause to be executed one or more bond or bonds, or other instrument or instruments, in writing, in the name of the Welland canal company, and sealed with the seal of the said company, and signed by the president or vice president, and secretary.

The company authorized to raise further sums by loan;

and to give bonds, &c. for such loan.

III. And be it further enacted by the authority aforesaid, That all such bonds or other securities so to be given, as aforesaid, shall be made payable to the person lending the money therein mentioned, or bearer, and shall be transferable by delivery.

Such bonds may be made transferable by delivery.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company hereafter to increase the dimensions of the feeder they are now constructing from the Grand river to the Deep cut, to the ordinary size of the canal, for the purposes of ship navigation, if they shall deem it expedient.

The company may enlarge the feeder now in progress from the Grand river, so as to make it a canal fit for schooners, &c.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, whose lands shall be taken for, or injured by the said company, or whose mills shall be injured by the stoppage of water, to nominate one arbitrator, and for the company to name another, which two shall name a third, to determine upon their oaths the amount to be paid for the land, or the damages done thereto, which award the directors are hereby required to pay at the time specified therein.

Provision for compensating the owners of lands.

VI. And be it further enacted by the authority aforesaid, That in case the Welland canal company shall not agree with the owner or occupiers of the land through which the feeder is now laid out, on either bank of the Welland river, between Mill creek, above Leonard Misner's and the Deep cut, on or before the first day of June next, upon the price to be paid to such owner or occupiers, for the absolute purchase of so much of the said land as the said company may require, for the purposes of the said canal, or any damages they may claim from the said company, according to the provisions of the charter, it shall and may be lawful for Smith Griffin, of Grimsby, esquire, William D. Miller, of Niagara, merchant, and Moses Brady, of Pelham, farmer, and they are hereby required to assemble at Mr. Berger's, inn-keeper, on the Welland river, at such time as they may appoint, during the month of June next, and to determine what price or sum of money the said company shall or ought to pay to each individual for the land taken and set apart for the purposes of the said company, or any damages as aforesaid.

Arbitration provided for, in case the parties cannot agree.

VII. And be it further enacted by the authority aforesaid, That the said arbitrators shall be sworn before some one of his Majesty's justices of the peace, well and truly to award and determine between the parties what price and damages shall and ought to be paid to each owner or occupier of the land so taken as aforesaid, according to the best of their judgment; and that the witnesses to be examined before the said arbitrators shall be sworn by the said Smith Griffin, before their evidence is received.

Arbitrators and witnesses to be sworn.

VIII. And be it further enacted by the authority aforesaid, That the monies awarded to be paid under this act shall be paid by the aforesaid company to the persons legally authorized to receive the same, within two months from the time of the award being made; and whereas Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, John Barker, and others, inhabitants of the town of Niagara, are desirous of cutting a lateral branch of the said Welland canal from the bottom of the Mountain ridge to the said town of Niagara, and to be incorporated for that purpose; be it therefore further enacted by the authority aforesaid, That the said Alexander Stewart, John Claus, Thomas Butler, John Crooks, Jared Stocking, William Clark, and John Barker, or either of them, together with all such persons as shall become stockholders of the

When money awarded shall be paid.

Petition for a branch canal to the town of Niagara.

company hereinafter mentioned, shall be and are hereby ordained, constituted, and declared, to be a body corporate and politic, in fact, and by the name of "The Niagara Canal Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes, whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the name of "The Niagara Canal Company," shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, and mixed, to and for the use of the said company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary and expedient.

A company incorporated by the name of "The Niagara canal company."

Powers and privileges of the company.

Seal

May hold and dispose of real estate.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Niagara canal company, their engineers, agents, and servants, to explore the country lying between the Welland canal, below the Mountain ridge, in the township of Grantham, and the town of Niagara; and to lay out the route, and to excavate, finish, and complete a branch canal, for boat navigation only, from any part of the Welland canal, below the Mountain, to the town of Niagara, and thence into the Niagara river; and for that purpose to raise by subscription within the said town, or elsewhere, a sum not exceeding twenty-five thousand pounds, in shares of twelve pounds ten shillings each.

May explore a route for the canal leading to Niagara.

For boat navigation only.

£25,000 capital.

X. And be it further enacted by the authority aforesaid, That the affairs of the said Niagara canal company shall be managed by three directors, one of whom shall be president, who shall be elected annually on the first Monday in May in each year, and shall have all the powers, authorities, and privileges, used and exercised, enjoyed or belonging now, by virtue of the charter, to the Welland canal company, in so far as the same are applicable to the making and completing the said branch canal, and keeping the same in repair; and also as to the regulations and by-laws incidental to the good government of a chartered company.

Directors how to be chosen: three in number.

May make by-laws.

XI. And be it further enacted by the authority aforesaid, That as soon as the said Niagara canal company shall have acquired by subscription a sufficient quantity of stock to complete the said branch canal, it shall and may be lawful for the said Welland canal company, on the one part, and the said Niagara canal company, on the other part, to nominate four arbitrators, who shall be neither directly or indirectly interested, two on each side, who shall nominate and appoint a fifth person equally disinterested, to be associated with them, which persons, or a majority of them, shall award and determine what compensation the Niagara canal company shall pay to the Welland canal company, and in what manner, and when, for the water to be withdrawn or taken from the Welland canal company by the proposed lateral branch canal.

Provision for compensating the Welland canal company for the water to be taken for the branch canal.

Arbitration.

XII. And be it further enacted by the authority aforesaid, That if the Welland canal company shall, within six months after the umpirage or award of the said arbitrators, so chosen as aforesaid, refuse to accept the sum, recompense, or profit, so to be awarded as aforesaid, then the stock so subscribed to the Niagara canal company shall thenceforth form part of and be merged in the stock of the Welland canal company; and the said Welland canal company shall thenceforth be entitled to the stock, and be authorized to construct the said lateral branch canal, and shall thereafter be deemed and taken to be part of the Welland canal; and the stockholders in the Niagara canal company shall thenceforth become stockholders in the Welland canal company, according to their respective subscriptions; and the Niagara canal company shall from that time cease and determine.

Welland canal company may decline to accept the sum so awarded in which case the company and stock created by this act shall merge in the Welland canal company.

Provision for that contingency.

XIII. Provided always, and be it further enacted by the authority aforesaid, That the Welland canal company, after assuming the said stock, shall, on payment of twenty-five per cent. on the estimated expense of cutting the lateral branch canal by the said stockholders in the Niagara canal company, immediately commence the said lateral branch canal, and finish the same within two years, upon a sufficient sum being paid in by the said Niagara canal company stockholders for that purpose; and also, that nothing in this act contained, or any other act of this province, shall prevent the stockholders in the Welland canal company, upon assuming the lateral branch stock, as aforesaid, to make the lateral branch canal as aforesaid adequate for ship navigation, without calling on the subscribers to the lateral branch for increase of stock for that or any other purpose whatsoever.

Provision as to commencing the work by the Welland canal company, in case they should assume it.

Canal may be increased for ship navigation.

XIV. And be it further enacted by the authority aforesaid, That the said Niagara canal company, to entitle themselves to the benefits and advantages to them granted by this act, shall, and they are hereby required to, pay into the bank of Upper Canada, on account of the said Welland canal company, the aforesaid sum of twenty-five per cent. on the

Period within which twenty-five per cent. must be paid in by the subscribers to the branch canal.

amount of the said award, and the said estimate for making the said canal, within five years from the completion of the Welland canal between lakes Erie and Ontario, by way of the mouth of the Chippewa river.

Provision for compensating owners of lands for property taken, damages, &c.

XV. And be it further enacted by the authority aforesaid, That the said directors of the said Niagara canal company shall be, and they are hereby, authorized to contract, compromise, and agree, with the owners and occupiers of any land through or upon which the route or line of the said lateral branch may be determined to be cut, for the purposes of the said lateral branch canal, either for the absolute purchase of so much land as shall be required for the said company, or for the damages he, she, or they shall and may be entitled to receive from the said company, in consequence of cutting the said lateral canal; and in case of any disagreement between the said owners or occupiers aforesaid, then the said owners or occupiers and the said directors, shall decide the same by arbitration, in the same manner, and following the same provisions, and according to the terms contained in the act of this province passed in the fourth year of the reign of King George the Fourth, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of the Welland canal company;" and further, that the said arbitrators so to be appointed, according to the said act, shall be paid and indemnified by the said directors within one month after the sitting of the said arbitrators.

Arbitration.

Compensation to the arbitrators.

Not more than five directors shall be hereafter chosen annually by the stockholders in the Welland canal company.

Two to be chosen by the house of assembly.

Certain persons appointed directors for the present year.

XVI. And be it further enacted by the authority aforesaid, That at the annual election of directors, five directors only shall be elected by the stockholders, and so long as any stock shall be held in behalf of this province by the government, two other directors shall be named by the house of assembly at every session; and that from the time of the next election of directors to the end of the next session of parliament, Robert Dickson, esquire, and John J. Lefferty, esquire, be directors of the said company.

Accounts of receipts and expenditure to be laid before the legislature.

XVII. And be it further enacted by the authority aforesaid, That the president and directors of the said company shall, and they are hereby required every year to lay before the legislature, accounts in detail of their receipts and expenditure.

Chapter X.

An act relative to confiscated estates.

(See 54th Geo. III, c 9; 59th Geo. III, c 12; 2d Geo. IV, c 6 and 12.)

[Passed March 20, 1829.]

Preamble.

Whereas it is represented, that in several instances lands have been erroneously confiscated, and sold under the statutes heretofore passed for the disposal of estates forfeited during the late war with the United States of America, the purchasers whereof are willing to relinquish their purchases, and to accept in lieu the lands intended to have been respectively proceeded against; and whereas such arrangements are expedient and just; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners appointed for carrying into effect the aforesaid acts for the disposal of forfeited estates, or the majority of them, from time to time to inquire whether any lots, pieces, or parcels of land, not liable to confiscation, have been, or may be hereafter returned to and sold by them, under the said acts, and if so, also to inquire whether any other lots, pieces, or parcels of land, not returned as forfeited, or if so returned, not actually sold by the said commissioners, was or were liable to confiscation, and whether the same was intended or ought to have been proceeded against instead of the premises so erroneously forfeited and sold; and in case it shall appear to the satisfaction of the said commissioners, or the majority of them, that other lots, pieces, or parcels of land, were intended, or ought to have been proceeded against, instead of the premises that may have been, or may hereafter be respectively erroneously forfeited and sold, it shall and may be lawful for the said commissioners, or the majority of them, to transfer and convey to the purchaser or purchasers of any such lots, pieces, or parcels of land, so erroneously forfeited and sold as aforesaid, and in lieu thereof, and upon the same terms and considerations, provided such purchaser or purchasers shall be willing to accept the same, the lots, pieces, or parcels of land, which they, the said commissioners, or the majority of them, shall so find liable to confiscation, and against which it shall appear proceedings were intended, or

Power given to commissioners for forfeited estates, in certain cases, with consent of parties, to transfer lots which were intended to have been sold, in place of those which, by error, were actually sold, and to accept a transfer of the lot erroneously sold, in return.

ought to have been originally instituted, the said last mentioned lands being first duly vested in the said commissioners, pursuant to the provisions of the statutes hereinbefore mentioned.

The lands transferred back to the commissioners as having been erroneously sold, may be by them conveyed to the rightful claimant thereof.

II. And be it further enacted by the authority aforesaid, That whenever any such lots, pieces, or parcels of land, so erroneously sold as aforesaid, shall be relinquished by the purchaser or purchasers thereof as aforesaid, it shall and may be lawful for the said commissioners, or the majority of them, to decree and transfer the same to the proper owner or owners therof, according to his, her, or their lawful and just estate and right therein.

When the purchaser of lands erroneously sold, shall decline accepting the intended lands in exchange, the money paid by him shall be repaid with interest, and the land conveyed to the rightful owner.

III. And be it further enacted by the authority aforesaid, That in case the purchaser or purchaser of any lots, pieces, or parcels of land, that have been, or may hereafter be erroneously sold as aforesaid, shall decline accepting in lieu thereof the premises which ought to have been proceeded against and sold, or in case there shall be no other lands to substitute for such erroneous sale or sales, it shall and may be lawful for the commissioners, or the majority of them, to restore to the said purchaser or purchasers the purchase money paid to the said commissioners, by him, her, or them, respectively, with lawful interest thereon from the period of payment, provided he, she, or they shall be willing to accept the same, and thereupon to decree and transfer the lots, pieces, or parcels of land, so erroneously sold as aforesaid, to the righful owner or owners thereof, as hereinbefore provided in the second section of this act.

Chapter XI.

An act to improve the navigation of lake Ontario, by authorizing the construction of a harbor at Cobourg, by a joint stock company.

[Passed March 20, 1829.]

Preamble.

Whereas the construction of a safe and commodious harbor at Cobourg, in the district of Newcastle, would manifestly tend to the improvement of that part of this province, as well as be of great advantage to all persons in any way concerned in the navigation of lake Ontario; and whereas Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash, and Archibald M'Donald, have petitioned to be by law incorporated for the purpose of effecting the construction of such harbor, by means of a joint stock company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said Walter Boswell, George Strange Boulton, Benjamin Throop, Charles Perry, Ephraim Powell, James Gray Bethune, John Gilchrist, Ebenezer Perry, Dougald Campbell, Henry Ruttan, Stoddard Bates, Alexander Neil Bethune, Joseph Ash, and Archibald M'Donald, together with all such other persons as shall become stockholders in such joint stock or capital as is hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared, to be a body corporate and politic, in fact, by and under the name and style of "The President, Directors and Company of the Cobourg Harbor;" and that by this name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts or places whatsoever, in all manner of suits, actions, complaints, matters, and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of "The President, Directors and Company of the Cobourg Harbor," shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, or otherwise departing therewith, for the benefit and on the account of the said company, from time to time, as they shall deem necessary and expedient: Provided always, That nothing herein contained shall extend, or be construed to extend, to allow the said company to carry on the business of banking.

Petition for an act of incorporation to make a harbor at Cobourg.

A company incorporated, to be called the president, directors and company of the Cobourg harbor.

Powers and privileges of the company.

Seal.

Not to carry on the business of banking.

Company authorized to construct a harbor at Cobourg.

II. And be it further enacted by the authority aforesaid, That the said company are hereby authorized and empowered, at their own cost and charge, to construct a harbor at Cobourg aforesaid, which shall be accessible to, and fit, safe, and commodious for the reception of, such description and burthen of vessels as commonly navigate the said lake;

and also to erect and build all such needful moles, piers, wharves, buildings, and erections, whatsoever, as shall be useful and proper for the protection of the said harbor, and for the accommodation and convenience of vessels entering, lying, loading, and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

To contract for the purchase of lands required for making the harbor; or to compromise for damages done by them.

III. And be it further enacted by the authority aforesaid, That the directors of the said company shall be, and they are hereby, empowered to contract, compound, compromise, and agree, with the owners and occupiers of any land through or upon which they may determine to cut and construct the said intended harbor, with all necessary and convenient roads, streets, and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said company, or for the damages which he, she, or they shall and may be entitled to recover from the said company in consequence of the said intended harbor, roads, streets, and approaches thereto, being cut, made, and constructed, in and upon his, her, or their respective lands; and in case of any disagreement between the said directors and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful, from time to time, as often as the said directors shall think fit, for each owner or occupier so disagreeing with the said directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be arbitrators, to award, determine, adjudge, and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to, attend at some convenient place in the vicinity of the said intended harbor, to be appointed by the said directors, after eight days' notice given them for that purpose by the said directors, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of his Majesty's justices of the peace in and for the said district, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: Provided always, That any award made under this act shall be subject to be set aside on application to the court of king's bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case reference may be again made to arbitrators as hereinbefore provided.

In case of disagreement an arbitration provided for.

Nomination of arbitrators.

Regulation respecting the award.

Tolls and rates appointed.

IV. And be it further enacted by the authority aforesaid, That as soon as the said harbor shall be so far completed as to be capable of receiving and sheltering vessels, the said company shall have full power and authority to ask for, demand, receive, recover, and take as toll, to and for their own proper use and benefit and behoof, on all goods, wares, and merchandize, shipped or landed on board, or out of any vessel or boat from or upon any part of the lake shore, between the east boundary of lot number thirteen and the west boundary of lot number nineteen, in the township of Hamilton, in the said district of Newcastle, and upon all vessels and boats entering the said harbor, according to the rates following; that is to say:

Pot and pearl ash, per barrel, nine pence.
Pork, whiskey, salt, beef, and lard, per barrel, six pence.
Flour, per barrel, four pence.
Merchandize, per barrel bulk, six pence.
Lard and butter, per keg, one penny half-penny.
Merchandize, per ton, seven shillings and six pence.
West India staves, per M. two shillings and six pence.
Pipe staves, per M. twelve shillings and six pence.
Wheat and other grain, per sixty pounds, one penny.
Lumber, per M. feet, board measure, one shilling and three pence.
Boats and vessels under twelve tons, one shilling and three pence.
Boats under five tons, free.
Boats or vessels above twelve tons, and not over fifty, two shillings and six pence.
Vessels over fifty tons, five shillings.

Harbor, &c. vested in the company.

V. And be it further enacted by the authority aforesaid, That the said harbor, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares, or merchandize, as hereinbefore mentioned, shall be, and the same are hereby, vested in the said company and their successors forever.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this act, it shall and

Compelling payment o tolls.

may be lawful for the said company, or their officer, clerk, or servant, duly appointed, to seize or detain the goods, vessels, or boats, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said company, or their officer, clerk, or servant, as aforesaid, may sell or dispose of the said goods, vessels, or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner or owners thereof.

Directors how chosen.

VII. And be it further enacted by the authority aforesaid, That the property, affairs, and concerns of the said company shall be managed and conducted by seven directors, one of whom shall be chosen president, who shall hold their offices for one year, which said directors shall be stockholders to the amount of at least four shares, as well as inhabitants of this province, and be elected on the first Monday in February in every year, at Cobourg, at such time of the day as a majority of the directors, for the time being, shall appoint, and public notice thereof shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the said district of Newcastle, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose, in their own proper persons, or by proxy, and all elections for such

To be seven in number.

directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election, shall be directors; and if it shall happen at any such election, that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of seven; and the said directors so chosen, as soon as may be after the said election, shall proceed in

President.

like manner to elect by ballot one of their number to be president; and if any vacancy or vacancies shall at any time happen among the directors, by death, resignation, or removal from the province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the directors.

Voting regulated.

VIII. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rules; that is to say, one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

Default of making election on the day appointed.

IX. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Directors to make rules.

X. And be it further enacted by the authority aforesaid, That the directors, for the time being, or the major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty of the officers, clerks, and servants, and all such other matters as appertain to the business of the said company; and shall also have power to appoint as many officers,

Appoint officers and assign salaries, &c.

clerks, and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

First directors how and when to be chosen.

XI. And be it further enacted by the authority aforesaid, That on the third Monday after the passing of this act, a meeting of the stockholders shall be held at Cobourg, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be directors, who shall continue in such office until the first Monday in February next after their election, and who, during such continuance, shall discharge the duties of directors in the same manner as if they had been elected at the annual election: Provided always, That if shares to the amount of three thousand pounds of the capital stock of the said company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in the Gazette, or in any newspaper or newspapers that may be published in the said district.

Amount of capital.

XII. And be it further enacted by the authority aforesaid, That the whole capital or stock of the said company, inclusive of any real estate which the company may have or hold by virtue of this act, shall not exceed in value seven thousand five hundred pounds,

Number of shares.

to be held in six hundred shares, of twelve pounds ten shillings each; and that the shares

of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books, to be kept for that purpose by the said company.

Transfer of shares.

XIII. And be it further enacted by the authority aforesaid, That as soon as directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the stockholders of the said company, by giving thirty days' notice thereof in the Gazette, or in any newspaper or newspapers that may be published in the said district, for an instalment of ten per cent. upon each share which they or any of them, respectively may subscribe, and that the residue of the sum or shares of the stockholders shall be payable by instalments, in such time and in such proportion as a majority of the stockholders, at a meeting expressly convened for that purpose, shall agree upon, so as no such instalment shall exceed ten per cent. nor become payable in less than thirty days after public notice in the Gazette, or in any newspaper or newspapers that may be published in the said district: Provided always, That the said directors shall not commence the construction of the said harbor until the first instalment shall be paid in.

Calling in instalments.

XIV. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders, as aforesaid, shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the directors, as due upon any share or shares, such stockholder or stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon; and that the said share or shares may be sold by the said directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said company: Provided always, That the purchaser or purchasers shall pay the said company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided always, nevertheless, That thirty days' notice of the sale of such forfeited shares shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the district of Newcastle, and that the instalment due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

Shares forfeited if instalments shall not be paid in.

Sale of forfeited shares.

XV. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make annual dividends of so much of the profits of the said company, as to them, or the majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses; such statement to appear on the books, and to be open to the perusal of any stockholder, at his or her reasonable request.

Dividends of profits.

Accounts to be open to stockholders.

XVI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

XVII. And be it further enacted by the authority aforesaid, That at any time, after fifty years after the making and completing the said harbor, his Majesty, his heirs and successors, may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said company, for the use of the stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber, towards the making and completing the said harbor, together with such further sum as will amount to twenty-five per cent. upon the monies so advanced and paid, as a full indemnification to such company; and the said harbor shall, from the time of such assumption, in manner aforesaid, appertain and belong to his Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said company, upon the conditions, and subject to the provisions, of any act of the legislature of this province, that may be passed of or respecting the same: Provided always, That it shall not be lawful for his Majesty, his heirs and successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said harbor, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said company, to be for that intent laid before the legislature, that the stockholders of the said company have received every year, upon an average, the sum of twelve pounds ten shillings, for every hundred pounds they shall be possessed of in the said concern.

After fifty years, his Majesty may assume the possession of the harbor.

On what conditions.

XVIII. And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest, and property, in and to the said harbor, shall have been assumed by his Majesty, his heirs or successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, at the disposition of the legislature thereof, and shall be accounted for to his Majesty, his heirs and successors,

Appropriation of tolls after such assumption by his Majesty.

through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That the said harbor shall be commenced within one year, and completed within seven years, after the passing of this act; otherwise this act, and every matter and thing herein contained, shall cease, and be utterly null and void.

Time of commencing and completing the harbor.

Chapter XII.

An act to incorporate certain persons therein named, under the style and title of the "Port Hope Harbor and Wharf Company."

[Passed March 20, 1829.]

Preamble.

Whereas a safe and commodious harbor and wharf, at the village of Port Hope, in the district of Newcastle, in this province, would be a valuable public improvement; and whereas John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla, and John Huston, have petitioned to be incorporated for the purpose of constructing the same, by means of a joint stock company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said John David Smith, John Brown, John Tucker Williams, Charles Fothergill, David Smart, Marcus Fayette Whitehead, John Hall, Moore Lee, James Crowley, Colin James Baldwin, William Whitla, and John Huston, together with all such persons as shall become stockholders in such joint stock or capital, as is hereinafter mentioned, and their successors, shall be, and are hereby, ordained, constituted, and declared, to be a body corporate and politic, in fact, and by the name of the "President, Directors and Company of the Port Hope Harbor and Wharf Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes, whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the "President, Directors and Company of the Port Hope Harbor and Wharf Company," shall be by law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary and expedient: Provided always, That nothing herein contained shall extend, or be construed to extend, to allow the said company to carry on the business of banking.

A joint stock company incorporated for making a harbor at Port Hope.

Corporate name.

Seal.

May hold and dispose of real estate.

May not carry on the business of banking.

II. And be it further enacted by the authority aforesaid, That the said company are hereby authorized and empowered, at their own cost and charge, to construct a harbor at Port Hope aforesaid, which shall be accessible to, and fit, safe, and commodious for the reception of such description and burthen of vessels as commonly navigate lake Ontario, and also to erect and build all such needful moles, piers, wharves, buildings, and erections, whatsoever, as shall be useful and proper for the protection of the said harbor, and for the accommodation and convenience of vessels entering, lying, loading, and unloading within the same, and to alter, amend, repair, and enlarge the same, as may be found expedient and necessary.

The company empowered to construct a harbor at Port Hope.

To build piers, &c.

III. And be it further enacted by the authority aforesaid, That the directors of the said company shall be, and they are hereby, empowered to contract, compound, compromise, and agree, with the owners and occupiers of any land through or upon which they may determine to dredge, cut, and construct the said harbor, with all necessary and convenient roads, streets, and approaches thereto, to be made and constructed, either by purchase of so much of the said land as they shall require for the purposes of the said company, or for the damages which he, she, or they shall and may be entitled to recover from the said company, in consequence of the said intended harbor, roads, streets, and approaches thereto, being cut, made, and constructed, in and upon his, her, or their respective lands; and in case of any disagreement between the said directors and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful, from time

Provision for compensating owners of lands for property taken, damages done, &c.

Arbitration.

to time, as often as the said directors shall think fit, for each owner or occupier so disagreeing with the said directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said directors to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be arbitrators, to award, determine, adjudge, and order, the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to, attend at some convenient place, in the vicinity of the said intended harbor, to be appointed by the said directors, after eight days' notice given them for that purpose by the said directors, then and there to arbitrate, award, adjudge, and determine, such matters and things as shall be submitted to their consideration by the parties interested, and that each arbitrator shall be sworn before some one of his Majesty's justices of the peace, in and for the said district, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: Provided always, That any award made under this act shall be subject to be set aside on application to the court of king's bench, in the same manner and on the same grounds, as in ordinary cases of submission, by the parties, in which case a reference may be again made to arbitration, as hereinbefore provided.

Arbitrators to be sworn

Award may be set aside by king's bench for legal cause.

IV. And be it further enacted by the authority aforesaid, That so soon as the said harbor shall be so far completed as to be capable of receiving and sheltering vessels, the said company shall have full power and authority to ask for, demand, receive, recover, and take as toll, to and for their own use and benefit, and on all goods, wares and merchandize, shipped or landed on board, or out of any vessel or boat from or upon any part of the lake shore between the eastern boundary of lot number one, and the western boundary of lot number ten, in the first and broken concession of the township of Hope, in the said district of Newcastle, and upon all vessels and boats entering the said harbor, according to the rates following; that is to say:

Tolls to be exacted.

Pot and pearl ash, per barrel, nine pence.
Pork, whiskey, salt, beef, and lard, per barrel, six pence.
Flour, per barrel, four pence.
Merchandize, per barrel bulk, six pence.
Lard and butter, per hundred weight, two pence.
Merchandize, per ton, seven shillings and six pence.
West India staves, per M. two shillings and six pence.
Pipe staves, per M. twelve shillings and six pence.
Deals, per hundred pieces, five shillings.
Wheat and other grain, per bushel of sixty pounds, one penny.
Lumber, per thousand feet, board measure, one shilling and three pence.
Boats and vessels under twelve tons, one shilling and three pence.
Boats under five tons, free.
Boats or vessels above twelve tons, and not over fifty, two shillings and six pence.
Vessels above fifty tons, five shillings.

V. And be it further enacted by the authority aforesaid, That the said harbor, moles, piers, wharves, buildings, erections, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares, or merchandize, as hereinbefore mentioned, shall be, and the same are, hereby vested in the said company and their successors forever.

Harbor, &c. and tolls vested in the company.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the tolls and dues to be collected under this act, it shall and may be lawful for the said company, or their officer, clerk, or servant, duly appointed, to seize or detain the goods, vessels, or boats, on which the same were due and payable, until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said company, or their officer, clerk, or servant, as aforesaid, may sell or dispose of the said goods, vessels, or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner or owners thereof.

Compelling payment of tolls.

VII. And be it further enacted by the authority aforesaid, That the property, affairs, and concerns of the said company shall be managed and conducted by seven directors, one of whom shall be chosen president, who shall hold their offices for one year, which said directors shall be stockholders to the amount of at least four shares, as well as inhabitants of this province, and be elected on the first Monday in January in every year, at Port Hope, at such time of the day as a majority of the directors, for the time being, shall appoint, and public notice thereof shall be given in the Upper Canada Gazette, and in any newspaper or newspapers that may be published in the said district of Newcastle, at least

Seven directors to be chosen.

Time and manner of election.

Notice of day of election.

thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose, in their own proper persons, or by proxy, and all elections for such directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be directors; and if it shall happen at any such election, that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president; and if any vacancy or vacancies shall at any time happen among the directors, by death, resignation, or removal from the province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the directors.

Ballot.

President.

How vacancies to be supplied.

Regulation as to voting.

VIII. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

Corporation not to be dissolved for failure of choosing electors on the day appointed.

Provision in such case.

IX. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Directors may make by-laws; manage the affairs of the company; appoint clerks and servants; limit salaries, &c.

X. And be it further enacted by the authority aforesaid, That the directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty of the officers, clerks, and servants, and all such other matters as appertain to the business of the said corporation; and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, with such salaries and allowances as to them shall seem fit.

First election of directors.

XI. And be it further enacted by the authority aforesaid, That on the fourth Monday after the passing of this act, a meeting of the stockholders shall be held at Port Hope, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be directors, who shall continue in such office until the first Monday in January next after their election, and who, during such continuance, shall discharge the duties of directors in the same manner as if they had been elected at the annual election: Provided always, That if shares to the amount of two thousand five hundred pounds of the capital stock of the said company shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in the Gazette, or other paper or papers published in the said district of Newcastle.

No meeting to be held until shares shall be taken to the amount of £2,500.

Capital limited to £7,500.

Number of shares.

Transfer of shares.

XII. And be it further enacted by the authority aforesaid, That the whole capital or stock of the said company, inclusive of any real estate which the company may have or hold by virtue of this act, shall not exceed in value seven thousand five hundred pounds, to be held in six hundred shares, of twelve pounds ten shillings each, and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said company.

Instalments how to be called in.

XIII. And be it further enacted by the authority aforesaid, That so soon as directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the stockholders of the said company, by giving thirty days' notice thereof in the Gazette, or other paper or papers published in the said district of Newcastle, for an instalment of ten per cent. upon each share which they, or any of them respectively, may subscribe; and that the residue of the sum or shares of the stockholders shall be payable by instalments, in such time and in such proportions as a majority of the stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed ten per cent., nor become payable in less than thirty days after public notice in the Gazette, or other paper or papers as aforesaid: Provided always, That the said directors shall not commence the construction of the said harbor until the first instalment shall be paid in.

For non-payment of instalments, shares to be forfeited.

XIV. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the directors, as due upon any share or shares, such stockholder or stockholders, so refusing or neglecting, shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said share or shares may be sold by the said directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said company: Provided always, That the purchaser or purchasers shall pay the said company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided always, That thirty days' notice of the sale of such forfeited shares shall be given in the Upper Canada Gazette, and in any newspaper or newspapers that may be published in the district of Newcastle, and that the instalment due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

Regulations respecting the sale of forfeited shares.

Dividends of profits to be made annually.

XV. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make annual dividends of so much of the profits of the said company, as to them, or the majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses; such statements to appear on the books, and to be open to the perusal of any stockholder, at his or her reasonable request.

Accounts to be exhibited.

Public act.

XVI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

After fifty years, his Majesty may assume the harbor, &c.

XVII. And be it further enacted by the authority aforesaid, That at any time, after fifty years after the making and completing the said harbor, his Majesty, his heirs and successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said company, for the use of the stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber, towards the making and completing the said harbor, together with such further sum as will amount to twenty-five per cent., upon the monies so advanced and paid, as a full indemnification to such company; and the said harbor shall, from the time of such assumption, in manner aforesaid, appertain and belong to his Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said company, upon the conditions, and subject to the provisions, of any act of the legislature of this province, that may be passed of or respecting the same: Provided always, That it shall not be lawful for his Majesty, his heirs or successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said harbor, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said company, to be for that intent laid before the legislature, that the stockholders of the said company have received every year, upon an average, the sum of twelve pounds ten shillings, for every hundred pounds they shall be possessed of in the said concern.

On what conditions.

How the tolls, &c. shall be appropriated, in case his Majesty shall assume the harbor.

XVIII. And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest, and property, in and to the said harbor, shall have been assumed by his Majesty, his heirs and successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, at the disposition of the legislature thereof, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That the said harbor shall be commenced within one year, and completed within seven years after the passing of this act; otherwise this act, and every matter and thing herein contained, shall cease, and be utterly null and void.

Time for commencing and completing the harbor.

Chapter XIII.

An act to provide for the guiding line in the township of Lancaster, in the Eastern district.

[Passed March 20, 1829.]

Preamble.

59th Geo. III, c 14, recited.

WHEREAS by the third clause of an act passed in the fifty-ninth year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors, and the admeasurement of lands,' and also to extend

the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish on a permanent footing the boundary lines of the different townships of this province, and further to regulate the manner in which lands are hereafter to be surveyed,'" it is enacted, that the boundary line of each and every township, on that side from which the lots are numbered, shall be the course or courses of the respective division or side lines throughout the several townships and concessions of this province, respectively; and whereas the side lines of lots in the township of Lancaster, in the Eastern district, were not originally run parallel to the eastern boundary of the said townships from which the lots are numbered, and great difficulty and inconvenience would arise to the inhabitants of the said townships by having their side lines or limits between lots, run pursuant to the said act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the western limit or side line of the said township shall be taken as the governing boundary, and that the side lines of lots in the said township shall and may be run parallel thereto, any thing in the said recited act to the contrary notwithstanding.

Side lines in the township of Lancaster were not originally run parallel to the eastern boundary of the township from whence the lots are numbered.

The western side line of the township to be taken as the governing boundary.

Chapter XIV.

An act to provide for the survey of a part of the township of Oxford, in the Johnstown district.

[Passed March 20, 1829.]

Preamble.

Whereas the inhabitants of the tenth concession of the township of Oxford, in the district of Johnstown, have by petition set forth that the division line between the said concession and the ninth concession of the said township, hath never been surveyed and ascertained, and have prayed that an act may be passed to authorize the survey of the said line; and whereas is expedient, in order to prevent disputes and litigation, that the prayer of the said petition should be granted; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the surveyor general of the province, or person acting in that capacity, for the time being, to cause such line to be duly surveyed, and a plan and report thereof to be returned to his office by some competent and disinterested surveyor, and that such line when surveyed and ascertained, under the authority of this act, shall be deemed and considered as the true and unalterable boundary between the said concessions.

Surveyor general to order a survey to be made of the limit between the ninth and tenth concessions of Oxford, in the district of Johnstown.

II. Provided always, however, and be it further enacted by the authority aforesaid, That no such line shall be run or ascertained by the authority of this act, until the parties or persons requiring the same shall have given proper security for the payment of all reasonable expenses attending the same.

Parties requiring such survey shall first give security for the expense.

Chapter XV.

An act to incorporate certain persons for the purpose of making a turnpike road in the county of Halton, under the name of the "Dundas and Waterloo Turnpike Company."

[Passed March 20, 1829.]

Preamble.

Whereas the inhabitants of the village of Dundas and of the townships of Waterloo, Woolwich, and Dumfries, and those who reside in the country thereto adjacent, within the district of Gore, will be much benefitted by the improvement and further opening of the public road now leading from the village of Dundas, in Flamborough West, through the townships of Beverly and Dumfries, commonly called the swamp road, by which a safe and easy communication with the head waters of the Desjardins' canal, leading into Burlington bay, may be had for carrying the produce of the said townships and the

Road to be improved from Dundas through Beverly and Dumfries.

neighboring country to a market; and whereas Absalom Shade, Abraham Erb, and others, of the townships of Waterloo, Dumfries, and Beverly, have petitioned to be incorporated for the purpose of making, completing, and maintaining the said road as a turnpike road; and whereas the purposes aforesaid cannot be effected without the aid of the legislature; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said Absalom Shade, Abraham Erb, and such other persons as may be admitted as their associates, in the aforesaid undertaking, their heirs, executors, administrators, and assigns, be and they are hereby constituted a corporation, by the name of the Dundas and Waterloo Turnpike Company, with a capital of twenty-five thousand pounds, and shall by that name sue and be sued, and have a common seal, and shall enjoy all the privileges and powers incident to a corporation, for the sole purpose of improving, opening, making, and keeping in repair, a turnpike road from the extremity of the village of Dundas to the western extremity of Waterloo, following the present established and travelled road, through what is commonly called the Swamp road.

Absalom Shade, Abraham Erb, and others, petitioners for an act of incorporation.

Dundas and Waterloo turnpike company. Capital £25,000.

Route of the intended road.

II. And be it further enacted by the authority aforesaid, That so soon as the said road shall be turnpiked, made fit and proper for the passage of travellers, cattle, and carriages, a regular plan thereof shall be made by a sworn surveyor, at the expense of the said corporation, and by the said surveyor certified on oath to be correct, and shall be registered in the office of the clerk of the peace for the said district of Gore; and it shall thereupon be lawful for the said corporation to erect gates on the said road, provided the same be not at a less average distance than nine miles apart; and the said corporation shall be, and are hereby, entitled to receive at each of such gates, as tolls, the following sums, for the proper use of the said corporation; that is to say, for every sixteen miles of turnpike road so made as aforesaid, the following fees:

A plan of the road to be deposited in the clerk of the peace's office in the district of Gore.

Gates to be erected.

Rates of toll.

For one pair of horses and waggon, one shilling and ten pence half penny.
For every additional pair of horses, one shilling and three pence.
For one pair of oxen and waggon, or cart, one shilling and six pence.
Every additional pair of oxen, one shilling.
For one pair of horses and carriage on steel or iron springs, three shillings and nine pence.
For every additional pair of horses, one shilling and three pence.
For one pair of horses, or oxen, and sleigh, one shilling.
For one horse and sleigh, seven pence half-penny.
For one horse and waggon, or carriage, one shilling and three pence.
For one horse and rider, seven pence half-penny.
For any waggon conveying exhibitions or caravans of any description, double in proportion to the aforesaid rates.
For every horse, ox, bull, or cow, three pence.
For cattle under two years old, sheep, or swine, three half-pence.

III. And be it further enacted by the authority aforesaid, That the said corporation may, if they see proper, commute the toll with any person or persons, by taking of him or them a certain sum monthly or annually in lieu of such tolls; and the said corporation at all such places where the said tolls shall be collected, shall affix, or cause to be affixed, in some conspicuous place at or near each toll gate, a table of the rates of toll, plainly and legibly printed.

Tolls may be compounded for, in certain cases.

Rates to be affixed at the toll gate.

IV. And be it further enacted by the authority aforesaid, That the whole of the said road shall be thirty feet wide; and the cuts in each side to be of sufficient depth to draw off the water; and no hill to be of a greater ascent than sixteen inches to the rod; and any or all bridges so to be erected shall be made fit and proper for the passage of travellers, horses, cattle, and carriages, and so wide as to permit teams and carriages freely and conveniently to pass each other, over and above the room necessary on each side for foot passengers.

Description of road to be made.

Dimensions of bridges.

V. And whereas the present road passes for a great part through the lands of absentees, whereon pines of great length and magnitude, particularly in the swamp, exclude the rays of the sun, be it therefore enacted by the authority aforesaid, That it shall be lawful for the said corporation, whenever such may be the case, to cause the trees to be felled or slashed, to the distance of one chain on each side of the road.

Woods growing on lands of absentees adjoining the road, may be cut down.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall, after proceeding upon the said road with any of the articles liable to toll, turn out of the same into any other road, or being on any other road, shall enter the said road

Evasions of the toll prohibited.

beyond a turnpike gate, whereby such payment shall be avoided, or shall take off or cause to be taken off, any horse or other beast of draught from any carriage liable to toll, at or before the same shall come to any turnpike gate erected by virtue of this act, with an intent to avoid paying any toll or rate hereby imposed, or shall put or leave in any house or place, any horse or beast of draught, or any carriage liable to toll, with such intent as aforesaid, every person so offending shall, for every such offence, forfeit and pay to the said corporation, or to their treasurer or collector, a sum not exceeding ten shillings, currency: Provided always, That any person or persons in any of the cases aforesaid, who shall proceed no further upon the road than the extent of three miles, shall not be adjudged liable to toll, unless he, she, or they shall pass a turnpike gate.

Penalty.

Persons may travel three miles on the turnpike, (not passing any gate,) without paying toll.

VII. And be it further enacted by the authority aforesaid, That the corporation, at a general meeting assembled, may make tickets or checks, under such regulations as they may see fit, for prevention of fraud or abuses in the said tolls, or rates, or compositions, as hereinbefore mentioned; and the collector, and every person receiving such a ticket or check, who shall give, lend, or dispose of the same to any person, or for any purposes not authorized by the corporation in their said regulations, and every person who shall wrongfully and knowingly receive, borrow, purchase, or use the same, and every person who by any false pretext shall obtain an exemption from any toll to which he or she is liable, being thereof convicted, shall for each offence, respectively, forfeit and pay a sum not exceeding twenty shillings, currency.

Tickets, or checks, to be used.

Penalty for selling, lending, &c. such tickets; or fraudulently procuring exemption.

VIII. And be it further enacted by the authority aforesaid, That no person shall leave any waggon, cart, or other carriage, nor shall lay, or cause to be laid, or left, any matter or thing creating an obstruction of any kind, or nuisance, upon the said road, or ditches or drains thereof; and every person so offending, shall, for every such offence, forfeit and pay a sum not exceeding ten shillings.

Punishment for obstructions or nuisances in the road.

IX. And be it further enacted by the authority aforesaid, That if any person or persons, occupying enclosed lands near to any turnpike or gate which shall be erected in pursuance of this act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage, or way thereon, with any carriage, or with any horse, mare, gelding, or other animal, liable to the payment of the toll, whereby such payment shall be avoided, every person so offending, and also the persons riding or driving the animal or carriage whereon such payment is avoided, being thereof convicted, shall, for every such offence, severally forfeit and pay to the corporation, their treasurer or collector, any sum not exceeding ten shillings currency.

Evading tolls how punished.

Owners of adjacent lands not to permit persons to pass through their lands to avoid toll.

X. Provided always, and be it enacted by the authority aforesaid, That no person, with his horse or carriage, going to or returning from public worship, nor if attending or returning from the funeral of any person who shall die within the same township, nor if going from one part to another part of the same farm occupied by the same person, be chargeable with any rate of toll whatever.

Exemptions from tolls, in certain cases.

XI. And be it further enacted by the authority aforesaid, That if the said collectors or toll-gatherers, or any other person in their employment, shall unreasonably hinder or delay any passenger at either of the gates aforesaid, or shall demand or receive more toll than is by law allowed, the said corporation shall forfeit and pay a sum not exceeding five pounds, current money of this province, besides the reimbursement of what they shall have taken above the said toll; and the said corporation shall be liable to pay all damages which may happen to any person, and which may arise from neglect or want of repair, on the same road, after the same has been made, completed, and certified as aforesaid; and it shall be lawful for any person or persons having paid toll thereon, to prosecute the corporation in his Majesty's court of king's bench of this province, and upon the finding of a jury, that the said road, or any part thereof, is not in proper repair, the said corporation may and shall be obliged to have the same amended and repaired in a proper manner, within the space to be limited by the court, who shall adjudge full costs and expenses of suit to the prosecutor or prosecutors against such corporation, who shall pay the same at their own private cost; but if such prosecution shall upon trial, be found to be vexatious and groundless, the prosecutor or prosecutors shall be liable to costs to be taxed.

Punishment for delaying travellers at the toll gates, or for overcharging.

Remedy, if the road is not kept in repair.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall cut, break down, or otherwise destroy, any of the turnpike gates, or any toll house to be erected by virtue of this act, every person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, or timber, on the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the said gates, without first having paid the legal toll at such gate, such person or persons shall pay all damages sustained by the said corporation, and shall forfeit and pay a fine not exceeding two pounds, nor less than ten shillings currency, to be recovered before two magistrates holding a court of requests within the district of Gore.

Punishment for injuring the road, gates, &c.

Attempting forcibly to pass the gates without paying toll.

How the penalty to be recovered.

Corporation may hold lands for toll houses, &c.

XIII. And be it further enacted by the authority aforesaid, That the said corporation be, and they are hereby enabled, to purchase, receive, and hold lands, sufficient for the accommodation of their respective toll-gatherers, and the same to transfer in such manner as by their by-laws they may direct.

Company to meet within three months after passing of the act, at Dundas.

XIV. And be it further enacted by the authority aforesaid, That there shall be a meeting of the said corporation holden at some convenient place in the village of Dundas, or township of Dumfries, or Waterloo, as a majority of the petitioners and subscribers shall agree, within the space of three calendar months from the day of the commencement of this act, as hereinafter directed, of which one month's notice shall be given in four or more of the most public places in the district, for the choosing of a clerk, and such other officers as may be deemed necessary by the said corporation, and they may at that, or any future meeting, make, repeal, and alter, such by-laws, rules, and regulations, not repugnant to law, as they may deem necessary for carrying into effect this act, and to regulate the interests of said corporation.

Notice of meeting.

Making by-laws.

Forfeiture of stock, by neglect to pay instalments.

XV. And be it further enacted by the authority aforesaid, That when any stockholder shall neglect or refuse to pay any instalment duly required by the said corporation, in the manner by their by-laws directed, to the treasurer, for the space of ninety days after the time for the payment thereof, the treasurer is hereby authorized to sell at public auction the share or shares of such delinquent, under such regulations as the said corporation, by their by-laws, may direct, and the purchaser, on producing a certificate of such sale from the treasurer to the clerk of the said corporation, in the name of such purchaser, with the number of the share or shares so sold, and the same being recorded by the clerk, at the expense of such purchaser, the said purchaser shall thereupon be deemed to all intents and purposes the proprietor thereof.

Stock may be transferred.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for each and every of the members of the said corporation, for the time being, his and her executors, administrators, and assigns, to give, sell, alien, assign, devise, or dispose of his, her, or their respective share or shares and interest in the said corporation, to any person or persons; and the said person or persons, and their respective assigns, shall be members of the said corporation, and shall be entitled to all and every of the rights and privileges thereof, and to the profits and advantages thereupon arising.

This act not to hinder the making of other roads crossing the turnpike.

XVII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to extend to deprive the public, or any individual, of the opening any front or by road, according to the laws of the province, across the said turnpike road, to be made by virtue of this act; nor to deprive the public, or any individual, of making any other road conformable to the laws of this province.

Tolls, toll houses, &c. vested in the corporation.

XVIII. And be it further enacted by the authority aforesaid, That the said toll houses and conveniences, and the said tolls, shall be, and the same are, hereby vested in the said corporation forever: Provided always, That after the completion of turnpiking and establishing the said road, as fit and proper for travelling, agreeable to this act, it shall and may be lawful for his Majesty, his heirs and successors, in any act of the legislature of this province, assented to by his Majesty, his heirs and successors, to assume the possession and property of the said road, bridges, toll houses, turnpikes, and conveniences, and dissolve the said corporation, upon paying to the said corporation the full and entire value which the same may, at the time of such assumption, be worth, and six per cent. over and above the valuation; and thereupon the said tolls shall, from the time of such assumption, appertain and belong to his Majesty, his heirs and successors, and the governor, lieutenant governor, or person administering the government, shall account from time to time to the legislature of this province, for all tolls and duties arising therefrom.

His Majesty, on certain terms, may assume the turnpike, and all things held therewith.

Time limited for completing the road.

XIX. And be it further enacted by the authority aforesaid, That to entitle the said corporation to the benefits and advantages of this act, granted to the said corporation, they shall, and are hereby required, within the period of three years from the passing of this act, to turnpike sixteen miles of the said swamp road, from the east line of Beverly to Andrew Groff's, near or at the line of Waterloo; and such part or parts of said road, hereinbefore mentioned, west of Andrew Groff's, as shall not have been turnpiked, within the space of five years after the passing of this act, shall be considered to have been forfeited by the said company, and the said corporation shall cease to have any right, title, or claim to the said forfeited part of the said road.

Penalties under this act how to be levied.

XX. And be it further enacted by the authority aforesaid, That the penalties hereby inflicted (where otherwise not particularly directed by this act) shall, on proof of the offences respectively, before any two or more of the justices of the peace for the district of Gore, either by confession of the offender, or by the oath of one or more credible witness or witnesses, (other than the prosecutor,) which oath such justices are hereby empowered and required to administer, be levied, together with the costs of prosecution, by distress and sale of the goods and chattels of such offender, by warrant, signed by such justices, and the overplus, after such penalties, and the costs of prosecution and

Costs.

Charges of distress and sale.

Imprisonment for want of goods.

Appropriation of penalties.

charges of such distress and sale are deducted, shall be delivered, on demand, to the owner of such goods and chattels; and for want of such sufficient distress, the offender shall be sent by such justices to the gaol of the district, for any time not exceeding one month, nor less than four days, as such justices shall think most proper, one moiety of which penalties respectively, when paid and levied, shall belong to the person suing for the same, and the other moiety to his Majesty, to be paid into the hands of the receiver general of this province, and the same shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, shall be pleased to direct, and at the disposal of the legislature of this province.

Limitation of the profits to be derived from the turnpike.

XXI. And whereas, in undertakings of great expense, when the returns are uncertain, it is reasonable and proper to encourage the prosecution of the same, by securing to the persons concerned therein, their successors and assigns, the possibility of a considerable eventual benefit; be it further enacted by the authority aforesaid, That the clear profits to be received from the said turnpike road shall not, from and after seven years from the time this act shall have operation, exceed twelve pounds per centum, per annum, upon the capital stock as hereinbefore mentioned, unless it shall be found at the said period of seven years, that the said corporation or society, successors or assigns, have not divided a clear profit of twelve pounds per centum, per annum, on the said capital stock, in which case the tolls shall be continued and be collected by and for the use of the said corporation or society, their successors and assigns, at the rates allowed by this act, until such clear profit shall be divided as above said, and from and after the said term of seven years from the time this act shall have operation; but after the time that the said rates of profits shall have been made up, if more than such rates of profits shall have been so divided upon the said capital, then the aforesaid tolls shall be reduced in manner following, that is to say: If on making up and balancing of the year immediately preceding such time, (comprehending therein all receipts of tolls and all disbursements for repairs and expenses of management,) it shall appear that the balance or clear profits of the said road within such year, shall have exceeded the said rate of twelve pounds per centum, on the said capital, then and in such case, the tolls to be taken during the course of one entire year, after the first day of January then next following, shall be lower than the respective tolls hereinbefore established, in the proportion of one twelfth part, as nearly as may be, to avoid fractional parts of a halfpenny, for every twenty shillings per centum, which such clear profits shall have exceeded the rate thereof by this act allowed to be divided; and from time to time thereafter the corporation shall, in their January term, fix and ascertain by the same rate and standard, an augmentation or reduction of such tolls to be taken during the course of one entire year, after the first day of February following, in proportion as the tolls during the course of twelve months immediately preceding shall appear by the accounts of such twelve months, so made up and balanced, to have exceeded or fallen short of the said clear profit of twelve pounds per centum; but in no case shall the tolls so augmented exceed the rates of toll authorized to be taken by this act; and the said corporation or society, their successors and assigns, shall not demand or take, or be entitled to receive after the time aforesaid, any greater or higher rates of toll than in the said reduced or augmented proportions is fixed by the corporation aforesaid, any thing in this act contained to the contrary notwithstanding.

Tolls not to exceed the rates herein specified.

Accounts of the whole expenditure in making the turnpike and appendages, to be made out and attested, and deposited among the records of the quarter sessions.

XXII. And in order to ascertain from time to time the clear profits arising from the said road, be it further enacted by the authority aforesaid, That so soon as the road shall be made and completed, a true and exact account shall be made out of all monies which shall have been expended in making and completing said road, as also the toll houses and turnpike gates and land thereunto belonging, and of all expenses of management which to that time shall have been incurred on account of the same, and in which account shall be charged interest on such monies respectively, from the time of payment thereof to the time of so making up the account, at the rate of six per centum, per annum; which accounts so made out shall be dated and there certified by at least three of the proprietors, who shall have been appointed by the corporation to direct or superintend the making of the road, and also by their clerk, who respectively shall make oath before one of his Majesty's justices of the peace for the district of Gore, that such an account is faithfully extracted from the books of the corporation, and to the best of their belief is just and true, which oath the said justice, as well as in the cases aftermentioned, is hereby authorized and required to administer to each of them; and such accounts when so made out, certified, and sworn to, shall respectively be deposited and recorded amongst the records of the quarter sessions for the district of Gore, and the amount thereof shall be considered as the capital stock of the said corporation, and on which the profits allowed to the same are to be estimated, as hereinbefore mentioned; and there shall afterwards, at the end of every year after the completion of the said road, be made out a true and exact account of the monies expended in repairing the same, and the toll houses and gates, with the charges

And in each year accounts shall be in like manner rendered and

of management; and also a true and exact account of all the monies collected or received from the said tolls, by virtue of this act, which annual account shall be dated, certified, sworn to, and deposited as above; and if such account shall not be made out, dated, certified, sworn to, and deposited as above said, the said corporation shall forfeit and pay the sum of one hundred pounds, for every month the same shall be refused or neglected, after being thereunto required by any of his Majesty's subjects, to be recovered by action of debt in any court competent to decide thereon, and paid to the person who shalll sue for the same; and if any person, sworn as aforesaid, shall wilfully or corruptly swear falsely, every such person being thereof duly convicted, shall suffer the punishment inflicted by law for perjury.

deposited, of expenditure and receipts.

Penalty for neglecting to make such accounts.

Swearing falsely to accounts, perjury.

XXIII. And be it further enacted by the authority aforesaid, That no suit or action shall be commenced or brought against any person offending against this act, unless the same shall be commenced or brought within three calendar months next after the offence committed, and not afterwards.

Actions not to be brought after three months, for offences against this act.

XXIV. And be it further enacted by the authority aforesaid, That this act shall be deemed a public act, and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without being specially pleaded.

A public act.

Chapter XVI.

An act to amend part of an act passed in the eighth year of the reign of his present Majesty, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of "The Cataraqui Bridge Company."

(See 8th Geo. IV, c 12.)

[Passed March 20, 1829.]

WHEREAS by the twenty-third section of an act passed in the eighth year of his present Majesty's reign, entitled, "An act to incorporate certain persons therein mentioned, under the style and title of 'The Cataraqui Bridge Company;'" the said company, to entitle themselves to the benefit and advantages granted to them by the said recited act, are required to erect and complete the said bridge within three years from the day of the passing thereof; and whereas it is expedient to extend the time for the completion thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the period for the erecting and completing of the said Cataraqui bridge, be and is hereby extended to two years from the day of the passing of this act.

Preamble.

The period for completing the Cataraqui bridge extended to two years from the passing of this act.

II. And be it further enacted by the authority aforesaid, That this act shall be considered a public act, and as such shall be judicially noticed, without being specially pleaded.

A public act.

Chapter XVII.

An act to incorporate certain persons for the purpose of holding lands for a free church in Dundas, in the district of Gore.

[Passed March 20, 1829.]

WHEREAS David Oliphant, John Lesslie, John Ross, William Binkley, John Gamble, and others, on behalf of themselves and others, inhabitants of the village of Dundas, have by petition set forth that they, the subscribers to such petition, have erected a place of public worship, free for all denominations of Christians, on part of lot number seventeen, in the first concession of the township of Flamborough West, in the county of Halton, and district of Gore; and whereas the said petitioners are desirous of obtaining an act of incorporation, to the effect that the said piece or parcel of land on which the said free church is erected, purchased by them from Edward Lesslie, one of the petitioners, and containing one acre of land, or thereabouts, may be conveyed to Manuel Overfield, esquire, John Paterson, David Oliphant, and Thomas Hilton, and their successors in office, in trust for the purposes of the said free church, and a public burial ground; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it

Preamble.

Certain persons empowered to hold land (not exceeding five acres) for the purposes of a place of worship, common to all denominations of Christians.

shall and may be lawful for the said Manuel Overfield, esquire, John Paterson, David Oliphant, and Thomas Hilton, to have, hold, receive, and take a conveyance of the said piece or parcel of ground, already purchased, or which may be hereafter contracted for, not exceeding in the whole five acres, for the purposes aforesaid; and that it shall and may be lawful for the said trustees and their successors, to be appointed as hereinafter mentioned, to have and to hold the same for the purposes aforesaid, in perpetuity forever.

Provision for succession of trustees.

II. And in order to prevent the failure of such estate in succession, be it therefore further enacted by the authority aforesaid, That whenever it shall happen that more than two of the trustees herein named shall die, or shall become resident abroad, or become incapable of acting in the said trust, it shall be in the power of the inhabitant householders of the said village of Dundas, upon public notice being put up on the door of the church before mentioned, at least thirty days before such meeting, by the remaining trustee or trustees, to elect, at a meeting to be held on the first Monday in the month of January, by the vote of the majority of such householders, the requisite number of trustees, from among the inhabitant householders of the village or town of Dundas, to complete the number of five trustees; and that immediately upon such election, the five acres of land so purchased, or to be purchased as aforesaid, shall become legally vested in such trustees.

Trustees may make regulations respecting the land.

III. And be it further enacted by the authority aforesaid, That the trustees for the time being, for the purposes of this act, shall have power at all times hereafter to make such rules and regulations, not repugnant to the laws of this province, as may be necessary for the due management of the said land, for the purposes aforesaid.

Chapter XVIII.

An act to enable the trustees of the methodist episcopal church in York, to exchange certain real estate now holden by them, for other real estate in or near the said town of York.

[Passed March 20, 1829.]

Preamble.

Whereas Thomas Stoyell, William Poyntz Patrick, John Doel, Matthew Walton, and James Rogers Armstrong, trustees to the methodist episcopal church in York, and others, official members signing in behalf of said church, have by their petition set forth, that the ground on which the chapel belonging to the methodist society in York aforesaid, stands, is too small for the purposes and conveniences of the said church, and pray that the aforementioned trustees may be allowed to dispose of the said chapel and ground, should an opportunity be afforded them, and apply the proceeds thereof towards the purchasing of such other land and premises as may be suitable for the conveniences of the said church, and for the purposes for which the present land and premises are now by them holden; and whereas it is desirable and proper that such relief by law should be granted, as to enable the said trustees, or a majority of them, or their successors in office, nominated and appointed according to the rules and regulations of the said church, to sell and dispose of said land and premises, and purchase such other as may be suitable, not exceeding the quantity limited by law for such purposes; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That at any time after the passing of this act, the said trustees, or their successors in office, or a majority of them, shall have full power and authority, and are hereby empowered and authorized by deed of conveyance, under their hands and seals, to grant, bargain, sell, and convey, in fee simple, the ground on which the methodist chapel now stands, in York aforesaid, and the appurtenances appertaining thereto, which ground and premises is described in the deed of trust, now held by the petitioning trustees, as follows, that is to say; being about the one-sixth of an acre, and composed of part of lot number three, on the south side of King's street, in that part of the said town of York, called the "New Town," which is bounded, or may be known as follows, that is to say; commencing at a post four chains and seven links from the northeast angle of lot number two, on the south side of King's street, then south sixteen degrees east, one hundred and thirty-two feet; then south seventy-four degrees west, fifty-two feet and a half; then north sixteen degrees west, one hundred and thirty-two feet; then north seventy-four degrees east, fifty-two feet and a half, to the place of beginning, to such person or persons as may be disposed to purchase the same.

Certain trustees of the methodist episcopal church in York empowered to convey away certain land in York;

and to invest the monies arising from the sale thereof, in the pur-

II. And be it further enacted by the authority aforesaid, That the trustees aforesaid, or a majority of them, shall and may, and they are hereby empowered and required to vest

the money accruing from the sale of the above mentioned land and premises, in the purchase of such other lot or tract of land, in or near the town of York aforesaid, and for the erection of a chapel or meeting house thereon, as well as such other buildings as may be required for the residence of a minister, and his necessary purposes in such capacity, and for the necessary conveniences of the congregation which may attend such chapel or meeting house, as they, the said trustees, shall in their discretion deem to be proper and convenient for the use and accommodation of the methodist congregation in York aforesaid, and its vicinity; and the said trustees, or their successors in office, or a majority of them, are hereby empowered to receive and take a conveyance of the land so to be by them purchased as aforesaid, with the money as aforesaid, and such further sum as may be required for that purpose, in trust, for the use and purposes aforesaid, and with such succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the uses and purposes aforesaid: Provided always, That nothing in this act contained shall extend, or be construed to extend, to allow the said trustees, or their successors in office, or a majority of them, to hold for the use and accommodation of any one congregation, a greater quantity of land than five acres.

chase of other lands for the use of the said church.

May accept deed of such lands to be purchased, upon the trusts to be therein declared.

No one congregation to be allowed to hold more than five acres under this act.

Chapter XIX.

An act to provide for a commission of lunacy and idiotcy, in the case of Peter Vanalstine.

[Passed March 20, 1829.]

Whereas it hath been represented that Ursula M'Wharter, (formerly Ursula Vanalstine, and lately widow of the late Alexander Vanalstine, deceased,) Allan Vanalstine, Maria Vanalstine, and Peter Vanalstine, the three children of the late Alexander Vanalstine, mentioned in his last will and testament, are, by virtue of the said last will and testament of the said Alexander Vanalstine, jointly seized of certain lands and tenements in this province, particularly in the township of Marysburgh in the Midland district; and that for the benefit of the said parties, it is desirable and necessary to sell the same, and that a fair and advantageous offer has been made for a certain parcel or tract thereof, containing the mills commonly called the stone mills, in the township aforesaid; also that the aforesaid Peter Vanalstine has been, from his infancy, so deficient in understanding, as to be wholly incapable of transacting business for himself, and cannot therefore execute a valid conveyance of his undivided share and interest in the premises aforesaid, although it would be for his benefit and advantage that the same should be sold and alienated, and the monies arising therefrom secured for his use; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any judge or judges of the district court of the Midland district, or any district court to be holden within the said district; to impannel twelve jurors of the jury summoned to attend such district court, to inquire whether the said Peter Vanalstine be idiot or lunatic, and their verdict in the premises then and there to minute and record on the proceedings of such court, and the same to certify to the governor, lieutenant governor, or person administering the government of this province, for the time being, under the hand and seal, or hands and seals, of such judge or judges, countersigned by the clerk of the said court.

Preamble.

Judge of the district court for the Midland district to inquire by a jury whether Peter Vanalstine be an idiot or lunatic.

Proceedings to be certified to the lieutenant governor.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such judge or judges as aforesaid, to swear each of the jurors aforesaid, to be impannelled as aforesaid, well and truly to inquire whether the said Peter Vanalstine be idiot or lunatic, and if so, from what period of his life, and a true verdict to give according to the evidence; and also to swear and examine upon oath, before such jury, all witnesses produced before the said court, which oaths the said court is hereby authorized to administer; and that it shall and may be lawful for the said court and jury to require the presence and inspect the person of the said Peter Vanalstine, should they desire so to do.

Jury and witnesses to be sworn.

The attendance of Peter Vanalstine may be required.

III. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forswear him, her, or themselves, before the said court, upon the prosecution of the inquiry by this act authorized to be made as aforesaid, he, she, or they shall incur and be liable to the same penalties as would be incurred upon conviction for wilful and corrupt perjury in any evidence given in his Majesty's court of king's bench in this province, in any case therein depending.

Punishment for false swearing.

If found to be an idiot or lunatic, a committee may be appointed.

IV. And be it further enacted by the authority aforesaid, That if upon such inquiry so to be made as aforesaid, the said Peter Vanalstine shall be found an idiot or lunatic, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, from time to time, by an instrument or instruments, under his hand or seal of office, to appoint a committee of two or more persons to take charge of the person, lands, tenements, hereditaments, goods, chattels, and effects whatsoever, of the said Peter Vanalstine, and for such committee to bargain for the leasing or absolute sale of any of the lands, hereditaments, goods, or chattels of the said Peter Vanalstine, and to execute all and every leases, deeds, and conveyances necessary to lease, or absolutely in fee simple, to convey all or any of the lands, tenements, hereditaments, or estates of the said Peter Vanalstine, or to transfer any of his goods, chattels, or personal effects, and that every such lease or leases, and deed or deeds, or conveyance in fee simple, of the premises aforesaid, or any part thereof, shall be good and valid in law to all intents and purposes, as if actually executed by the said Peter Vanalstine in sound mind, memory, and understanding.

Powers and duties of committee.

May sell or lease lands.

Transfer personal estate.

Their receipts shall discharge purchasers.

V. And be it further enacted by the authority aforesaid, That the said committee for the time being, shall and may sell all and every the lands and estates of the said Peter Vanalstine, at such price or prices as they shall deem just; and that upon payment thereof to the said committee for the time being, the purchaser or purchasers thereof shall be exonerated and forever discharged therefrom, and not be held or bound to answer for the application thereof.

How the committee shall dispose of any funds coming into their hands.

VI. And be it further enacted by the authority aforesaid, That the said committee shall forthwith, upon receipt of any monies arising from the sale of any of the lands, tenements, goods, or effects of the said Peter Vanalstine, after deducting and retaining thereout all costs and charges necessarily and bona fide incurred in the selling, leasing, or otherwise disposing thereof, or any part thereof, invest the same in stock in the bank of Upper Canada, or other approved institution of a like kind, or loan the same upon approved real securities in this province, or otherwise dispose of the same as shall be directed or required by the governor, lieutenant governor, or person administering the government of the province, by any instrument or instruments under his hand, addressed to the said committee for the time being.

How the interest of any such funds shall be applied.

VII. And be it further enacted by the authority aforesaid, That the interest on, or the profits accruing from, any monies to be vested or lent, as aforesaid, shall by the said committee be received, and who, after deducting and retaining thereout all such charges and expenses, as shall be necessarily and bona fide incurred in the collection and receipt thereof, shall apply the residue to the maintenance, comfort, support, and use of the said Peter Vanalstine, so long as he shall live; and that all and every of the said monies undisposed of at the death of the said Peter Vanalstine, shall be distributed according to law amongst the legal representatives of the said Peter Vanalstine.

Disposition of monies remaining at the death of Peter Vanalstine in the hands of the committee.

Committee may be changed and vacancies supplied.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to superintend, and from time to time change any such committee, or to remove any member or members thereof, and appoint others in their place and stead.

Powers and responsibility of the committee.

IX. And be it further enacted by the authority aforesaid, That any such committee shall enjoy all the powers and authorities, and be liable to the same responsibilities, under this act, that committees of idiots or lunatics in England enjoy, or are liable to, and that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to exercise in regard to the said Peter Vanalstine, if found an idiot or lunatic, and as respects the said committee or committees, or as respects the estate real or personal of the said Peter Vanalstine, the royal prerogative, in the and on the behalf of his Majesty, his heirs and successors, according to the laws of England, as amply and as fully as shall be practicable by this act, the laws of the province, and the nature of the case.

May be controlled by the lieutenant governor in the exercise of the royal prerogative.

A public act.

X. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such, shall be judicially noticed by all courts, justices of the peace, and other persons, without being specially pleaded or shewn.

Chapter XX.

An act to provide for the erection of a light house on Long point, in lake Erie.

[Passed March 20, 1829.]

(See 11th Geo. IV, c 28.)

Preamble.

Necessity of a light house on Long point, in lake Erie.

Whereas it would tend greatly to the safety and convenience of navigation upon lake Erie, if a light house were constructed upon Long point, in the county of Norfolk, in the said lake; be it therefore enacted by the King's most excellent Majesty, by and with the

advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful, immediately after the passing of this act, for the commissioners hereinafter named, to erect a good and sufficient light house upon such part of Long point, in lake Erie, as they shall judge the most proper, and for procuring the necessary apparatus for lighting the same.

Commissioners to erect a light house on Long point.

II. And be it further enacted by the authority aforesaid, That Francis L. Walsh, Duncan McCall, and Thomas Cross, of Charlotteville, in the district of London, esquires, be commissioners for the purposes of this act.

Commissioners named.

III. And be it further enacted by the authority aforesaid, That from and out of the rates and duties now raised, levied, and collected, or which may hereafter be raised, levied, and collected, and remaining in the hands of the receiver general unappropriated, there be granted to his Majesty the sum of one thousand pounds, to enable his Majesty to defray the expense of erecting the said light house and furnishing the same; and that such sum shall be paid by warrant of the governor, lieutenant governor, or person administering the government of this province, for the time being, to be issued in favor of the aforesaid commissioners, or any of them, and shall be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty shall be graciously pleased to direct.

£1,000 granted for defraying the expense of building and furnishing the light house.

IV. And be it further enacted by the authority aforesaid, That the commissioners hereinbefore appointed for the purposes of this act, shall, on or before the first day of January next, render an account to the governor, lieutenant governor, or person administering the government of this province, of the monies expended by them under this act, and shall at the same time report what tonnage, or other duties upon vessels of all descriptions navigating lake Erie, will in their opinion be sufficient to defray the charge of maintaining the said light house, and to repay the said sum of one thousand pounds, with the interest accruing thereon, and in what manner and at what place the said duties can be most conveniently collected, which account and report shall be laid before the legislature at their next session.

Commissioners to account.

And to report for the information of the legislature.

V. And be it further enacted by the authority aforesaid, That the said commissioners shall not in any contract or contracts exceed the sum hereby granted for the erection and completion of the said light house; and that public notice, by advertisement, shall be given for the tender of contracts, accompanied with two good and sufficient sureties for the due performance of the same; and further, that the said commissioners shall contract with the person or persons who shall submit the lowest tender or tenders, with such two good and sufficient sureties; and also, that no further sum shall be allowed any superintendent than three per cent. upon the amount expended, over and above his absolute and reasonable expenses.

No contract shall be made for a sum exceeding £1,000.

Tenders to be called for.

Sureties required.

Charge of superintendent limited to three per cent.

Chapter XXI.

An act to provide for the completing the light house on the False-Ducks island, and for the keeping and maintaining the same during the present year.

(See 9th Geo. IV, c 7.)

[Passed March 20, 1829.]

WHEREAS a further sum of money is found to be necessary for completing and furnishing the light house upon the False-Ducks island, in lake Ontario; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and remaining in the hands of the receiver general of this province unappropriated, there be granted to your Majesty the sum of seven hundred and fifty pounds; which sum of seven hundred and fifty pounds shall be applied in aid of the monies heretofore granted for erecting and furnishing the said light house, and providing all necessary equipments and appendages to the same; and shall be paid by the receiver general of this province, to the commissioners appointed for superintending the erection of the said light house, or to any of them, in

Preamble.

£750 granted in addition, for completing and equipping the light house on the False-Ducks island.

How to be paid;

discharge of such warrant or warrants as may be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province.

and accounted for.

II. And be it further enacted by the authority aforesaid, That the monies granted by this act shall be accounted for to the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Provision for support of the light house during the present year.

III. And whereas it is necessary to make provision for the support of the said light house during the present year, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the collector of the port of Kingston to advance from and out of the monies now remaining in his hands, or which may come into his hands, for duties during the present year, such sum and sums of money as may be necessary for maintaining the light in the said light house during the present year, and for bearing the charge of a keeper of the said light house, and all expenses necessarily attending the same, which monies so advanced shall be allowed him in his account with the government.

Commissioners to make the necessary arrangements, and to render detailed accounts, for the information of the legislature.

IV. And be it further enacted by the authority aforesaid, That the commissioners appointed for superintending the erection of the said light house are hereby empowered and authorized to make all proper arrangements for maintaining and keeping the said light during the present year, and to receive from the said collector, and expend, such monies as may be required for that purpose; and that a detailed account of all monies expended by them under this act shall be by them transmitted, on or before the first day of January next, to the governor, lieutenant governor, or person administering the government of this province, to be laid before the legislature at their next session.

Chapter XXII.

An act to make good certain monies issued and advanced in pursuance of the addresses of the commons house of assembly, at the last and present sessions of parliament.

[Granting £3,378 18s. 9½d. to meet the like sum advanced for the contingent expenses of the legislature of the last session, 1828, and £800 towards the expenses of the present session, 1829.]

Second Session of the tenth Provincial Parliament.

MET AT YORK, ON THE EIGHTH DAY OF JANUARY, 1830, AND PROROGUED ON THE SIXTH DAY OF MARCH, IN THE ELEVENTH YEAR OF THE REIGN OF GEORGE IV.

SIR JOHN COLBORNE, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1830.

Chapter I.

An act to direct the appropriation of fines in certain cases.

[Passed January 30, 1830.]

Preamble.

WHEREAS by the criminal law of England, as adopted in this province, various offences are made punishable by fines or penalties, which it is provided shall be either wholly or in part paid to the church wardens or overseers of the poor, or otherwise appropriated to the support of the poor; and whereas there being no public provision made for the support of the poor in this province, such a distribution of the penalties is inapplicable, and it is expedient to remove the obstacle which prevents the execution of the criminal law in the before recited cases, and in all other cases, where, by reason of the mode in which any fine or penalty is directed to be appropriated, the criminal law of England cannot be fully carried into effect; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in all cases in which, by the criminal law of England in force in this province, the whole or any part of any fine or penalty imposed for the punishment of any offence, is in any manner appropriated for the support of the poor, or to any parochial or other purpose, inapplicable to the existing state of this province, such fine or penalty, or such part thereof as shall be so appropriated, shall be paid, when received, to the treasurer of the district in which the conviction shall have taken place, to be appropriated to the purposes of the district, and accounted for in the same manner as the assessments levied in the several districts are generally applicable by law.

Such portion of all fines distributed by the law of England to the poor, shall be paid to the treasurers of the several districts, for the purposes of the respective districts.

Chapter II.

An act to continue the laws now in force for establishing the limits to the respective gaols in this province.

[Passed January 30, 1830.]

[REPEALED.—SEE CHAPTER 3.]

Chapter III.

An act to repeal and amend the laws now in force respecting the limits of the respective gaols in this province.

[Passed March 6, 1830.]

Preamble.

WHEREAS it is expedient to assign certain enlarged limits to the several gaols within this province, in which debtors may have the greater benefit of exercise and air, without subjecting the sheriff, or other officer in whose custody the debtor may be, to any action at law for an escape; and also, to render more efficient and summary the remedies to be continued on behalf of creditors against any debtor or debtors availing themselves of the provisions of this act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in

the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the whole of a certain act passed in the second year of the reign of King George the Fourth, entitled, "An act for assigning limits to the respective gaols in this province," and also a certain other act passed in the seventh year of the reign of King George the Fourth, entitled, "An act to continue and amend an act passed in the second year of the reign of King George the Fourth, entitled, 'An act for assigning limits to the respective gaols in this province;'" and also a certain other act passed in the eighth year of the reign of King George the Fourth, entitled, "An act to repeal part of and amend the law now in force assigning limits to gaols in this province;" and also a certain other act passed in the eleventh year of his Majesty's reign, and during the present session of parliament, entitled, "An act to continue the laws now in force for establishing the limits to the respective gaols in this province," be, and the same are, hereby wholly repealed.

2d Geo. IV, c 6; 7th Geo. IV, c 7; 8th Geo. IV, c 9; 11th Geo. IV, c 2, repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices in general quarter sessions of the peace assembled, in each and every district of this province, other than the district of Niagara, and they are hereby authorized and required, at the first session of the general quarter sessions of the peace held after the passing of this act, to assign and mark as limits to the respective gaols in each district of the province, other than the district of Niagara, not more than sixteen acres of ground, contiguous to the said gaols; and that after the establishment of such limits, it shall and may be lawful for any debtor or debtors, confined, or to be confined in such gaols, to be and remain at any part or place within such limits, without subjecting the sheriff, or other officer in whose custody such debtor or debtors may be, to any action or suit for any escape from such gaol limits: Provided, however, That it shall not be incumbent upon such sheriff, or other officer, to allow any debtor or debtors the use and benefit of such limits unless such debtor or debtors shall furnish good and satisfactory security that he, she, or they, shall not at any time, during his, her, or their confinement, go or remove beyond such established limits: Provided, nevertheless, That during such time as any debtor in execution shall have the liberty of such limits as aforesaid, such debtor shall not be entitled to receive from the plaintiff in the action, any weekly maintenance, by reason of any statute for the benefit of insolvent debtors.

Sixteen acres of ground contiguous to the several gaols in the province, to be assigned as limits, within which debtors confined in gaol may be permitted to reside, upon giving security to the sheriff.

Debtors having the liberty of gaol limits not to be entitled to weekly allowance.

III. And whereas from the peculiar local situation of the gaol of the district of Niagara, owing to the greater distance thereof from the town, it is expedient that the area assigned as limits thereto should be more extensive than to others; be it further enacted by the authority aforesaid, That the justices of the said district of Niagara shall and may, in manner and form aforesaid, assign as limits to the said gaol, any extent of ground not exceeding twenty-six acres.

The limits of the gaol in Niagara may be extended to twenty-six acres.

IV. And be it further enacted by the authority aforesaid, That if any debtor or debtors, who may be confined in any gaol within this province, and who may have given security to entitle himself, herself, or themselves, to the benefit of such limits, shall withdraw or depart from or out of the said limits, it shall and may be lawful for the sheriff, or other officer, from whose custody such debtor or debtors may so withdraw, to sue for and recover from the prisoner, or person or persons giving such security, or either of them, such sum or sums of money as such debtor or debtors may have been confined for in such gaol or limits, together with all such costs and damages as he may have sustained by reason of such debtor or debtors withdrawing from and out of the said limits.

Sheriffs may recover debt, damages, and costs, against debtors withdrawing from the limits, or their bail.

V. And be it further enacted by the authority aforesaid, That the sheriff, or other officer, on such debtor or debtors so withdrawing or departing, shall be bound to assign over the security to the plaintiff, if required by him, and that the sheriff, upon so doing, shall be discharged from any claim the plaintiff may have on him, the said sheriff, for or on account of such debtor or debtors.

Bond for the limits may be assigned.

VI. And be it further enacted by the authority aforesaid, That this act shall not extend, or be construed to extend, to any person or persons confined for debt, who may at the same time be in custody for any criminal charge.

This act not to extend to persons in custody for any criminal charge.

VII. And be it further enacted by the authority aforesaid, That upon such assignment of the security to the plaintiff, or his legal representatives, he, she, or they may, as assignee or assignees, sue therefor, in his, her, or their own name; and that it shall not be in the power of the sheriff, in whose name such security was taken, to release such action.

Assignee of bond for the limits may maintain an action thereon which shall not be released by the sheriff.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, having given security to the sheriff for any prisoner to enjoy the limits of the gaol, to surrender such prisoner into the hands of the sheriff, or his deputy, or gaoler, and upon such surrender, the sheriff shall, and he is hereby required to, deliver up the bond or security given to him by such person or persons, and that he, she, or they shall be wholly discharged therefrom: Provided always, That nothing in this

Bail for the limits may surrender their principal.

clause contained shall extend, or be construed to extend, to prevent the sheriff of any district from renewing such security in the same manner as if such prisoner had not enjoyed the limits of such gaol.

Surrender not to prevent fresh security being given.

IX. And be it further enacted by the authority aforesaid, That whenever any person or persons shall be in execution upon a capias ad satisfaciendum, at the suit of any creditor or creditors, and shall have obtained leave, under the provisions of this act, to reside upon the limits of the gaol where he shall have been confined, it shall and may be lawful for such creditor or creditors to sue out any other species of execution, notwithstanding such person or persons may have been charged in execution as aforesaid: Provided always, That his, her, or their household furniture, not exceeding twelve pounds ten shillings in value, together with the tools and implements of trade used by such person or persons in any trade or handicraft, shall not be liable to any such subsequent execution so to be sued out as aforesaid.

Creditors may sue out any other species of execution against debtors charged upon ca. sa.

Household furniture and tools of such debtors not to be seized on subsequent execution.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any such creditor or creditors as last aforesaid, to tender such and the like interrogatories to any such debtor or debtors, so residing on the limits of any gaol as aforesaid, in like manner as may now be tendered to any insolvent debtor charged in execution; and in case such debtor or debtors shall refuse or neglect to answer such interrogatories, for the space of twenty days next after a copy thereof shall have been delivered to such debtor or debtors, he, she, or they shall no longer be entitled to the benefit of such limits, but shall be re-committed to the gaol of the district, where he, she, or they shall be confined.

Creditors may tender interrogatories to debtors confined on the limits, in like manner as to insolvent debtors.

If debtors neglect to answer interrogatories tendered, for twenty days, they shall stand committed to close custody.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall, upon any answer or answers to such interrogatories, swear falsely, he, she, or they shall be liable to all the pains and penalties of wilful and corrupt perjury.

False swearing subjects offenders to the penalties of perjury.

XII. And be it further enacted by the authority aforesaid, That notwithstanding any thing contained in this act, every person now in execution for debt, enjoying the privileges of the present gaol limits in any district of this province, shall continue to enjoy such limits, between the time which shall elapse after the passing of this act, and the establishment of enlarged limits, under the provisions herein contained, and shall further, in like manner, continue to enjoy such limits as heretofore established, subject to the several provisions in this act contained, until such new security shall be given by such person respectively, as will be sufficient, under this act, to afford the party the benefit of the limits hereby authorized.

Prisoners enjoying the old limits to continue thereon until new limits assigned.

Chapter IV.

An act for the relief of indigent debtors.

[Passed March 6, 1830.]

Whereas it is expedient that not only the bed and bedding of debtors should be exempt from being seized and sold in execution of judgment, but also, that their necessary wearing apparel, and the bed and bedding of their family, should in like manner be exempt from such seizure and sale; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in all cases wherein a writ of execution shall be issued upon any judgment obtained in any court in this province, it shall not be lawful for the sheriff, or other officer executing such writ, to seize the necessary wearing apparel of the debtor or debtors against whom such judgment shall have been obtained, or of his, her, or their family, nor the bed or bedding in actual use by the members of his, her, or their family, in satisfaction of such judgment, any law, usage, or custom, to the contrary notwithstanding.

Preamble.

Wearing apparel and bedding in actual use, not to be seized under execution.

Chapter V.

An act to extend the provisions of the law of set-off, and to prevent unnecessary and vexatious law suits.

[Passed March 6, 1830.]

Whereas the provision for setting mutual debts, one against the other, is highly just and reasonable at all times, and ought to be extended, so as to allow a defendant

Preamble.

to recover the balance due to him; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That if in any action to be hereafter commenced in his Majesty's court of king's bench, or in any of his Majesty's district courts in this province, the defendant having given notice of set-off, or pleaded the same according to law, shall, on trial of said action, prove a sum due to him, or if he be sued as executor or administrator to the testator, or intestate, from the plaintiff, or if the plaintiff sue as executor or administrator from the testator or intestate, greater than such plaintiff has proved due to him, or his testator, or intestate, from such defendant, or his testator or his intestate, it shall and may be lawful for the jury to render a verdict for the defendant, to the amount of the difference of their respective claims, proved as aforesaid, and for every such defendant to enter up judgment for such sum, besides his costs and charges, and to have execution therefore.

Defendants having given notice of, or pleaded a set-off, may recover judgment for the amount proved by them beyond plaintiff's demand, and have execution therefore.

II. And be it further enacted by the authority aforesaid, That in any action within its jurisdiction, which shall hereafter be commenced in any court of requests in this province, the commissioners thereof shall give judgment against the plaintiff, for such sum, not exceeding the limit of their jurisdiction, as they may judge from the evidence to be a balance due from him to the defendant, and such defendant shall thereupon be entitled to an execution therefore, in the same manner as if he had been the plaintiff in the case, and the other party defendant: Provided always, nevertheless, That such court shall not have power to take cognizance of any demand advanced on the part of the defendant, which, from its nature or amount, would not come within the jurisdiction of such court, if brought forward on the part of the plaintiff.

Courts of request may in certain cases, give judgment for a balance due, from plaintiffs to defendants.

Chapter VI.

An act for the better regulation of the currency.

[Passed March 6, 1830.]

Whereas from the great quantities of depreciated silver coins at present in circulation in this province, it is necessary to repeal part of an act passed in the thirty-sixth year of his late Majesty's reign, entitled, "An act for the better regulation of certain coins current in this province;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That such of the silver coins of the United Kingdom, as are depreciated in weight more than one twenty-fifth part of their full weight, shall not be legal money in this province.

Preamble.

Silver coins of the United Kingdom depreciated one twenty-fifth, shall not be current.

II. And be it further enacted by the authority aforesaid, That so much of the first clause of the said hereinbefore recited act, as establishes the value of the Spanish pistareen at one shilling; the French crown, coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres, ten sols Tournois, at four shillings and two pence; the French piece of thirty-six sols Tournois, at one shilling and one penny; and all the higher and lower denominations of the said silver coins; and renders them a legal tender in payment of all debts and demands whatsoever, in this province, in the same proportions respectively, shall be, and the same is, hereby repealed.

So much of 36th Geo. III, c 1, s 1, as renders the Spanish pistareen, French crown, and other smaller French coins, a legal tender, repealed.

III. And whereas it is expedient that the remaining clauses of the said act, making it penal to counterfeit such coin, should remain in force, be it therefore further enacted by the authority aforesaid, That so much of the remainder of the said recited act as regards, in any respect whatsoever, the several coins hereby declared to be no longer a legal tender in this province, shall be, and the same, so far as regards such coins only, is hereby repealed.

So much of the said act as renders it penal to counterfeit the said coins, repealed.

(See 36th Geo. III, c 1; 49th Geo III, c 8; 7th Geo. IV, c 4)

Chapter VII.

An act to provide for an increase of the number of overseers of highways, pounds, and pound-keepers, in the respective townships throughout this province.

[Passed March 6, 1830.]

Preamble.

Whereas it hath been found from experience, that in many townships of this province, a greater number of overseers of highways, pounds, and pound-keepers, is necessary, than is provided for by law, and it is expedient therefore to allow the same to be increased; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the inhabitant householders in each and every township, reputed township, or place, in this province, at their annual town meetings, to choose and nominate any number of overseers, not exceeding thirty, for such township, reputed township, or place; and also one pound-keeper to each and every public pound, not exceeding six in number, that shall have been, or may be, appointed as and for a public pound for such township, reputed township, or place, the situation whereof shall have been designated at some annual town meeting, by causing the lot or parcel of land on which the same is situate, to be recorded in the minutes of such meeting.

(See 45th Geo. III, c 6, and 59th Geo. III, c 8.)

Thirty overseers of highways may be appointed for each township, and not exceeding six pound-keepers.

II. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That no distress shall be driven or taken to any other pound authorized by this act, than to one of the pounds within the same township, reputed township, or place, nearest to the place where such distress shall be taken.

No distress to be impounded out of the township.

III. And be it further enacted by the authority aforesaid, That such overseers of highways and pound-keepers shall be chosen in the manner now by law provided for the choice of overseers of highways and pound-keepers, respectively, and shall have the same rights and authority, and be subject to the same duties and obligations, as now by law belong to overseers of highways and pound-keepers, respectively.

Additional overseers and pound-keepers to be chosen, as overseers have heretofore been chosen, and have the same power.

Chapter VIII.

An act to alter the times of sitting of the general quarter sessions in the Niagara district.

[Passed March 6, 1830.]

Preamble.

Whereas great inconvenience is found to arise from the sitting of the court of quarter sessions in the Niagara district, on the days now established by law; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the second clause of an act passed in the forty-first year of the reign of his late Majesty, entitled, "An act to remove doubts with respect to the authority under which the courts of general quarter sessions of the peace, and other courts, have been erected and holden, and other matters relating to the administration of justice done in the several districts of this province, and also to fix the times of holding the quarter sessions of the peace in and for the same," as relates to the holding the quarter sessions in and for the district of Niagara, be, and the same is, hereby repealed; and that from and after the passing of this act, the court of general quarter sessions of the peace in and for the Niagara district, shall assemble and sit at the town of Niagara, in the Niagara district, as the place now fixed by law for holding the same, on the fourth Tuesdays in January and March; the second Tuesday in July; and the third Tuesday in October, in each and every year.

So much of the 2d section of 41st Geo. III, c 6, as relates to the district of Niagara, repealed.

Quarter sessions for Niagara to be held on fourth Tuesdays in January and March, second Tuesday in July, third Tuesday in October.

Chapter IX.

An act to revive and continue, with certain modifications, an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace, in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses."

[Passed March 6, 1830.]

Preamble.

Whereas an act passed in the fifty-ninth year of his late Majesty's reign, entitled, "An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses," hath expired, and it is expedient, for the purpose of raising a revenue for the improvement of the roads and bridges within this province, to revive and amend the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said act, with the exception of that part of the second clause which relates to the adjournment of the court of general quarter sessions to the last Monday of December, and also the third clause of the said act, and so much of the fourth clause as relates to the amount to be paid for a license, shall be and continue in force for two years from the passing of this act, and from thence to the end of the next ensuing session of parliament, and no longer.

59th Geo. III, except certain clauses, revived and continued for two years.

Shop and tavern keepers to take out a license

II. And be it further enacted by the authority aforesaid, That every person, who, at any time during the continuance of this act, shall keep a shop and tavern, and who shall take out a license for that purpose, shall pay to the inspector, for such license, the same sum as by the laws of this province shall be required to be paid by shopkeepers who take out license for the purpose of enabling them to sell spirituous liquors by retail, any thing in any former act of the parliament of this province to the contrary notwithstanding.

Sessions may adjourn to the 5th January in each year, for licensing innkeepers.

III. And be it further enacted by the authority aforesaid, That the magistrates in general quarter sessions assembled, in each and every district of this province, at their meeting next preceding the fifth day of January, shall have power and authority to adjourn the general quarter session to the fifth day of January in each and every year; or if the same shall be on a Sunday, then to the Monday following, for the purpose of receiving applications and granting approvals to innkeepers, and for other purposes specified in the said act.

Not more than £10, nor less than £3, to be required for a license.

IV. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said justices, or a majority of them, as aforesaid, to order or direct the said inspectors to receive, or any innkeeper to pay, for any such license as aforesaid, a greater sum than ten pounds, or a smaller sum than one pound sixteen shillings, sterling, and the additional sum of twenty shillings, currency, now imposed by law.

Duties applicable to the improvement of the highways.

V. And be it further enacted by the authority aforesaid, That the revenue arising, or which may be received under this act, shall be subject to the disposition of parliament, for the purpose of improving the public highways and bridges, and shall not be applicable to any other purpose whatever.

Chapter X.

An act to encourage the establishment of agricultural societies in the several districts of this province.

[Passed March 6, 1830.]

Preamble.

Whereas it would greatly tend to the general improvement and prosperity of this province, if agricultural societies were established in every district, with a suitable endowment from the public funds; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That when any agricultural society for the purpose of importing

Any agricultural society subscribing £50,

valuable live stock, grain, grass seeds, useful implements, or whatever else might conduce to the improvement of agriculture in this province, shall be established in any district of the said province, and shall make it appear, to the satisfaction of the governor, lieutenant governor, or person administering the government of the province, for the time being, that a sum, not less than fifty pounds, has been actually subscribed by the said society, and paid into the hands of a regularly appointed treasurer, and the president and directors of the said agricultural society shall petition the governor, lieutenant governor, or person administering the government of the province, for the time being, for aid in support of the said society, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to issue his warrant to the receiver general, in favor of such petitioners, for the sum of one hundred pounds annually, during the continuance of such society, and so long as the said society shall themselves continue to raise a sum by subscription of not less than fifty pounds; and the said annual bounty of one hundred pounds shall be paid and accounted for out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and that are in the hands of the receiver general, unappropriated.

shall be entitled to £100 annually, so long as such subscription shall continue.

II. And be it further enacted by the authority aforesaid, That in the event of there being an agricultural society established in each county of any particular district within this province, the said sum or bounty of one hundred pounds shall be equally divided between the said societies having claim upon it by the provision of this act.

County societies shall be entitled to an equal share of the bounty.

III. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Continuance of this act four years.

Chapter XI.

An act to grant a further loan to the Welland canal company, and to regulate their further operations.

(See 10th Geo. IV, c 9.)
(Amended. See 1st Wil. IV, c 18.)

[Passed March 6, 1830.]

Most gracious Sovereign:

Whereas the Welland canal has been so far completed as to allow the passage of vessels from port Dalhousie, on lake Ontario, to Chippewa, on the Niagara river, above the falls of that river; and whereas an act was passed in the eighth year of your Majesty's reign, entitled, "An act to enable the president and directors of the Welland canal company to accept an aid from his Majesty's government, towards the completion of the said canal, and to secure to his Majesty the free use thereof," whereby, in consideration of the one ninth of the estimated cost of the said canal, to be paid by your Majesty to the said canal company, the free use of the said canal was secured to your Majesty, and the locks of the said canal were enlarged to certain dimensions stipulated, in behalf of your Majesty, by your Majesty's secretary of state for the colonies; and whereas the said act is still in full force and effect, but the said aid not having been yet advanced by your Majesty, (though your Majesty's faithful commons have every confidence that the said aid will be extended by your Majesty,) and the said company, from the want of the said aid, and other causes, are unable to complete the said canal, so as to render the same at all times fit for navigation, from port Dalhousie, on lake Ontario, to the mouth of the river Welland; and it is therefore necessary to grant the said company immediate aid, to insure the progress of the said canal between the said places; we therefore pray your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same, upon the credit of the government bills or debentures, authorized to be issued under this act, a sum not exceeding twenty-five thousand pounds, at a rate of interest not exceeding six per centum; and that as soon as the said sum of twenty-five thousand pounds, or any part thereof, shall be so raised, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to issue his warrant upon the said receiver general for the same, in favor of the said Welland canal company, upon the terms and conditions hereinafter provided, respecting the same, which sum of money, when

Preamble.

£25,000 granted in aid of the funds of the Welland canal.

payable as aforesaid, in favor of the said company, shall be paid into the hands of the president of the said company, to be held and applied by him to and for the uses of the said company in the completion of the said canal, under the terms and conditions of this act.

Limitation of the expenditure.

II. And be it further enacted by the authority aforesaid, That the expenditure of the said sum of twenty-five thousand pounds shall be limited to the payment of the debts due by the said Welland canal company, and to the completion of the said canal between lake Ontario, and the mouth of the said canal, near Chippewa, on the river Niagara, and that no further expenditure shall be made until the condition of the Deep cut, on the said canal, shall be examined and reported to his excellency the lieutenant governor, by the person appointed by this act for that purpose: Provided always, That it shall be lawful for the said company to enlarge the feeder of the said canal, now in progress, to such a width, as will afford a sufficient supply of water for navigating the said canal from the river Welland to lake Ontario, and no wider.

No poundage allowed to the receiver general.

III. And be it further enacted by the authority aforesaid, That the sum of money hereby authorized to be raised by loan shall not be subject to any deduction of poundage for the receiver general of this province, any law, usage, or custom, to the contrary thereof notwithstanding.

Receiver general to issue debentures.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause or direct any number of debentures to be made out for such sum or sums of money, not exceeding in the whole the said sum of twenty-five thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and shall be signed by him; and that for each loan or advance three several debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced at the expiration of periods not shorter than seven, nine, and eleven years, respectively, with interest, according to the rate at which such loan shall be negotiated, from the date of such debenture until the same shall be discharged.

Debentures chargeable upon the public funds of the province.

V. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

VI. And be it further enacted by the authority aforesaid, That the loan authorized by this act shall be contracted for upon the express condition, that at any time either before or after the said debentures, or any of them, which are by this act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment; and if, after insertion of the said notice for three months, any debenture shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Interest on all debentures to cease after six months' notice of their being due has been published in the Gazette.

Provisions contained in 7th Geo. IV, c 20, relative to debentures issued by the receiver general, to be in force with regard to debentures issued under the authority of this act.

VII. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money, upon debenture, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with certain public accountants; the payment of interest upon the same, by such accountants, and the suspension of interest in certain cases; the submitting to the legislature accounts of such debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such debentures; the remuneration to the receiver general, for the services required by the said act; paying off and cancelling the said debentures; and also, the provision made in the seventh section of the said act, for punishing the forging of any debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged debenture, or other matter, as aforesaid, shall apply to, and be in force in respect to, the debentures which shall be issued according to this act.

VIII. And be it further enacted by the authority aforesaid, That the said receiver general of this province, for the time being, shall not pay or advance to the Welland canal company any sum or sums of money specified in or by virtue of any warrant or warrants which may be from time to time issued in their favor by the governor, lieutenant governor,

or person administering the government of this province, under the authority of this act, until the said Welland canal company shall have delivered to the said receiver general a bond or bonds, or writing or writings, obligatory to our sovereign lord the King, his heirs and successors, duly sealed and executed under the seal of the said Welland canal company, in the penal sum of double the amount to be secured thereby, such bond or bonds, writing or writings, obligatory, respectively, to be conditioned for the payment to the said receiver general, to and for the use of our said lord the King, his heirs and successors, the sum or sums of money specified in the said warrant or warrants that may be from time to time issued in favor of the said Welland canal company, by virtue and under the authority of this act, and at such period or periods respectively, as the debenture or debentures upon which such sum or sums of money, so to be from time to time advanced to the said company, by way of loan, may have been raised, shall respectively become due and payable, according to the terms thereof, together with the legal interest thereon, at the rate of six per cent. per annum; such interest to be paid to the receiver general, to and for the use of our sovereign lord the King, his heirs and successors, half-yearly, computed from the date or dates of the said bond or bonds, writing or writings, obligatory, respectively; and which bond or bonds, writing or writings, obligatory, respectively, shall be prepared and made out in such method and form as the said receiver general shall think most safe and proper.

Welland canal company to give bonds to the receiver general for all sums advanced.

IX. And be it further enacted by the authority aforesaid, That upon payment by the said company to the receiver general of this province, for the time being, of the principal or interest upon any sum or sums of money from time to time lent and advanced to the Welland canal company, by virtue of any such warrant or warrants issued under the authority of this act, according to the condition, true intent, and meaning of any bond or bonds to be given by the said company for securing the same, as by this act required, such receiver general shall deliver to the said company a receipt or receipts for the same, under his hand, which receipt or receipts, so signed and delivered, shall be, and are hereby declared to be, a full and sufficient acquittance or acquittances to the said company, for the sum or sums therein respectively mentioned and specified.

When bonds are paid off by the Welland canal company, receiver general to give receipts for the money.

X. And be it further enacted by the authority aforesaid, That all and every sum and sums of money from time to time paid into the hands of the receiver general of this province, by the said Welland canal company, as a principal or interest upon any bond or bonds of the said company, given by virtue of this act, shall remain in the hands of such receiver general of this province, at the disposal of the legislature thereof; and that all sums of money paid under the authority of this act shall be accounted for to his Majesty through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Money paid to the receiver general on bonds, how to be applied and accounted for.

Welland canal company not to make any other canal or channel between the Welland canal and lake Erie, or the Grand river, without further legislative provision.

XI. [Repealed by 1st Wil. IV, c 18.]

Welland canal company may make a towing path along the Niagara river, to the Deep cut.

XII. Provided always, nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to restrain or prevent the said company, after the completion of the said canal from port Dalhousie to the entrance of the said canal into the Niagara river, to apply such sum of money as may be necessary, in the formation and construction of a towing path along the Niagara river, from lake Erie to the entrance of the said canal.

Robert Randal, esq. appointed a commissioner.

XIII. And be it further enacted by the authority aforesaid, That Robert Randal, of the district of Niagara, esquire, shall be, and he is hereby appointed, commissioner, under and by virtue of this act, to examine the said canal, and particularly the section thereof called the Deep cut, and to report to his excellency the lieutenant governor, or person administering the government for the time being, for the information of the legislature, the condition of the said canal, and Deep cut thereof, and particularly to examine and report upon the strata of which the said Deep cut is composed; the effect which the seasons have already had thereon, and the probability there is of the stability or instability of the banks of the said Deep cut, with the facts and reasons upon which such opinion of their stability or instability is founded; and to examine and report, particularly, upon the wooden locks of the said canal, their sufficiency, probable durability, and expense of repair; and to examine and report upon the harbor at the Twelve-Mile creek, and the condition, practicability, and sufficiency thereof; and to examine and report upon the condition of the dam erected across the Grand river, and the effects from overflowing, or otherwise, produced by the same; and to examine and report the condition of the feeder from the Grand river to the said canal, and whether it would not be practicable and advantageous to have a feeder from another and higher point of the said Grand river, together with all

such other and further facts and information as the said commissioner may deem useful, in aid of forming a correct opinion of the said work, its progress, condition, and future usefulness.

Robert Randal, esq. to be remunerated for his trouble.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, for the time being, to remunerate the said Robert Randal, for his duties and services aforesaid, and for any disbursements he may have to make in the discharge of such duties and services, to such an amount as his excellency the lieutenant governor, or person administering the government, for the time being, shall think fit; and to issue his warrant or warrants for such amount upon the receiver general of this province, in favor of the said Robert Randal, which amount shall be paid out of any monies in the hands of the said receiver general unappropriated, and subject to the disposal of the legislature.

Chapter XII.

(See 11th Geo. IV, c 27.)

An act to afford further aid to complete the Burlington bay canal, and for other purposes relative to the said canal.

[Passed March 6, 1830.]

Preamble.

Whereas since the opening of the navigation of the Burlington canal, great and manifest advantages have been derived by the province from that work; and whereas its completion would open one of the most spacious harbors on lake Ontario, afford a safe and commodious wintering place to vessels navigating that lake, at all times free from ice, and give increased energy to the agricultural and commercial interests of the province; and whereas the rates and tolls now levied and collected on the said canal are generally considered too high; and whereas from the experience of the two last years, there is good reason to expect that, although a moderate reduction were made in the said rates and tolls, a sum would be realized, annually, sufficient in amount to pay the annual interest, and gradually to liquidate the principal of any loan that might be found necessary, in order to complete the said navigation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, the second clause of an act passed in the fourth session of the eighth parliament of this province, entitled, "An act to amend and extend the provisions of an act passed in the last session of parliament, entitled, 'An act to provide for constructing a navigable canal between Burlington bay and lake Ontario;'" and the eighth clause of an act passed in the fourth session of the ninth parliament, entitled, "An act to provide for the valuation of the labor and materials applied in constructing the harbor at Burlington bay, and for other purposes relating to the said harbor," shall be, and the same are, hereby repealed.

4th Geo. IV, c 16, s 2; 9th Geo. IV, c 12, s 8, repealed.

New tolls to be collected, in lieu of those repealed.

II. And be it further enacted by the authority aforesaid, That instead of the tolls and dues enumerated in a schedule annexed to, and authorized to be levied and collected by virtue of the provisions of an act passed in the third session of the eighth parliament of this province, entitled, "An act to provide for constructing a navigable canal between Burlington bay and lake Ontario," the tolls and dues enumerated in the following schedule shall be levied and collected on the said canal, and continued until such time as the loan hereinafter authorized to be raised for the completion of the same, and also the interest on the said loan, shall have been repaid: Provided always, That the said tolls and dues authorized to be levied and collected by virtue of this act, shall continue to be so levied and collected after the said loan and interest shall have been repaid, and until a further sum, sufficient in amount to repay all monies that have been advanced by this province for the use of the said canal, shall have been also raised and collected, and paid into the provincial treasury; and that nothing in this act contained shall be implied to repeal or suspend the operation of the seventh clause of an act passed in the fourth session of the last parliament, entitled, "An act to provide for the valuation of the labor and materials applied in constructing the harbor at Burlington bay, and for other purposes relating to the said harbor."

(See 4th Geo. IV, c 9, s 13.)

Schedule of Tolls and Rates payable under the authority of this Act.

Table.

Salt and plaster of paris, per barrel, six pence, currency.
Flour, per barrel, four pence half-penny.
Wheat and pease, per bushel, three farthings.

Beef, pork, butter, lard, whiskey, bees-wax, and herrings, per barrel, nine pence.
Beef, pork, butter, lard, whiskey, bees-wax, and herrings, per keg, four pence half-penny.
Ploughs, each, four pence half-penny.
Shingles, per M., two pence.
Dry goods, per cwt., five pence.
Oil, per barrel, one shilling.
Ashes, per barrel, one shilling and three pence.
Boards, per hundred pieces, one shilling and three pence.
Staves, standard, per M., ten shillings.

Proportionate tolls to be levied on fruit and vegetables.

III. And be it further enacted by the authority aforesaid, That apples, cider, potatoes, and all other roots, vegetables, and fruits, and also all articles not enumerated to pay, in proportion to the above rates, shall be subject to such tolls and dues as may be established by the commissioners appointed by virtue of this act.

Tolls not to be lowered until loan and interest paid off.

IV. And be it further enacted by the authority aforesaid, That the rates, tolls, and dues, authorized to be levied and collected under the authority of this act, shall not be lowered until after the said loan, and the inetrest thereon, shall have been paid unto the person or persons who may advance the same, on the security of the said rates, tolls, and dues.

£5,000 to be raised by loan, on debenture.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct the receiver general to raise by loan, at a rate of interest not exceeding six per centum per annum, and as much lower as can be obtained, from any person or persons, body politic or corporate, who may be willing to advance the same, upon the credit of the government bills or debentures, authorized to be issued as hereinafter mentioned, such sums, not exceeding in the whole five thousand pounds, as may be required to complete the works and navigation of the said canal.

Receiver general to issue debentures.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause or direct any number of debentures to be made out for such sum or sums of money, not exceeding in the whole the said sum of five thousand pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the debentures; which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and shall be signed by him; and that for each loan or advance, three several debentures shall issue at the same time, bearing date the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced, and out of the said rates, tolls, and dues, and no other, at the expiration of periods not shorter than three, five, and seven years, respectively, with interest, according to the rate at which such loan shall be negotiated, from the date of such debenture, until the same shall be discharged.

Debentures chargeable on the tolls of the canal.

VII. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the receiver general of this province, arising out of the rates, tolls, and dues, hereafter to be levied and collected upon the Burlington canal, and from no other source.

Tolls to be applied to the redemption of the debt.

VIII. And be it further enacted by the authority aforesaid, That the whole of the nett proceeds arising out of the tolls, rates, and dues, hereafter to be raised, levied, and collected, on the said canal, shall be applied to the purpose of redeeming the loan authorized to be made by this act, until it shall be liquidated, with the interest thereon: Provided always, That it shall be lawful for the collector of the said tolls to receive the same per centage and dues which have hitherto been paid him out of the tolls, rates, and dues, so collected on the said canal.

Collector of tolls to receive per centage.

Provisions contained in 7th Geo. IV, c 20, respecting the issuing debentures, to be applicable to debentures issued under the authority of this act.

IX. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money upon debenture, to be loaned to the Welland canal company," respecting the submitting to the legislature accounts of such debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such debentures; paying off and cancelling the said debentures; and also the provision made in the seventh section of the said act, for punishing the forging of any debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged debenture, or other matter, as aforesaid, shall apply to and be in force in respect to the debentures which shall be issued according to this act.

No poundage to be paid to the receiver general.

X. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan shall not be subject to any deduction of poundage for the receiver general of this province.

Commissioners appointed.

XI. And be it further enacted by the authority aforesaid, That William Chisholm, Alexander Brown, John Aikman, Joshua Freeman, Ashel Davis, William Applegarth, and William B. Sheldon, be commissioners for the purpose of receiving plans, tenders, and estimates, and of contracting for and superintending the work and labor necessary to be done and performed in order to complete, secure, and make permanent, the Burlington canal, with the banks, piers, and excavations thereof; and to them shall be paid, in discharge of such warrant or warrants as shall be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province, the sums required to be expended by the authority of this act, for the purpose of completing the said canal: Provided always, That the sums so applied shall be accounted for to his Majesty through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty shall be pleased to direct; and that if any of the persons hereby nominated and appointed commissioner shall die, or refuse to act as such commissioner, under the authority of this act, it shall be in the power of the governor, lieutenant governor, or person administering the government, to appoint another commissioner or commissioners in the place of him or them who shall die, or refuse to act, as aforesaid.

Duties of commissioners.

Sums expended how to be accounted for.

Warrants to be issued for the payment of debentures, which are to be cancelled when paid.

XII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the payment of each debenture, as the same may become due, and be presented in favor of the lawful holder thereof; and that such debenture as shall be discharged and paid off, shall be cancelled by the said receiver general.

Specifications to be prepared, and work to be let out by public tenders.

XIII. And be it further enacted by the authority aforesaid, That after the commissioners have met, and decided upon the measures necessary to be taken to place the canal in a complete and permanent state of repair, and agreed upon their plan of operations, they shall then cause to be made out an estimate of the work and labor, and specifications, accurately describing the manner in which it is to be performed, and shall let the whole out by contract at once, either in one or more contracts, at their discretion, and shall publicly advertise the said contract or contracts in the newspapers, stating also the time and place at which sealed proposals will be received; and all proposals shall be for a sum certain, and no proposition which is not definite and certain, or which contains any alternative condition or limitation as to such price, shall be received or acted upon.

Security to be given for its completion.

XIV. And be it further enacted by the authority aforesaid, That the person or persons whose tender or tenders shall be accepted, shall give security to the satisfaction of the said commissioners, and also to the satisfaction of the governor, lieutenant governor, or person administering the government of this province, conditioned for the due performance of the contract or contracts to be entered into, which contract or contracts shall be drawn by his Majesty's attorney general, for the time being, in strict conformity of the provisions of this act, and shall positively include all the work and labor to be done and performed; accidents, casualties, and all contingencies whatsoever, being at the sole risk of the contractor or contractors; and three copies of all contracts to be entered into shall be executed by the parties, one of which shall be deposited with the receiver general, and another shall remain with the canal commissioners; and the commissioners, after having obtained ample and undoubted security for the due completion of the work, may draw upon the receiver general, from time to time, and order payment to be made to the contractor or contractors in sums corresponding in amount to the progress made in the work, in order that the said contractor or contractors may not be under the necessity of employing workmen and laborers at a disadvantage, or of taking credit at stores at higher prices than cash price, for lack of means.

Commissioners to draw upon the receiver general for money to pay contracts.

Arbitrators to be named in each contract, to whom all disputes respecting its fulfilment shall be referred.

XV. And be it further enacted by the authority aforesaid, That in the contract or contracts to be entered into, three men shall be named by the contractor or contractors, and the commissioners, indifferently, who shall be called upon to act as umpires, in case any disputes should arise during the performance of the contract or contracts, or at the close thereof, between the commissioners and contractor or contractors, as to whether the work had been done and completed according to the bargain; and the decision of any two of the three so named being given in writing, shall be final and conclusive, and may not be appealed from.

Commissioners may adjourn their meetings and appoint a president.

XVI. And be it further enacted by the authority aforesaid, That a majority of the board of commissioners shall be a quorum to transact canal business, and may adjourn from time to time, and fix the time and place of future meetings, and that they choose one of their members to be their president, whose duty it shall be to call a meeting of the board on request, in writing, of a commissioner, and without such request, whenever he shall deem it expedient; and if it shall be found necessary, after the contract or contracts for the completion of the canal have been entered into, for the commissioners to make other extraordinary repairs or improvements, in cases which could not have been easily foreseen, and included in the said contract or contracts, they are authorized to do so, and

Commissioners may make contracts for repairs.

Each commissioner to attend in succession

the board shall from time to time assign to each commissioner in succession the important duty of personally inspecting and taking special daily charge of the undertaking. the daily progress of the work.

XVII. And be it further enacted by the authority aforesaid, That it shall be the duty of the said canal commissioners to account and settle with the receiver general, on or before the first day of January in each year, for all monies received by them, or paid to contractors by their order, under this act; and such statement shall specify the sums, respectively, paid to all contractors, engineers, and servants, employed on the canal, and such statement or settlement shall be by the receiver general reported to his excellency the lieutenant governor, to be by him laid before the legislature. Commissioners to account with the receiver general on first of January in each year, for all monies received.

XVIII. And be it further enacted by the authority aforesaid, That at the close of the navigation in each year, the said commissioners shall annually report to his excellency the lieutenant governor, or to the person administering the government, stating the condition and progress of the canal, and all the works and improvements connected therewith, and shall recommend such measures in relation thereto as they may deem the public interest to require. Commissioners to make an annual report of their transactions to the lieutenant governor.

XIX. And be it further enacted by the authority aforesaid, That the said commissioners shall appoint a fit and discreet person as superintendent of works, with a moderate annual recompense, whose duty it shall be to attend constantly at the canal, to see that the piers are filled with a suitable quantity of stone, the piles properly driven, the excavation carried to the proper width and depth, and the work done and performed in all respects according to contract; and the superintendent shall also act as secretary to the board of commissioners, and keep a book or books, in which their meetings and adjournments, and all their transactions in the business of the canal, shall be duly entered, and in which all receipts and expenditures of money shall be set down; and no account shall be paid by any officer or servant employed on the canal, until the same shall have been regularly inspected and audited by the board; and it shall be the duty of the superintendent to file and preserve the accounts that are thus audited, and they shall be transmitted to the receiver general by the commissioners, at the period of annual settlement, for the inspection of the legislature, if required. Commissioners to appoint a superintendent. His duty.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collector of the said tolls and dues, imposed by virtue of this act, to appoint a deputy to collect the same. Collector of tolls may appoint a deputy.

XXI. And be it further enacted by the authority aforesaid, That the ninth clause of an act passed in the third session of the eighth parliament of this province, entitled, "An act to provide for constructing a navigable canal between Burlington bay and lake Ontario," shall be, and the same is, hereby repealed. 4th Geo. IV, c 8, s 9, repealed.

Chapter XIII.

An act to incorporate the trustees of the Grantham academy.

[Passed March 6, 1830.]

Whereas subscriptions have been entered into by divers inhabitants of the village of Saint Catharines, in the district of Niagara, and its vicinity, for the purpose of establishing an academy in the said village; and it is considered, that if the stockholders should be incorporated and vested with powers for the regulation and good government of the said academy, the same would become of great benefit and advantage to the public; and whereas Robert Campbell, Jacob Keefer, John Gibson, Chauncey Beedle, and Lyman Parsons, have, by their petition presented to the legislature, prayed for such incorporation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That on the first Monday in May in this present year, and in every year thereafter, there shall be held a meeting of the subscribers to the Grantham academy, in the village of Saint Catharines, of persons holding stock therein; at which meeting shall be chosen, from amongst the subscribers or stockholders, by a majority of them then there present, five trustees, three of whom shall be a quorum for transacting all business relating to the said academy; and the appointment of a treasurer, secretary, masters, assistants, and other necessary officers, and their salaries, and by-laws, shall then and there be made for the government of the school, and such other matters as to the said trustees shall appertain to do; and it shall be the duty of the said trustees, for the time being, to give public notice at least two weeks Preamble. 1st Monday in May a meeting of subscribers to be held in Saint Catharines, who shall elect five trustees. Appointment of secretary, treasurer, masters, assistants, and other officers, and their salaries, to be then made.

Public notice to be given of the day of meeting.

previous to the meeting of the stockholders, which is to be held on the first Monday in May annually.

Trustees, treasurer, and secretary, declared a corporation.

II. And be it further enacted by the authority aforesaid, That the said trustees, together with the treasurer and secretary for the time being, and their successors, to be chosen as aforesaid, shall be, and they are hereby declared to be, a body corporate and politic, in deed and in law, by the name of the trustees of the Grantham academy, and shall have perpetual succession, and a common seal, with power to change, alter, break, or make new the same; and they, or their successors, by the name aforesaid, may sue and be sued, defend and be defended, in all or any court or courts of record and places of jurisdiction within this province, and shall lawfully hold, use, receive, enjoy, possess, and retain, for the end and purposes of this act, and in trust and for the benefit of the stockholders in the said academy, all such sum and sums of money as have been had, subscribed, and given, or shall, at any time or times hereafter be paid, subscribed, or given, by any person or persons, to and for the advantage of the said academy; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, take, receive, have, hold,

May hold five acres of land.

possess, and enjoy, for the use and benefit of said academy, five acres of land, with the tenements or hereditaments thereto appertaining, and also, all goods and chattels, for the purposes of the said stockholders, and for no other purpose whatsoever; and the said trustees and their successors, or the majority of them, shall have full power to pay and dispose of the revenues, and manage the said estate and affairs of the said stockholders in the said academy, in such manner as they may judge to be most advantageous to them.

Shares £2 10s. each.

III. And be it further enacted by the authority aforesaid, That a share in the stock of the said academy shall be two pounds ten shillings, and that each stockholder shall be

Stockholders to vote in proportion to shares held.

entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios, that is to say; one vote for each share not exceeding three, four votes for six shares, five votes for eight shares, six votes for ten shares, and one vote for every five shares above ten.

None to be trustees or officers except stockholders, and British subjects.

IV. And be it further enacted by the authority aforesaid, That no person shall be eligible to the office of trustee, treasurer, or secretary, or be appointed to the same, who shall not be a stockholder to the amount of one share, or who is not a natural born subject of his Majesty, or a subject naturalized by an act of the British parliament, or by any statute of this province; and that in case any vacancy or vacancies shall at any time happen among the trustees, treasurer, or secretary, by death, resignation, or removal from the province, the same shall be filled, for the remainder of the period of service, by such person or persons as the majority of the trustees may appoint.

None but British subjects to be appointed teachers.

V. And be it further enacted by the authority aforesaid, That no person, not a natural born subject of his Majesty, or a subject naturalized by act of the British parliament, or by an act of the legislature of this province, shall be capable of being chosen or appointed, (after the passing of this act,) to be a teacher in the said academy.

Statement of the affairs of the academy to be laid before the stockholders at each annual election of trustees.

VI. And be it further enacted by the authority aforesaid, That it shall be the duty of the trustees, treasurer, and secretary, at every meeting appointed for the election of trustees, treasurer, and secretary, and previous to the proceeding to the election, to give an exact and particular statement of the affairs of the institution, and to make at such meetings as aforesaid, a dividend of the profits of the institution, if any, after deducting the proper and necessary expenses thereof.

Shares to be transferable on the books of the academy.

VII. And be it further enacted by the authority aforesaid, That the shares of stock in the said academy shall be transferable, and may from time to time be transferred by the respective persons so subscribing, or afterwards holding the same: Provided, That such transfer or transfers be entered in a book or books kept for that purpose by the said secretary; to which books, and all other records of the proceedings of the trustees, every stockholder shall at all times have free access.

Extra meetings may be called.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful, at any time when at least one half of the stockholders shall wish to call an extra meeting of the stockholders, to give notice as above stated, to take into consideration any further measures connected with the interest of the school.

A public act.

IX. And be it further enacted by the authority aforesaid, That this act shall be taken to be a public act, and be judicially noticed as such in the courts of justice in this province, without being specially pleaded.

Stock or effects not to exceed £5,000.

X. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said corporation to hold stock, property, or effects, for the purposes aforesaid, to a larger amount than five thousand pounds.

Chapter XIV.

An act granting to his Majesty a sum of money for the improvement of the roads and bridges in this province.

[Passed March 6, 1830.]

Most gracious Sovereign:

Preamble.

Whereas it is desirable to afford aid towards repairing roads and bridges in certain parts of this province; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, and unappropriated, there be granted to your Majesty, your heirs and successors, the sum of thirteen thousand six hundred and fifty pounds; which said sum of thirteen thousand six hundred and fifty pounds, shall be appropriated and applied towards repairing roads and bridges in certain parts of this province, and apportioned to the several districts within the same, as follows:

£13,650 granted to his Majesty, to be appropriated towards repairing roads and bridges in the several districts following.

To the Eastern district—one thousand three hundred pounds.
To the Ottawa district—eight hundred pounds.
To the Johnstown district—one thousand one hundred pounds.
To the Bathurst district—one thousand one hundred pounds.
To the Midland district—one thousand nine hundred pounds.
To the Newcastle district—one thousand one hundred pounds.
To the Home district—one thousand five hundred and fifty pounds.
To the Gore district—one thousand six hundred pounds.
To the Niagara district—one thousand pounds.
To the London district—one thousand one hundred pounds.
To the Western district—one thousand one hundred pounds.

Eastern district, £1,300; Ottawa, £800; Johnstown, £1,100; Bathurst, £1,100; Midland, £1,900; Newcastle, £1,100; Home, £1,550; Gore, £1,600; Niagara, £1,000; London, £1,100; Western, £1,100.

(As to monies unexpended in the Bathurst, Midland, Gore, London, and Western districts, see 1st Wil. IV, c 20.)

II. And be it further enacted by the authority aforesaid, That the sum of one thousand three hundred pounds, hereby granted to the Eastern district, shall be appropriated and expended as follows, that is to say; in the county of Glengary, the sum of five hundred and sixty-six pounds, thirteen shillings and four pence; of which, two hundred pounds shall be expended in opening and making the front road in the township of Lancaster, leading to Lower Canada; and on the road from Kirktown, in Lancaster, to Dundas street, the sum of seventy-five pounds; and on the road from Gray's creek to Lancaster, the sum of fifty pounds; and from Alexander McLeod's, in Lochiel, to the eastern limit of the township, on the road to the seigniory of Rigaud, fifty pounds; and from Saint Raphael, on the present post road, to Hawkesbury, the sum of one hundred and ninety-one pounds, thirteen shillings and four pence; and that Hugh McGillis, Donald Catanach, John McLennan, and Alexander Chisholm, esquire, and Alexander McDougall, of Lancaster, be commissioners for expending the same: And in the county of Stormont, the sum of three hundred and sixty-six pounds, thirteen shillings and four pence, of which shall be expended on the main road from Cornwall to Williamsburgh, the sum of seventy-five pounds; and on the direct road from Cornwall to the rear of Roxborough, the sum of one hundred and twenty pounds; and from the front of Osnabruck, on the road leading out from the church into the township of Finch, the sum of one hundred and twenty pounds; and on the road leading from Martintown to Long Sault, the sum of fifty-one pounds, thirteen shillings and four pence; and that Simon Fraser and Donald McDonald, esquires, of Cornwall, and Levius Bancroft and Henry Shaver, of Osnabruck, be commissioners for expending the same: And in the county of Dundas, the sum of three hundred and sixty-six pounds, thirteen shillings and four pence, of which there be expended on the front road, in the township of Matilda, the sum of seventy-five pounds; and on the post road in the township of Williamsburgh, the like sum of seventy-five pounds; and on the road leading from the river Saint Lawrence, in the centre of the township of Matilda, to the township of Mountain, the sum of one hundred and eight pounds, six shillings and eight pence; and on the road leading from Alexander Rose, esquire's, through the townships of Williamsburgh and Winchester, the like sum of one hundred and eight pounds, six shillings and eight pence; and that Alexander Rose and James McDonell, esquires, and John Strader and John Dillabough and John Rose, of Matilda, and Henry Merkley, junior, of Williamsburgh, be commissioners for expending the same.

Specification of the appropriation for the Eastern district, and appointment of commissioners.

III. And be it further enacted by the authority aforesaid, That the sum of eight hundred pounds, hereby granted to the Ottawa district, shall be appropriated and expended as fol-

Specification of the appropriation for the

Ottawa district, and appointment of commissioners.

lows: On the road leading from the county of Glengary to the Ottawa river, commencing in the rear of West Hawkesbury, and from thence on the line of said road, to the Scotch church on Van Black's hill, the sum of three hundred pounds; on the road leading through the township of Caledonia to the river Petite Nation, the sum of fifty pounds; on the road from point Fortune to the eastern boundary of the township of Longuiel, the sum of two hundred pounds; and for opening and improving a road from Longuiel to the river Petite Nation, as near to the bank of the Ottawa river as may be practicable, the sum of two hundred and fifty pounds, and that Charles Waters, Charles A. Low, Daniel Wiman, William Clark, and Alexander Grant, be commissioners for expending the same.

Appropriation, and appointment of commissioners for the district of Johnstown.

IV. And be it further enacted by the authority aforesaid, That the sum of eleven hundred pounds, hereby granted to the district of Johnstown, be appropriated and expended as follows: On the road between Edward Bissel's, in Augusta, and Edmund Burrett's, in Wolford, the sum of three hundred and fifty pounds; and that Samuel J. Bellamy, Edmund Burrett, Edward Bissel, and Lyman Stone, be commissioners for expending the same: On the road from Johnstown to Kemptville, in Oxford, the sum of three hundred and fifty pounds, and that William Bottum, Trueman Hurd, and David Spencer, esquires, and Mr. William Adams, be commissioners for expending the same: On the road between Brockville and Perth, the sum of two hundred pounds; and that Edward Howard, John Ketchum, Abel Wright, and Isaac Martial, be commissioners for expending the same: On the road from Beverly, in Bastard, to the isthmus in North Crosby, one hundred pounds; and on the road from John Dickson's, in Yonge, to Jones' falls and Chaffey's mills, in South Crosby, one hundred pounds; and that Sheldon Stoddard, Elijah Judd, Peter Breser, and John Leggett, be commissioners for expending the same.

Appropriation, and appointment of commissioners for Bathurst.

(See 1st Wil. IV, c 20.)

V. And be it further enacted by the authority aforesaid, That the sum of eleven hundred pounds, hereby granted to the district of Bathurst, be appropriated and expended as follows: On the public road leading from Perth to Richmond, the sum of five hundred pounds, and that George T. Burke and William Marshall, esquires, be commissioners for expending the same: On the road leading from Richmond to Bytown, the sum of two hundred pounds, and that Joseph Maxwell, esquire, and Francis Davidson, be commissioners for expending the same: On the road leading from Perth to Lanark, the sum of two hundred pounds, and that John McKay and James Shaw be commissioners for expending the same: On the road leading from Perth to Harvey's mills, one hundred pounds, and that Christopher J. Bell and Peter M'Gregor be commissioners for expending the same: On the road leading from Richmond to Huntley, one hundred pounds, and that John B. Lewis, esquire, and Mr. James Wilson, of Goulbourn, be commissioners for expending the same.

Appropriation, and appointment of commissioners for the Midland district.

(See 1st Wil. IV, c 20.)

VI. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, hereby granted to the Midland district, be appropriated and expended as follows: On the Montreal road between the town of Kingston and the limits of the county of Frontenac, the sum of fifty pounds, and that Joseph Franklin, Elijah Beach, and James Atkinson, be commissioners for expending the same: On the road leading from the town of Kingston to the village of Waterloo, the sum of fifty pounds, and that Samuel Aykroyd, Horace Yeomans, and Benjamin Olcott, be commissioners for expending the same: On the road leading from Kingston to the village of Bath, the sum of one hundred pounds, and that Henry Lasher, Joseph Amy, and Prentiss J. Fitch, be commissioners for expending the same: On the road leading from the village of Waterloo to the Napanee mills, the sum of three hundred and fifty pounds, and that the treasurer and trustees of the Kingston and Ernesttown road society be commissioners for expending the same: On the road leading from Loughborough to Waterloo, the sum of fifty pounds, and that Samuel Aykroyd, John Campbell, and Henry Wood, be commissioners for expending the same: On the road leading from the fifth concession of Portland to the third concession of the township of Kingston, fifty pounds, and that Jacob Shibley, Bryan Spike, and Thomas Sigsworth, be commissioners for expending the same: On the road leading from Bath to the township of Camden, the sum of fifty pounds, and that Ebenezer Perry, Benjamin Clark, and John Perry, be commissioners for expending the same: On the road leading from Wessel's ferry, in Sophiasburgh, to Demorest's mill, the sum of one hundred pounds, and that Abraham Van Blaricom, Daniel B. Way, and Gilliaume Demorest, be commissioners for expending the same: On the road between the widow M'Cready's and the northeast of Chrysel creek bridge, in the seventh concession of Thurlow, the sum of twenty-five pounds: On the road in the township of Huntingdon, leading to the township of Madoc, and surveyed by W. Ketcheson, in one thousand eight hundred and twenty-eight, seventy-five pounds, and that Jacob Youngs, of Thurlow, Garret Garretson, of Huntingdon, and James O'Harra, of Madoc, be commissioners for expending the same: On the road leading from the Napanee mills to Belleville, the sum of eight hundred pounds, and that Allan McPherson, John Turnbull, William Post, David B. Soles, and John Mabee, of Thurlow, be commissioners for expending the same: On the road leading from

Van Alstine's ferry to the Carrying Place, the sum of two hundred pounds, and that Simeon Washburn, esquire, Charles Biggar, esquire, and Jesse Henderson, be commissioners for expending the same.

Appropriation, and appointment of commissioners for the district of Newcastle.

VII. And be it further enacted by the authority aforesaid, That the sum of one thousand one hundred pounds, hereby granted to the district of Newcastle, be appropriated and expended as follows: On the main highway leading through the township of Darlington, the sum of one hundred and fifty pounds, and that John Burke, and James Bates, be commissioners for expending the same: On the main highway leading through the township of Clarke, the sum of one hundred and fifty pounds, and that Asa E. Walbridge and Samuel S. Wilmot, esquires, be commissioners for expending the same: On that part of the main road through the township of Hope, commonly called Roseborough's hill, and that part commonly called Farley's hill, on the same road, the sum of twenty-five pounds, and that Leonard Soper, esquire, be commissioner for expending the same: On the main highway through the township of Murray, between the eastern and western lines thereof, the sum of two hundred pounds: On the road leading from the Carrying Place to the west line of Murray, aforesaid, (on the front road,) and from thence to Sandford's tavern, the sum of one hundred and twenty-five pounds, and that Charles Biggar, esquire, Pitken Gross, and Thomas D. Sandford, be commissioners for expending the same: On the road leading from the main highway through the townships of Cramahe and Percy to the Rice lake and river Trent, the sum of twenty-five pounds, and that John Platt and David Cumming, esquires, be commissioners for expending the same; On the great boundary line road between the counties of Northumberland and Durham, and running between the townships of Hope and Hamilton, Cavan and Monaghan, Emily and Smith, and Emily and Ennismore, the sum of three hundred and thirty-seven pounds ten shillings, and that James Ewing, Elias Smith, Myndart Harris, and Ebenezer Perry, esquires, be commissioners for expending the same: On the principal road leading from the Rice lake through the township of Otonabee and Peterborough, the sum of fifty pounds, and that Charles Rubridge and Thomas A. Stewart, esquires, be commissioners for expending the same: On the road leading from Peterborough to Mud lake, the sum of twenty-five pounds, and that Thomas Milburn and Joseph Lee, be commissioners for expending the same: For improving the road, and building a bridge, in the township of Cartwright, the sum of twelve pounds ten shillings, and that Henry Ewing, esquire, be commissioner for expending the same.

Appropriation, and appointment of commissioners for the Home district.

VIII. And be it further enacted by the authority aforesaid, That the sum of one thousand five hundred and fifty pounds, hereby granted to the Home district, be appropriated and expended as follows: For arching and filling up the hollow at the Blue hill, on Yonge street, the sum of three hundred and fifty pounds, and that William Botsford Jarvis, esquire, James Hogg, and Charles Thompson, all of the township of York, be commissioners for expending the same: On the road leading from the Blue hill, on Yonge street, to the town of York, the sum of seventy-five pounds, and that William Botsford Jarvis, esquire, James Hogg, and Charles Thompson, be commissioners for expending the same: On the road, commonly called Hurontario street, from the mountain in Caledon to lake Ontario, (one third to be expended within ten miles of the said lake, and at least forty pounds in Caledon,) the sum of one hundred and forty pounds, and that John Scott, esquire, and James Campbell, of Chinguacousy, and John Lemon, esquire, and Archibald McNaught, of Caledon, be commissioners for expending the same: On the road leading from Yonge street through the centre of Vaughan to the gore of Toronto, the sum of fifty pounds, and that Michael Fisher, John Lind, and David Wilkie, all of Vaughan, be commissioners for expending the same: On the road lately laid out between Farr's mills and lot number ten, in the sixth concession, east of the centre road, Chinguacousy, the sum of thirty pounds, and that John Bagwell, esquire, of Chinguacousy, and Alexander McVean and Thomas Burrell, of the gore of Toronto, be commissioners for expending the same: On the travelled road leading from Dundas street, on the west bank of the Credit, to Streetville, the sum of thirty pounds, and that Timothy Street, Israel Ransom, and John Butchart, be commissioners for expending the same: On the road from the eighth concession of Markham, to the Danforth road, the sum of fifty pounds, and that Abraham Reeser, Peter Milne, esquire, Peter Brooks, and William Armstrong, all of Markham, be commissioners for expending the same: On Yonge street, between Bond's lake and McAdams' tavern, the sum of fifty pounds, and that John Hartman and James Pearson, of Whitchurch, and Thomas McAdams, of Vaughan, be commissioners to expend the same: To erect a bridge across the Highland creek, and improve the road commonly called the Kenedy road, in Markham and Scarborough, a distance of eight miles, thirty-five pounds, and that Thomas Whitesides, Samuel Kenedy, and Thomas Kenedy, be commissioners for expending the same: In aid of the crossway in North Guillimbury, between the second and third concessions, the sum of fifteen pounds, and that Silas Fletcher and Henry Rose, junior, of Guillimbury, be commissioners for expending the

same: For crosswaying a swamp in the road leading from Tecumseth through Essa, the sum of seventy-five pounds, and that John Perry and George Dunwoody, of Essa, be commissioners for expending the same: On the road leading from Yonge street, on the county line, or near it, between West Guillimbury and King, to Tecumseth, the sum of sixty-two pounds, and that James Rogers and Thomas Clark, both of King, and Jesse Lloyd, of Tecumseth, be commissioners for expending the same: In aid of the road and bridge leading across the west branch of the Holland river, to the honorable Peter Robinson's mills, the sum of sixty-three pounds, and that Joseph Hodgeson, William Armson, and Hugh Stodders, all of West Guillimbury, be commissioners for expending the same: In aid of the road between Thora and Markham, leading through Brock and Uxbridge, the sum of fifteen pounds, and that Randal Wixon, of Brock, and Archibald McMillan of Thora, be commissioners for expending the same: For improving the York and Kingston road, from the Don bridge to the county line, at the lower end of Whitby, and repairing the bridges and crossways thereon, and for reducing the hill at the river Rouge, on the said road, (to be laid out as judiciously as possible, on the worst places on the above road,) the sum of four hundred and thirty pounds, and that John Warren, esquire, of Whitby, Francis Leys, esquire, of Pickering, Obadiah Woodruff, of Duffin's creek, William Weller, stage owner, York, and Peter Secor, of Scarborough, be commissioners for expending the same: To improve the road now travelled through part of West Guillimbury, and through Innisfil to Kempenfelt bay, thirty pounds, and that Thomas McKonky, of Innisfil, and Thomas Balderson, of Vespra, be commissioners for expending the same: To improve the road through Whitby to Eldon, fifty pounds, and that Henry Ewing, of Eldon, and John Hill, of Whitby, be commissioners for expending the same.

Appropriation, and appointment of commissioners for the district of Gore.

(See 1st Wil. IV, c 20.)

IX. And be it further enacted by the authority aforesaid, That the sum of one thousand six hundred pounds, hereby granted to the district of Gore, be appropriated and expended as follows: On the government road from the village of Dundas to the town line, in Burford, the sum of three hundred and fifty pounds, and that John Binkley, Peter Bomberger, and Harchner Lyons, be commissioners for expending the same: For cutting through the top of the mountain, and reducing the hill near John McCollum's, in Nelson, the sum of ten pounds, and that George Will be commissioner for expending the same: On the post road from Dundas street, in Nelson, to Freeman's, the sum of thirty pounds, and that Joshua Freeman, John McCollum, and David Ghaut, be commissioners for expending the same: For the purpose of underpinning the bridge at the Twelve-Mile creek, on Dundas street, with stone, the sum of fifty pounds, and that Gilbert Bastedo, Joseph Burnie, and Robert Best, be commissioners for expending the same: On the road from Moses McKay's to the back part of Erramosa, one hundred and seventy-five pounds, and that Thomas Armstrong, Joseph Harris, and Moses McKay, be commissioners for expending the same: On the road east of the widow Mun's, leading through Esquesing and Trafalgar, to Erin, the sum of seventy-five pounds, and that John Kinry, Peter Kenny, and Philander Hopkins, be commissioners for expending the same: On the hill at Burlington bridge, leading into Hamilton, the sum of ten pounds, and that William Applegarth and Gabriel Hopkins, be commissioners for expending the same: For a bridge at the mouth of the Twelve-Mile creek, on the lake road, the sum of twenty-five pounds, and that Philip Sovereign, esquire, and Jacob Triller, be commissioners for expending the same: For cutting and bridging, in a straight line, the Sixteen-Mile hill, on Dundas street, in Trafalgar, the sum of five hundred pounds, and that colonel P. Adamson, of Toronto, in the Home district, Charles Teetsil, of Trafalgar, Samson Howell, Charles Biggars, and Lawrence Hagar, be commissioners for expending the same: On the road leading from Thomas Choat's, in Glanford, Gore district, to Crawford's, on the Grand river, in the district of Niagara, and from thence in a diagonal direction to strike the township line, between Woodhouse and Townsend, in the London district, the sum of one hundred pounds, and that Thomas Choat, David Kearns, and Samuel Ryckman, be commissioners for expending the same: On the road leading from William Davis' inn, in Saltfleet, to Daniel Crosswait's, in Barton, the sum of one hundred pounds, and that William Davis, Daniel Crosswait, and Lewis Horning, be commissioners for expending the same: On the new, or lower bridge, across the marsh at Burlington heights, to the county of Halton, including the roads up the hills on each side, the sum of fifty-five pounds, and that John Chisholm, William Applegarth, and Robert Land, be commissioners for expending the same: On the old bridge across the marsh from Burlington heights, in the county of Wentworth, to Flamborough, in the county of Halton, the sum of forty-five pounds, and that Richard Beaseley, esquire, Joseph Hopkins, and James Lefferty, be commissioners for expending the same: On the road leading from Smith Griffin's, in the Niagara district, to the township line, between Saltfleet and Benbrook, in the Gore district, the sum of seventy-five pounds, and that John Secord, Elijah Secord, and Daniel Servos, esquire, be commissioners for expending the same.

Appropriation, and appointment of commissioners for Niagara.

X. And be it further enacted by the authority aforesaid, That the sum of one thousand pounds, hereby granted to the district of Niagara, be appropriated and expended as follows: On the road between John Decow's and the boundary line of the district, passing by John Clark's and Robert Comfort's on the mountain, the sum of seventy-five pounds: On the road leading from Smith Griffin's, esquire, to the Grand river, the sum of fifty pounds: On the road between Snider's mills on the Twenty-Mile creek and the river Welland, the sum of twenty-five pounds, and that John Decow, Smith Griffin, and John Harris, be commissioners for expending the same; on the road between George Lacey's and the Welland river, the sum of twelve pounds ten shillings; on the one next below the one last mentioned, and leading also to the river Welland, the sum of twelve pounds ten shillings, and that George Lacey, Mathias Emerick, of Thorold, and Anthony Upper, be commissioners for expending the same; and on such road or roads as shall in their judgment most require such aid, the further sum of twenty-five pounds: On the road leading from the town of Niagara through the Black swamp, as far up as the Twenty-Mile creek exclusive, the sum of one hundred and fifty pounds: and on the road from Queenston to the Ten-Mile creek, where it intersects the Swamp road from Niagara, the sum of fifty pounds, and that Lewis Clement, Thomas Butler, of Niagara, and Joseph Smith, living near the Fifteen-Mile creek, be commissioners for expending the same: On the great Canborough road, between Anthony Upper's, in Thorold, and the Grand river, the sum of one hundred and fifty pounds: On the principal highways through the townships of Niagara and Grantham, the sum of twenty-five pounds; and that Moses Brady, Eber Rice, of Pelham, and John Claus, of Niagara, be commissioners for expending the same: On the road leading from Saint John's to Mort's, on or near the Twenty-Mile creek, by way of Moses Brady's, the sum of twenty-five pounds, and that Moses Brady be a commissioner for expending the same: On the highways in the township of Stamford, the sum of fifty pounds, and that Benjamin Corwine, David Lynch, and George Garner, be commissioners for expending the same: For erecting a bridge over the Chippewa at Samuel Dill's landing, in the township of Willowby, fifty pounds, and that Crowell Willson, William Hepburn, and William Biggars, be commissioners for expending the same; provided the said commissioners shall be able to raise, by subscription, such further sum as may be sufficient to erect and finish the said bridge in a substantial and workmanlike manner: On the highways in the township of Thorold, the sum of fifty pounds, and that Hall Davis, Anthony Upper, and George Lacy, be commissioners for expending the same: On the highways in the township of Pelham, the sum of fifty pounds, and that Thaddeus Davis, John Street, and Samuel Becket, be commissioners for expending the same: On the highways in the third riding of the county of Lincoln, the sum of two hundred pounds; and that Jacob Gander, James Cummings, Charles Hill, Christian Winters, and Christopher Boughner, be commissioners for expending the same.

Appropriation, and appointment of commissioners for London.

(See 1st Wil. IV, c 20.)

XI. And be it further enacted by the authority aforesaid, That the sum of one thousand one hundred pounds, hereby granted to the district of London, be appropriated and expended as follows: On the northern boundary line road of Windham, the sum of twenty-five pounds; in the township of Middleton, twenty-five pounds; in the township of Windham, seventy-five pounds; in the township of Townsend, forty-five pounds; which three last mentioned sums are to be laid out on the respective townships on the same route, that is to say; the route from Talbot road easterly through Middleton and the eleventh or the twelfth concessions of Windham, and along the eleventh concession of Townsend, to its eastern boundary: On the township road between the townships of Townsend and Woodhouse, the sum of fifty pounds: In laying out and making a road through the township of Walpole, in the county of Haldimand, from the southeast angle of Townsend, in a northeasterly course, as near as may be, directly towards Crawford's house on the Grand river, the sum of one hundred pounds, to be expended so soon as the said road shall be laid out according to law, and approved by the commissioners next mentioned: On the roads in Walsingham, thirty pounds, and that Daniel M'Call, Ezekiel Foster, and Jacob Potts, junior, be commissioners for expending the same: On the road between Burford and Windham, in the county of Oxford, leading from Finlay Malcolm's to Norwich, the sum of twenty-five pounds, and that William Lymburner be commissioner to expend the same: On Dundas street, from the eastern boundary line of Blenheim westward, across lot number one, the sum of ten pounds, and that Elial Martin and Thomas J. Hornor be commissioners for expending the same; and on Dundas street, from the eastern limit of the township of London, to and including the town plot of Oxford, the sum of three hundred and fifteen pounds, and that captain Robert Alway, Jacob Kam, and John Hatch, be commissioners for expending the same: On the main road through the Long Woods in the county of Middlesex, commencing at or near Dowling's tavern, and terminating at or near the Eighteen-Mile creek, in the township of Mosa, the sum of two hundred pounds: On the road commencing at Timothy Kilburn's, in Delaware, passing by Mr. Stevens', in the same township, crossing the river Thames at Woodall's

bridge, passing by Crow's mills, and entering the Long Woods by the Caradoc plains, the sum of one hundred pounds, and that Hiram D. Lee and captain Marvel White be commissioners for expending the same: On the Swamp road on lots thirteen, fourteen, and part of fifteen, on the allowance for road left by the government, between the seventh and eighth concessions, in the township of Dunwich, the sum of one hundred pounds, and that Thomas M'Call, of Dunwich, and George Munro, of Aldborough, be commissioners for expending the same.

Appropriation, and appointment of commissioners for the Western district.

XII. And be it further enacted by the authority aforesaid, That the sum of eleven hundred pounds, hereby granted to the Western district, be appropriated and expended as follows: On the road leading from the south side of the Canard river causeway to Turkey creek, the sum of one hundred and twenty-five pounds, and that Thomas Martin, Theophili Le May, Gabriel Bondy, and Anthony Bezare, be commissioners for expending the same: From the river Ruscom to Paul le Duc's mills, the sum of two hundred and fifty pounds, and that Vitus St. Louis and Benjamin Le Valle, be commissioners for expending the same: On the bridge between Mrs. Roe's and Ouelet's, the sum of twenty-five pounds, and that Charles Ouelet and Francis Pratt be commissioners for expending the same: From the Irish settlement on Talbot street, west to the lake settlement, the sum of one hundred pounds, and that Chrysostom Pajot and George Jacobs, esquire, be commissioners for expending the same: On Talbot street, in the township of Mersea, the sum of fifty pounds, and that Michael Fox and Charles Stewart be commissioners for expending the same: From the south side of the Canard causeway to the river Detroit, the sum of twenty-five pounds, and that Theophili Le May and Alexis Lafirte be commissioners to expend the same: On the road from Isaac Willcox's to the second fork of the river Thames, the sum of two hundred pounds; and on the bridges on the first and second forks of the river Thames, the sum of one hundred and twenty-five pounds, and that Daniel Dolson and George Jacobs, junior, and Monsieur Dauphin, be commissioners for expending the same: On the bridge at the Chatham fork, the sum of forty pounds, and that William M'Crae and Jacob Dolson be commissioners for expending the same: On the road below Arnold's mill, leading from the river Thames to Talbot street, the sum of fifty pounds, and that Christopher Arnold and James Bell, J. P., be commissioners for expending the same: On the western part of the township of Romney, (Talbot street,) the sum of fifty pounds, and that James Bell, J. P., and James W. Little be commissioners for expending the same: On the road on the north of the Thames, leading through the Moravian Indians' reserve to the Moravian village, the sum of sixty pounds, and that William Wallace and George Kerby, esquire, be commissioners for expending the same.

Monies to be paid to the treasurers of the several districts; and accounted for through the lords of the treasury.

XIII. And be it further enacted by the authority aforesaid, That any monies to be laid out and expended under the provisions of this act, shall be paid by the receiver general to the treasurers of the several districts, in discharge of such warrant or warrants as shall be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs or successors, shall be graciously pleased to direct.

Treasurers of districts to pay to the respective commissioners the sums appropriated.

XIV. And be it further enacted by the authority aforesaid, That the treasurers of the several districts are hereby authorized and required to pay over to the respective commissioners named in this act, or a majority of them, the several sums by this act appropriated to be expended on that portion of the roads which such commissioners are appointed to superintend: Provided always, That the said treasurers shall not be entitled to any commission for receiving and paying the several sums of money mentioned in this act.

Treasurers entitled to no commission.

All work to be done by contract after public notice.

XV. And be it further enacted by the authority aforesaid, That all work to be done under the authority of this act shall be performed by contract; public notice thereof being first given three weeks in each county, or otherwise, as in the opinion of a majority of the commissioners is most expedient.

Commissioners to transmit an account in detail of the monies expended before the 1st January, to the governor, to be laid before the legislature.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners shall, on or before the first day of January next, transmit an account, in detail, of all the monies expended by them under the authority of this act, to the governor, lieutenant governor, or person administering the government of this province, for the time being, to be by him laid before the provincial legislature at its next session.

Chapter XV.

An act to confirm the survey of a part of the concession line between the seventh and eighth concessions of the township of Cornwall.

[Passed March 6, 1830.]

Preamble.

Whereas it appears by the petition of sundry inhabitants of the eighth concession, reckoned on the eastern boundary line of the township of Cornwall, in the Eastern dis-

trict, that the division line between the said concession and the seventh concession hath not been correctly ascertained in the original survey of the township, from lot number nineteen to the western limit; and whereas it is expedient, in order to prevent disputes respecting the said division line, that the same, as run by Duncan McDonell, esquire, deputy surveyor, and examined and reported on by Thomas T. Bower, esquire, also a deputy surveyor, should be established by law; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act the said line, so run and ascertained by the said Duncan McDonell and Thomas T. Bower, deputy surveyors, shall be deemed and taken to be the true boundary between the said seventh and eighth concessions, reckoned on the eastern boundary line of the said township of Cornwall, any thing in any former act to the contrary notwithstanding.

Boundary between the seventh and eighth concessions of Cornwall established.

Chapter XVI.

An act to correct the survey of the fifth concession line of the township of Yonge.

[Passed March 6, 1830.]

WHEREAS it appears that an error was committed in numbering the posts planted at the front angles of lot number thirteen, in the fifth concession of the township of Yonge, in the district of Johnstown, by reason of which error the lots lying in the same concession, to the westward of the said lot number thirteen, have been also erroneously numbered; and whereas one James McNish was, before the passing of a certain act of the parliament of this province passed in the fifty-ninth year of the reign of his late Majesty King George the Third, entitled, "An act to repeal an ordinance of the province of Quebec, passed in the twenty-fifth year of his Majesty's reign, entitled, 'An ordinance concerning land surveyors and the admeasurement of lands,' and also to extend the provisions of an act passed in the thirty-eighth year of his Majesty's reign, entitled, 'An act to ascertain and establish, on a permanent footing, the boundary lines of the different townships of this province, and further to regulate the manner in which lands are hereafter to be surveyed,'" located by the government of this province upon lot number nineteen, in the said fifth concession, and assigned the same to one Henry Weeks, who erected buildings and made considerable improvements, and was for many years resident upon the lot; which, according to actual admeasurement upon the ground, and according to the intention of the original survey was the nineteenth lot in the said fifth concession, but which from the erroneous numbering of the posts, was marked upon the ground as lot number eighteen; and whereas, after such settlement and improvement, made by the said Henry Weeks, one Edward Murphy was located by the government upon lot number eighteen, in the said fifth concession of Yonge, under which location the said Edward Murphy claimed to be entitled to the lot which, by reason of the error aforesaid, was designated by the numbers on the posts planted at the front angles thereof, as lot number eighteen, though it was in fact the nineteenth lot in the said concession as aforesaid; and whereas, in the prosecution of such his claim, and relying upon the provision of the act above recited, which declares, that the posts planted at the front angles of any lot shall be the true and unalterable boundaries thereof, the said Edward Murphy hath, by legal process, dispossessed the said Henry Weeks of his said farm; and whereas the operation of the said act is injurious, in thus giving effect to a manifest error of the description heretofore recited, and thereby leading to the dispossession of the said Henry Weeks, whose occupation was prior to the passing of the said act; and the said Henry Weeks hath, by petition, prayed that relief in the premises which it seems reasonable to grant; and also, to prevent further inconvenience from the application of the above recited act, to the confirmation of the erroneous numbering of the lots in the said concession; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That for and notwithstanding any law or statute to the contrary,

Preamble.

Mr. Wilmot's survey established.

the survey which hath been made by the authority of the government of this province, by Samuel Street Wilmot, esquire, deputy provincial surveyor, in the month of February, in the year of our Lord one thousand eight hundred and twenty-nine, for the purpose of correcting the error in the numbering of the lots in the fifth concession of the said township of Yonge, and for designating the said lots by their proper numbers, according to the number of lots actually contained in the said concession; a map of which survey hath, by the said Samuel Street Wilmot, been duly returned to the surveyor general's office in this province, shall be deemed to be the correct and true survey of the said concession, and that the lots in such concession shall severally bear the numbers assigned in such survey: Provided always, nevertheless, That nothing in this act contained shall have the effect of prejudicing the title or possession of any person who, before the passing of this act, may have settled and made improvements upon any lot in the said concession, according to the said erroneous numbering, before the same had been occupied by any other person or persons.

Provided that no person shall be prejudiced who had made improvements according to the erroneous numbering.

Chapter XVII.

(Repealing 49th Geo. III, c 3.)

An act to repeal an act passed in the forty-ninth year of his late Majesty's reign, entitled, "An act to encourage the destroying of wolves in this province," and to make further provision for exterminating those destructive animals.

[Passed March 6, 1830.]

Preamble.

Whereas it is expedient to repeal the law now in force for the destroying of wolves in this province, the same being found in many respects ineffectual; and whereas it is expedient to provide for the more speedy extermination of those ravenous animals, by extending a bounty to the Indians who shall assist in exterminating them; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That an act passed in the forty-ninth year of his late Majesty's reign, entitled, "An act to encourage the destroying of wolves in this province," be, and the same is, hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, all and every person or persons whatsoever, who shall kill, or cause to be killed, any wolf or wolves in this province, and who shall take or cause to be taken, the head or heads thereof, with the ears on the same, before any one of his Majesty's justices of the peace acting within the district in which the said wolf or wolves shall have been killed, and shall make oath or otherwise prove to the satisfaction of the said justice, that the said wolf or wolves was or were killed within the said district, or within five miles of an actual settlement in the said district, the said justice having first destroyed the head or heads, shall give to such person or persons a certificate of the fact or facts having been proved to his satisfaction, and such certificate being presented to the treasurer of the district, shall authorize the person or persons obtaining and presenting the same, to ask for, demand, and receive of and from the said treasurer, the sum of one pound for the head, or the heads, of every wolf or wolves so taken, killed, and presented.

Persons killing wolves to be entitled to 20s. each, upon producing a certificate from a magistrate, to be paid by the treasurer of the respective districts.

III. And be it further enacted by the authority aforesaid, That when and so often as any person or persons possessed of any such certificate as aforesaid shall present the same to the treasurer of the district wherein such wolf or wolves shall have been destroyed, he, the said treasurer, shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, provided that the district funds in his hands enable him so to do; and if the district funds in his hands do not enable him to satisfy the bounty forthwith, then, and in such case, the said treasurer shall pay and satisfy the same out of the monies of the said district which shall next thereafter come into his hands.

Treasurers to pay the bounty on production of certificate, if they have sufficient funds.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the treasurer of any district to pay and satisfy the said bounty, to which such certificate shall entitle the person or persons presenting the same, until he shall have paid the other annual expenses of the district, arising from the building a court house and gaol, and keeping the same in repair, the salary of the clerk of the peace and gaoler, the maintenance of the prisoners, and wages to the members of the assembly, any thing herein contained to the contrary notwithstanding.

Treasurers not to pay bounties until certain expenses of the district have been defrayed.

V. And be it further enacted by the authority aforesaid, That when and as often as the funds of any district will not enable the treasurer of such district to pay and satisfy

Certificates to be a legal tender in payment

the bounty, to which such certificate shall entitle the person or persons presenting the same, each and every certificate granted as aforesaid for having destroyed a wolf or wolves, shall be a lawful tender, to the full value and amount therein specified, for and towards the discharge of any district rate or assessment to be collected of or from any person or persons within the district wherein such wolf or wolves shall have been destroyed, and shall accordingly, as such, be accepted and taken as equivalent to so much of the current gold or silver coin of the province, by the collector of each and every township within such district respectively, to be paid and delivered over to the district treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and equivalent to so much of the aforesaid current coin of this province.

of assessments in certain cases.

VI. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Act to continue in force four years.

Chapter XVIII.

An act to pension Charlotte Pomeroy, widow of the late Timothy Conklin Pomeroy.

[Granting her a pension of £20 per annum, until her youngest child shall be sixteen years of age; her husband having been killed while in the execution of his duty as a constable.]

Chapter XIX.

An act to borrow a sum of money in England, at a reduced rate of interest, to cancel the public debt of this province.

[Passed March 6, 1830.]

Whereas it has been found necessary, for the advancing certain public improvements most essential to the prosperity of this province, to borrow several sums of money, amounting together to upwards of ninety thousand pounds, sterling money of Great Britain, which sums have been raised upon debentures issued under the authority of several acts of the legislature, and bearing the rate of interest of six pounds per centum, being the lawful interest of this province; and whereas there is good reason to believe that a loan may be effected in England, at a reduced rate of interest, for the repayment of the monies so borrowed, on giving security by an act of the legislature of this province for the redemption of such loan, and the regular payment of the interest thereon; and it is most desirable to effect such loan, and to make provision for the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to direct, that from and out of the duties raised, levied, and collected, or hereafter to be raised, levied, or collected, at the port of Quebec, and payable to this province, for the public uses thereof, his Majesty's receiver general for the time being shall pay annually to the person or persons contracting for the said loan, the sum of five thousand four hundred pounds, sterling, in yearly or half yearly payments, which shall be applied and paid towards the payment of the interest upon any loan which may be effected in England, for the use of this province, and for the gradual liquidation of the principal thereof.

Preamble.

Receiver general to pay annually £5,400 for interest to persons contracting in England for a loan, and for the gradual liquidation of the principal.

II. And be it further enacted by the authority aforesaid, That the said annual sum of five thousand four hundred pounds, sterling, shall be paid by his Majesty's receiver general of this province, for the time being, at such yearly or half yearly periods as may in that behalf be required by the persons contracting as aforesaid, and in discharge of such warrant or warrants as may for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province: Provided always, That it shall not be lawful for the said receiver general to contract for any loan under the authority of this act, subject to the payment of a higher rate of interest than four per cent. annually.

Warrants to be issued therefor.

Not more than four per cent. interest to be given on such loan.

III. And be it further enacted by the authority aforesaid, That his Majesty's receiver general of this province, for the time being, is fully authorized and empowered by this act to contract for the said loan, either in one or in several sums, as may be requisite, and to take such measures for effecting the same as may to him appear expedient; and that all

His Majesty's receiver general to contract for the loan.

such contracts as shall be so made within the terms and provisions of this act, shall be deemed valid and binding upon the government, and upon the legislature of this province.

Money borrowed to be applied to the liquidation of the present debt.

IV. And be it further enacted by the authority aforesaid, That so soon as any sum or sums shall be received by the receiver general of this province, for the time being, upon any loan or loans negotiated under this act, such sum or sums of money shall be applied towards the redeeming the outstanding debentures of the government of this province, which may then be due to the holders thereof, and together with any premium that may be received on exchange, shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That the said sum of five thousand four hundred pounds, sterling, shall not be set apart, remitted, or paid, as aforesaid, until the said loan shall be effected and available for the redemption of the said public debt of this province.

£150 to be paid to the receiver general for his trouble.

V. And be it further enacted by the authority aforesaid, That in lieu of all poundage, there shall be paid to the receiver general, for negotiating the said loan, the sum of one hundred and fifty pounds, over and above any actual expenses which he may incur in carrying into effect the provisions of this act.

Chapter XX.

An act to authorize the quarter sessions of the Home district to provide for the relief of insane destitute persons in that district.

[Passed March 6, 1830.]

Preamble.

Whereas it appears by the petition of the chairman of the quarter sessions in and for the Home district, and also by presentment of the grand jury of the said district, that several insane persons, destitute of any provision for their maintenance, have been charitably received into the gaol of the Home district, and that there being no funds for their support provided by law, a charge has been incurred from necessity, and paid from the funds of the district, without any legal authority for the same; and whereas it is just and expedient to indemnify all persons concerned in such advance, and also to provide a remedy for the future, in such cases; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That at the next ensuing quarter sessions of the peace in the Home district, it shall and may be lawful for the clerk of the peace, and he is hereby required, to lay before the grand jury of the said quarter sessions, an account in detail of all sum and sums of money advanced, or which shall be necessary to advance, until the said sessions, for the purpose of maintaining and supporting insane destitute persons, as aforesaid.

Clerk of the peace to lay before the grand jury of the sessions an account of money necessary for maintaining insane persons.

Grand jury to make presentment of what is reasonable for the support of insane persons.

II. And be it further enacted by the authority aforesaid, That at the said quarter sessions it shall and may be lawful for the said grand jury to make presentment to the said court of the just and reasonable sum to be allowed for maintenance and support of such insane persons, expended for the time before the said quarter sessions; and also, to present such sum or sums as they may think necessary for the purpose of maintaining and supporting insane destitute persons in the said district, at the discretion of the grand jury, either in the gaol or some other place, for the year next ensuing the said sessions; which presentment shall be made once in each and every year, and the like account in detail each and every year, exhibited for the monies expended in the past years respectively, shall be laid before the grand jury as above provided to be done, at the now next ensuing quarter sessions.

Such presentment to be made annually.

The sum of money presented, to be paid by the treasurer.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the chairman of the quarter sessions, from time to time, to issue his warrant for the payment of such sum or sums of money, to the amount so presented, which said sum or sums of money shall be payable by the treasurer of the said district, for the time being, out of the monies of the said district in his hands, and unappropriated; and which said accounts, so laid before the said grand jury, from time to time, so far as the same are approved of, and the said warrant, shall be a sufficient discharge and indemnity to all persons concerned in the expenditure of such sum or sums of money.

Witnesses may be summoned before the grand jury.

IV. And be it further enacted by the authority aforesaid, That the said court of quarter sessions shall from time to time, by writ of subpœna, call before them all such person or per-

sons as shall be required by the grand jury, and shall swear such person or persons in open court, true answer to make to all such question or questions as shall be asked of them by the said grand jury, touching and concerning insane destitute persons in the said district, and their maintenance and support; and the said person or persons shall be examined on the said oath before the said grand jury, and all or any person or persons wilfully giving false evidence under this act before the grand jury, at any such quarter sessions, shall be liable to all the pains and penalties of wilful and corrupt perjury: Provided always, That no greater sum shall be advanced in the course of any year than shall be previously presented for that year, at the sessions, by the grand jury, as aforesaid.

False swearing subjected to the penalties of perjury.

V. And be it further enacted by the authority aforesaid, That this act shall continue in force two years from the passing thereof, and from thence to the end of the next ensuing session of parliament, and no longer.

Continuance of this act.

Chapter XXI.

An act for the relief of the sufferers who sustained loss during the late war with the United States of America.

[Passed March 6, 1830.]

WHEREAS it is just and expedient that the pecuniary suffering of such of your Majesty's faithful subjects in this province, as sustained loss during the late war with the United States of America, should, as far as the limited means at the disposal of the legislature will warrant, be partially relieved by the provincial parliament, without expressing any belief that the inhabitants of this colony should, under the circumstances of the late war, assume the remuneration of sufferers for losses sustained by the colonists in a national war; and whereas your Majesty having already paid the sum of fifty-seven thousand four hundred and twelve pounds, and ten shillings, to those sufferers, and having required the payment of an equal sum by this province, before any further payment would be authorized by your Majesty; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That there be granted to his Majesty, out of the revenues arising from the duties hereinafter mentioned, the sum of fifty-seven thousand four hundred and twelve pounds, and ten shillings, towards the payment of the losses sustained by the sufferers during the late war with the United States of America.

Preamble.

£57,412 10s. granted to his Majesty towards payment of losses sustained during the late war.

II. And be it further enacted by the authority aforesaid, That the revenues arising, or which shall hereafter arise, from and out of the duties already levied and collected, or hereafter to be levied and collected, upon salt and whiskey, imported from the United States of America into this province, be wholly appropriated towards the liquidation of the said sum of fifty-seven thousand four hundred and twelve pounds, and ten shillings, and interest thereon: Provided always, That his Majesty's government shall pay an equal sum for the relief of the said sufferers.

Duties arising from the importation of salt and whiskey to be applied to the payment thereof.

Provided his Majesty's government shall pay an equal sum.

III. And be it further enacted by the authority aforesaid, That all monies which now are in the hands of the commissioners for forfeited estates, or may hereafter come into their hands, shall be applied towards the payment of the principal and interest of the said sum of money.

Monies in the hands of the commissioners of forfeited estates applied to the payment of the losses.

IV. And be it further enacted by the authority aforesaid, That no other revenues, duties, or monies, of this province, than those hereinbefore mentioned, shall be used or held applicable to the payment of the sum of money hereby granted, or the interest thereon, or any part thereof.

No other revenues than those mentioned shall be applicable to the payment of the said sum.

V. And be it further enacted by the authority aforesaid, That so much of the act passed in the fourth year of his Majesty's reign, entitled, "An act further to regulate by law the commercial intercourse of the province of Upper Canada with the United States of America," as imposes the duty of six pence per bushel on salt imported from the United States of America, be, and the same is, hereby continued, and shall remain in force until the sum of money hereby granted, and the interest thereon, shall be fully paid, and no longer.

So much of 4th Geo. IV, c 1, as imposes a duty of 6d. a bushel on salt imported from the United States, continued.

VI. And be it further enacted by the authority aforesaid, That the monies arising from the duties hereby granted to his Majesty for the purposes of this act, shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall from time to time be issued by the governor, lieutenant governor, or person administering the

Monies to be accounted for through the lords of his Majesty's treasury.

government of this province, and shall be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Chapter XXII.

An act to authorize the receiver general of this province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money, for the relief of the sufferers during the late war with the United States.

[Passed March 6, 1830.]

Preamble.

Whereas provision has been made, during the present session of the legislature, to raise the sum of fifty-seven thousand four hundred and twelve pounds, ten shillings, to relieve the inhabitants of this province, who suffered losses in consequence of the war with the United States, provided that his Majesty's government shall pay an equal sum for the relief of the sufferers; and whereas the said sum, which was intended to be, and is hereby declared to be, sterling money of Great Britain, has been made chargeable upon the revenues arising from duties to be received in this province upon salt and whiskey, imported from the United States of America, and it is therefore expedient to make such provision as may enable his Majesty's receiver general for this province to contract with his Majesty's government, or with any public company or body, either politic or corporate, or with any private individual in England, or in either of the provinces of Upper or Lower Canada, who may be willing to advance the said sum of money, or any part thereof, upon the credit of the said duties; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for his Majesty's receiver general of this province to raise by loan the said sum of fifty-seven thousand four hundred and twelve pounds, ten shillings, sterling money of Great Britain, or any part thereof, from his Majesty's government, or from any public company or body, either corporate or politic, or from any private individual in England, or in either of the provinces of Upper or Lower Canada, who may be willing to advance the same upon the credit of the debentures authorized to be issued under and by virtue of this act.

£57,412 10s. sterling, to be raised by loan.

II. And be it further enacted by the authority aforesaid, That the money, so borrowed under the authority of this act, shall not bear greater interest than five per centum per annum; and that his Majesty's receiver general shall annually, until the loan so raised, with the interest accruing thereof, shall be paid and discharged, apply towards the payment of the same, the nett amount of the duties hereafter to be collected and levied upon the articles hereinbefore mentioned, and no other.

Until loan be paid, receiver general to pay nett amount of certain duties, in liquidation thereof.

III. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incidental to, or attending the same, shall be, and are hereby, charged and chargeable upon, and shall be repaid, and borne by and out of the monies that shall come into the hands of the receiver general of this province, on account of duties levied and received, or hereafter to be levied and received, upon salt and whiskey imported into this province from the United States of America, and out of no other duties or revenues whatever.

Debentures charged upon duties on salt and whiskey.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act, and uncancelled, or any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged or counterfeited debenture, or any debenture with such counterfeit endorsement or writing thereon, or shall demand to have such counterfeit debenture, or any debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the debentures so tendered in payment, or demanded to be exchanged, or the endorsement or writing thereupon or therein, to be forged or counterfeited, and with intent to defraud his Majesty, his heirs and successors, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of clergyable felony.

Punishment for forging debentures, or knowingly uttering the same

Receiver general to make annual return of debentures issued, redeemed, or outstanding.

V. And be it further enacted by the authority aforesaid, That the receiver general of this province, for the time being, shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amount, and dates, of the different debentures which he may have issued under the authority of this act, of the amount of debentures redeemed by him, and the interest paid thereon respectively; and also of the amount of the said debentures outstanding and unredeemed, at the periods aforesaid, and of the expenses attending the issue of the same, and of carrying this act into execution; to be laid before the legislature of this province.

Receiver general to pay interest on debentures half yearly.

VI. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, who shall take care to have the same endorsed on each debenture at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively; and that the governor, lieutenant governor, or person administering the government of this province, shall, after the thirtieth day of June and thirty-first day of December in each year, issue warrants to the receiver general, for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid: Provided always, That such payments shall be made out of the said duties, to be levied and collected from salt and whiskey imported from the United States, as aforesaid, and out of no other duties or revenues whatever.

Provided that the duties on salt and whiskey only shall be applied.

Separate warrants to be issued and paid out of the said duties.

VII. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of any debenture, or of any portion of any debenture issued under this act, according as the proceeds of the said duties shall in any year enable the said receiver general to redeem the whole, or any part of such debenture, and that such debentures as shall from time to time be discharged and paid off, shall be cancelled, and made void, by the said receiver general: Provided always, nevertheless, That the debentures issued under this act shall not be made payable absolutely at any stated period, but shall be expressed in such form as to assure to the holders thereof the interest contracted to be paid thereon, in the manner hereinbefore mentioned, and the repayment of the principal sum therein stated to be due, whenever the proceeds of the aforesaid duties shall enable the government to discharge the same.

Debentures redeemed to be discharged.

Debentures when payable.

Notice of calling in debentures to be given, when.

VIII. And be it further enacted by the authority aforesaid, That whenever there shall be funds for redeeming any of the said debentures, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to direct, at any time, a notice to be inserted in the Upper Canada Gazette, requiring the holders of any of the said debentures to present the same for payment, according to this act; and if, after insertion of the said notice for six months, any debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Interest to cease, when.

Monies how to be issued and accounted for.

IX. And be it further enacted by the authority aforesaid, That all monies required to be paid by the authority of this act shall be paid by the receiver general, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, by the receiver general of this province, through the lords commissioners of his treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

No interest to be payable to claimants of money on account of losses.

X. And be it further enacted by the authority aforesaid, That notwithstanding any thing contained in any act passed during this session of the legislature, respecting the payment of the losses in this act mentioned, no interest shall accrue or be payable upon the said sum of fifty-seven thousand four hundred and twelve pounds, ten shillings, sterling, or any part thereof, as between the government and the persons entitled to share in the payment of the said losses.

Chapter XXIII.

An act to provide for the payment of militia pensions, by reviving and continuing, for a limited time, the law for that purpose, which has recently expired.

[Passed March 6, 1830.]

Preamble.

Whereas an act passed in the seventh year of his Majesty's reign, entitled, "An act to repeal part of, amend, and continue, the laws now in force for the payment of militia pensions," hath expired, and it is expedient to revive and continue the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said recited act shall be deemed and taken to have been in force from the thirtieth day of January now last past, and shall continue and be in force for four years from and after the passing of this act, and from thence to the end of the then next ensuing session of parliament, and no longer.

7th Geo. IV, c 6, continued for four years.

Chapter XXIV.

An act to raise by loan a certain sum of money, to be expended on the public highways within this province.

[Passed March 6, 1830.]

Preamble.

Whereas an act was passed during the present session, granting to his Majesty the sum of thirteen thousand six hundred and fifty pounds, to be expended in improving the highways and bridges within this province, and there is reason to believe that there will not be sufficient means in the hands of the receiver general to meet the said grant, and it is therefore expedient to raise by loan the sum of eight thousand pounds, to enable the receiver general to discharge all such warrants as may issue under the authority of the said act; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to raise by loan, at a rate of interest not exceeding six pounds per centum, and as much lower as can be obtained, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the government bills or debentures, authorized to be issued as hereinafter mentioned, such sum not exceeding in the whole eight thousand pounds, as, together with the monies now in his hands, and unappropriated, shall be necessary to complete the said sum of thirteen thousand six hundred and fifty pounds.

£8,000 may be raised by loan in aid of the funds to be laid out on the roads.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause or direct any number of debentures to be made out for such sum or sums of money, not exceeding in the whole the said sum of eight thousand pounds, as any person or persons, bodies corporate or politic, shall agree to advance on the credit of the debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and shall be signed by him; and that for each loan or advance three several debentures shall issue at the same time, bearing date on the day on which the same shall be actually issued, and being each for the payment of one third of the sum so advanced at the expiration of periods not shorter than two, four, and six years, respectively, with interest, according to the rate at which such loan shall be negotiated, from the date of such debenture until the same shall be discharged.

Receiver general to issue debentures.

III. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

Debentures chargeable upon the general funds of the province.

IV. And be it further enacted by the authority aforesaid, That the loan authorized by this act shall be contracted for upon the express condition, that at any time either before or after the said debentures, or any of them, which are by this act directed to be issued, shall become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he shall think proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said debentures to present the same for payment; and if, after insertion of the said notice for three months, any debenture shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect to the time which may elapse between the expiration of the said six months and their presentment for payment.

Debentures may be called in, upon public notice being given.

V. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money, upon debenture, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with certain public accountants; the payment of interest upon the same, by such accountants, and the suspension of interest in certain cases; the submitting to the legislature accounts of such debentures, and the interest paid thereon, and the expenses attending the same; the payment of interest to holders of such debentures; paying off and cancelling the said debentures; and also, the provision made in the seventh section of the said act, for punishing the forging of any debenture thereby authorized to be issued, or of any matter or thing relating thereto, or the knowingly uttering any such forged debenture, or other matter, as aforesaid, shall apply to, and be in force in respect to, the debentures which shall be issued according to this act.

Provisions contained in 7th Geo. IV, c 20, respecting debentures thereby authorized to be issued, to be applicable to debentures issued under the authority of this act.

VI. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan shall not be subject to any deduction of poundage for the receiver general of this province.

Receiver general not to be entitled to poundage.

Chapter XXV.

An act to cover the payments by his excellency the lieutenant governor, of certain contingent expenses of the legislature.

[Granting £3,038 5s. 8½d. to meet the like amount advanced for the payment of the contingent expenses of the legislature, during the session 1829; and £1000 towards the contingent expenses of the present session, 1830.]

Chapter XXVI.

An act to make good certain monies advanced by his excellency the lieutenant governor, to erect the Don and Humber bridges.

[Granting £1,183 9s. 8d. to make good the like sum advanced by his excellency the lieutenant governor, towards the erection of the Don and Humber bridges.]

Chapter XXVII.

An act to reimburse the honorable John Henry Dunn, for monies advanced by him to the commissioners for the Burlington bay canal.

[Granting £656 17s. to make good the like sum advanced to remove obstructions in the Burlington bay canal.]

Chapter XXVIII.

An act to provide for the erection of a house for the light keeper, and for keeping and maintaining the light house on Long point, in lake Erie, for the present year.

(See 10th Geo. IV, c 20.)

[Passed March 6, 1830.]

Whereas the light house on Long point is now nearly, and will shortly be, completed, by means of the appropriation made by law in the last session, and it is now expedient to grant a further sum of money for the purpose of erecting a dwelling house for the light house keeper, building a boat, and furnishing a supply of oil for the next summer; may it therefore please your Majesty that it be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and

Preamble.

assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and remaining in the hands of the receiver general of this province, unappropriated, there be granted to your Majesty the sum of four hundred pounds; which sum of four hundred pounds shall be applied in erecting such dwelling house, and providing such boat and supply of oil as aforesaid, and shall be paid by the receiver general of this province to the commissioners appointed by the act of the legislature of this province, for superintending the erection of the said light house, or to any of them, in discharge of such warrant or warrants as may be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province.

£400 granted to his Majesty, for the erection of a dwelling house on Long point.

How accounted for.

II. And be it further enacted by the authority aforesaid, That the monies granted by this act shall be accounted for to the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Commissioners to make arrangements for keeping a light on Long point during the current year.

III. And be it further enacted by the authority aforesaid, That the said commissioners are hereby empowered and authorized to make all proper arrangements for maintaining and keeping the said light during the present year.

Commissioners to render an account of all monies expended.

IV. And be it further enacted by the authority aforesaid, That the said commissioners shall render a detailed account of all monies expended under this act, to be by them transmitted, on or before the first day of January next, to the governor, lieutenant governor, or person administering the government of this province, to be laid before the legislature at their next session.

Chapter XXIX.

An act to authorize the magistrates of the Eastern district to borrow a certain sum of money, for the building of a gaol and court house therein.

[Passed March 6, 1830.]

Preamble.

Whereas it is expedient to enable the magistrates of the Eastern district to borrow a certain sum of money, on the credit of the funds of the said district, for the building of a gaol and court house at Cornwall, in and for the said district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, by an order of court, to authorize and direct the treasurer of the said district to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the district, a sum not exceeding three thousand five hundred pounds, to be applied by the commissioners appointed by law for the building of a gaol and court house at Cornwall, in the said district.

Treasurer may borrow £3,500 for the building a gaol and court house.

II. And be it further enacted by the authority aforesaid, That the money so borrowed under the authority of this act shall not bear greater interest than six per centum per annum, and that the treasurer of the said district, for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same, a sum not less than five hundred pounds, from and out of the rates and assessments which may come into his hands, for the general purposes of the said district, together with all such monies as may remain in his hands after the payment of the ordinary and incidental charges of the year.

£500 to be applied annually in liquidation of the said debt.

III. And whereas James Pringle, esquire, one of the commissioners heretofore appointed to superintend the building of the said gaol and court house, is desirous of being relieved from the duties imposed upon him as such commissioner; be it therefore further enacted by the authority aforesaid, That Guy C. Wood, of Cornwall aforesaid, esquire, shall be a commissioner in the room and stead of the said James Pringle, esquire, for the purpose of superintending the building of the said gaol and court house.

Guy C. Wood, esq. appointed a commissioner, vice Pringle, resigned.

(See 8th Geo. IV, c 15, and 1st Wil. IV, c 5.)

Chapter XXX.

An act to grant a sum of money towards opening a road from the river Aux Perches, on lake Huron, in the Western district, to Townsend, in the London district.

[Passed March 6, 1830.]

MOST GRACIOUS SOVEREIGN:

Whereas it is expedient to grant a sum of money towards opening a road from the river Aux Perches, on lake Huron, in the Western district, to the location of a settler of the name of Townsend, in the London district; we, your dutiful and loyal subjects, the commons of Upper Canada, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, and to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general, unappropriated, there be granted to his Majesty, his heirs and successors, the sum of twenty-five pounds, towards opening the aforesaid road; and that Henry Jones, of Maxwell, on lake Huron, be a commissioner to lay out the same. Preamble. £25 granted to his Majesty towards opening a road, and Henry Jones appointed commissioner for the expenditure thereof.

II. And be it further enacted by the authority aforesaid, That the said sum of twenty-five pounds shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct. How accounted for.

III. And be it further enacted by the authority aforesaid, That a detailed statement, together with the vouchers for the expenditure of the said sum of money, shall be transmitted to the governor, lieutenant governor, or person administering the government, to be laid before the house of assembly at its next session. Account and vouchers to be laid before the assembly.

Chapter XXXI.

An act to grant a sum of money to his Majesty in aid of the York hospital.

(See 1st Wil. IV, c 24, granting a further sum of £1,000.)

[Passed March 6, 1830.]

MOST GRACIOUS SOVEREIGN:

Whereas his excellency sir John Colborne, knight, commander of the most honorable military order of the Bath, lieutenant governor of your Majesty's province of Upper Canada, &c. &c. &c. has been pleased to put the building lately occupied by the provincial legislature into useful and beneficial operation as a public hospital, wherein numbers of your Majesty's sick, destitute, and unfortunate subjects, and emigrants, in this province, have received medical and surgical assistance; and your Majesty's faithful commons, desirous of extending aid to the institution, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, and unappropriated, or hereafter to be raised, levied, and collected, and unappropriated, there be granted to his Majesty the sum of one hundred pounds, of lawful money of this province, to be held by his said excellency the lieutenant governor, or person administering the government of this province, for the time being, in trust, to be applied to the use and benefit of the said hospital. Preamble. £100 granted to his Majesty in aid of the York hospital.

II. And be it further enacted by the authority aforesaid, That the money hereby granted shall be paid by the receiver general, in discharge of such warrant or warrants as shall be issued by the governor, lieutenant governor, or person administering the government, for the time being, upon the receiver general of this province, in favor of any person or persons, to be applied to the purposes of this act, and shall be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs or successors, shall be graciously pleased to direct. How to be accounted for.

Chapter XXXII.

An act granting one hundred pounds in aid of the funds of the Female Benevolent Society of Kingston.

[Passed March 6, 1830.]

Most gracious Sovereign:

Preamble. Whereas a society was formed in the year of our Lord one thousand eight hundred and twenty-one, at Kingston, in this province, called the Female Benevolent Society for the relief of the destitute sick, and has been continued down to the present time, wholly supported by the contributions of benevolent individuals, whereby great numbers of your Majesty's unfortunate subjects, who were, from various afflictions, reduced to want, and rendered by sickness unable to procure the means of subsistence, have been assisted and relieved; and whereas several of the inhabitants of the town of Kingston have petitioned for a grant of such a sum of money as will enable the said society to continue its relief to such unfortunate persons; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, and unappropriated, or hereafter to be raised, levied, and collected, and unappropriated, there be granted to your Majesty the sum of one hundred pounds, in aid of the funds of the said society.

£100 granted to his Majesty in aid of the funds of the Female Benevolent Society in Kingston.

II. And be it further enacted by the authority aforesaid, That the money hereby granted shall be paid by the receiver general, in discharge of such warrant or warrants as shall be issued by the governor, lieutenant governor, or person administering the government of this province, in favor of the treasurer of the said society; and that the said receiver general shall account to his Majesty for the same, through the commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty shall be pleased to direct.

How to be accounted for.

Chapter XXXIII.

An act for the relief of Samuel Theal.

[Passed March 6, 1830.]

Preamble. Whereas under the operation of an act of the parliament of this province passed in the fifty-eighth year of his late Majesty's reign, entitled, "An act for vesting in commissioners the estates of certain traitors," and also the estates of persons declared aliens, by an act passed in the fifty-fourth year of his Majesty's reign, entitled, "An act to declare certain persons therein described, aliens, and to vest their estates in his Majesty, and for applying the proceeds thereof towards compensating the losses which his Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon," the estate, in one hundred acres of land, being lot number eighteen, in the tenth concession of the township of Grantham, in the district of Niagara, originally granted to George Terney, of the said district of Niagara, deceased, and since sold by George Terney, eldest son and heir at law of the said George Terney, deceased, to Samuel Theal, of Grantham, in the said district of Niagara, claiming to be the legal proprietor thereof, has been vested in the commissioners appointed under and by virtue of the said act, and sold by them, as therein directed, as the property of one Thomas Lane, who withdrew himself from this province during the late war with the United States; and whereas the said Samuel Theal has by his petition set forth that the said lot never was in the seizen of the said Thomas Lane, but that the same has been returned through mistake, from its contiguity to the property of the said Thomas Lane; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the said Samuel Theal, at any time within six months from the passing of this act, to traverse all or any inquisition of office whereby the real estate in the said land has been vested in his Majesty and the commissioners aforesaid, as forfeited.

Six months' time allowed to Samuel Theal to traverse an inquisition.

If judgment be rendered for the traverser, commissioners to execute a deed to him of the land in dispute.

II. And be it further enacted by the authority aforesaid, That if judgment shall be given for the traverser, upon his plea, it shall and may be lawful for the said commissioners, upon a transcript of the said judgment, under the seal of the court, being filed with them, to execute a deed of bargain and sale to the said claimant, of the aforesaid lot of land in fee simple, which deed, being fully and duly registered in the register office of the county within which the said lot of land is situate, within six months from the date thereof, shall be good and valid in law, notwithstanding the former deed given by them, and shall vest the estate in the said land in the said claimant, any law, matter, or thing, to the contrary thereof, in any wise notwithstanding: Provided always, nevertheless, That nothing in this act contained shall be construed to deprive any person or persons who, before the passing of this act, may have purchased the said land, or any part thereof, from the purchaser or purchasers thereof at the sale by order of the commissioners, or from any assignee or assignees of such purchaser or purchasers, of his or their right to recover by law the amount of purchase money which shall have been paid by him or them for the same, to such purchaser or purchasers, or assignee or assignees, respectively.

Commissioners may repay the purchase money, and interest, to the purchaser.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, out the monies now in the hands of the special receiver, appointed under and by virtue of the above recited act, to repay the purchaser or purchasers of the said land at the sale thereof by order of the said commissioners, the monies paid and advanced by them for the purchase of the said lands, or any part thereof, together with the interest thereon accrued and due, and that for this purpose the said commissioners shall and may issue their warrant or debenture on the said special receiver in favor of the said purchaser or purchasers, which warrant or debenture, when paid, shall be a sufficient discharge of the said special receiver.

Security for costs to be given by the traverser.

IV. And be it further enacted by the authority aforesaid, That before any traverse to the said inquisition shall be received or filed in the office of his Majesty's court of king's bench, the said Samuel Theal, or his heirs, shall enter into a bond to his Majesty, in the penalty of fifty pounds, conditioned for the payment of all such costs as his Majesty may be put unto in or about defending the said traverse, in case judgment shall be given thereon for his Majesty, his heirs or successors, or the said Samuel Theal shall fail in prosecuting the same with effect.

Chapter XXXIV.

An act to secure to Thomas Hornor a patent right in a new invented threshing machine.

[Passed March 6, 1830.]

Preamble.

WHEREAS the provisions of an act passed in the seventh year of his Majesty's reign, entitled, "An act to encourage the progress of useful arts within this province," are confined to the sole inventors of any new and useful art, machine, manufacture, or composition of matter, not known or used before the application, being subjects of his Majesty and inhabitants of this province; and whereas Thomas Hornor, of the township of Burford, in the county of Oxford, in the district of London, esquire, claims to be a co-inventor with Elnathan Keys, a foreigner, of a new and improved machine for threshing grain by a horse power, to the simplicity and usefulness of which invention the said Thomas Hornor has added, and bestowed considerable expense, pains, and ingenuity, in bringing the said invention to public notice, and therefore is entitled to protection in bringing such invention into general notice and usefulness to the agriculturalist in this province; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said Thomas Hornor substantiating his claim as aforesaid, to be co-inventor of the said improvement, he, the said Thomas Hornor, shall be entitled to a patent or patents, according to the provisions of the said act, for the said invention, in the same manner as he would or might be entitled, were he the original inventor of the said improvement.

Thomas Hornor may entitle himself to a patent for a newly invented machine.

Chapter XXXV.

An act for the relief of John Eastwood and Colin Skinner.

[Passed March 6, 1830.]

Most gracious Sovereign:

Preamble. Whereas it is ever consistent with wise policy to afford due encouragement to arts and manufactures; and whereas John Eastwood and Colin Skinner, paper manufacturers, have, by their petition to the legislature, set forth the necessity of introducing machinery from the United States, in order to perfect their manufacturing establishment, and thereby enable them to furnish paper of such quality, and at such prices, as will render it unnecessary to have recourse to foreign countries for the supply of that necessary article; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, unappropriated, there be granted to your Majesty, your heirs and successors, the sum of one hundred and twenty-five pounds, which said sum shall be appropriated and applied as follows, that is to say; in repaying to John Eastwood and Colin Skinner, co-partners in trade, at the Don mills, near York, the full amount of all customs duties which they have already paid to collectors of the customs revenue within this province, on machinery, expressly imported by them for the use of their paper mills from the United States of America, since the first day of January, one thousand eight hundred and twenty-six; and also the amount of all customs duties which may be levied and charged on machinery, to be imported by them for the use of their said paper mill, from the said States, for and during the space of four years next after the passing of this act.

£125 granted to his Majesty to repay to John Eastwood and Colin Skinner, certain duties on machinery.

II. And be it further enacted by the authority aforesaid, That the money hereby granted shall be paid by the receiver general of this province to the said John Eastwood and Colin Skinner, co-partners in trade, on their producing to the governor, lieutenant governor, or person administering the government of this province, in council, from time to time, satisfactory proofs that they have paid said duties according to the intent and meaning of this act, in discharge of such warrant or warrants as may or shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and be accounted for as your Majesty, your heirs and successors, shall be graciously pleased to direct; and that an account thereof shall be submitted to the legislature.

How to be accounted for.

An Act,

For the relief of Daniel Erb, and other persons, whose names are therein mentioned.

[The royal assent to this bill was promulgated by proclamation, on the 27th October, 1829.]

Preamble. Whereas Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholzter, and Francis Weaver, have, by their petition, set forth that some of them, the said petitioners, many years ago, intending to become settlers in this province, became purchasers from the grantees of the crown of large portions of land in the townships of Waterloo and Woolwich; that many of their friends at the same time bought tracts in the said townships; and having from time to time removed into Upper Canada, as they could dispose of their property in the United States, have resided on and cultivated their lands in the said townships; that of the said petitioners who still reside in the United States, some purchased from the original proprietors in Upper Canada many years ago, and others have more recently acquired their titles by purchase, devise, or descent, from such purchasers; that they have hitherto been prevented from removing into Upper Canada by their inability to dispose of their property in the United States, and other causes, and are desirous of having their titles to their lands in Upper Canada confirmed, in order that they may remove into the province and occupy them, so soon as it may be in their power, or that they may sell them to their friends now there, or to such other persons, either in the United States or in Canada, as may be legally capable of holding them; that the petitioners, as well as their friends in Canada, formerly supposed that they could legally hold the lands so acquired, but understanding now that American citizens are required,

like other foreigners, to be naturalized by express law; therefore the said petitioners pray that they may have a liberal and favorable consideration given to their case, and that they and their heirs may be allowed to hold such lands in the province as they are at present possessed of, and to convey them, if they shall prefer it, to such persons as may be capable by law of holding lands in Upper Canada; and whereas it is expedient to secure the petitioners in their title to their lands in this province; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the titles of Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholtzer, and Francis Weaver, or any or either of them, or the heir or heirs of any or either of them, respectively, to any real estate in this province, shall not be impeached or held invalid, or such estate held liable to be resumed by his Majesty, his heirs or successors, on account of his or their being an alien or aliens; but that all and every of them, the said Daniel Erb, Jacob Wissler, Benjamin Eby, John Eby, Joseph Eby, Jacob Brubacker, Henry Brubacker, David Horst, Samuel Weaver, Christian Martin, Christian Stauffer, John Buckwalter, Jacob Eby, the younger, John Eby, junior, James Weaver, Samuel Shirk, David Weaver, Christian Zimmerman, Martin Oberholtzer, and Francis Weaver, and the heirs of every of them, shall be deemed, adjudged, and taken to be, so far as respects their capacity at any time heretofore, to take, hold, possess, enjoy, claim, recover, convey, devise, impart, or transmit, any real estate in the said townships of Waterloo and Woolwich, or any right, title, privilege, or appurtenance thereto, or any interest therein, to have been natural born subjects of his Majesty to all intents, constructions, and purposes whatsoever, as if they, and every of them, had been born within this province.

Certain persons, being aliens, authorized to hold lands in Upper Canada.

First Session of the eleventh Provincial Parliament.

MET AT YORK, ON THE SEVENTH DAY OF JANUARY, 1831, AND PROROGUED ON THE SIXTEENTH DAY OF MARCH, IN THE FIRST YEAR OF THE REIGN OF WILLIAM IV.

SIR JOHN COLBORNE, K. C. B., LIEUTENANT GOVERNOR.

Anno Domini 1831.

Chapter I.

An act to make valid certain marriages heretofore contracted, and to provide for the future solemnization of matrimony in this province.

[The royal assent to this bill was signified, by message of his excellency the lieutenant governor, to the legislative council and assembly of this province, on the second day of March, 1831.]

Preamble.

WHEREAS doubts have arisen respecting the legality of certain marriages heretofore contracted and solemnized in this province; and whereas the parties thereto, and their issue, may be subject to disabilities, unless such marriages be confirmed by law; in order therefore to afford relief to such persons, and establish the legitimacy of their issue; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the marriage or marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted in this province before any justice of the peace, magistrate, or commanding officer of a post, or before any minister or clergyman, before the passing of this act, shall be, and are hereby confirmed, and shall be considered good and valid in law; and the parties to such marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations, resulting from marriage and consanguinity, any law, usage, or custom, to the contrary in any wise notwithstanding.

Former marriages confirmed.

Method of preserving testimony of former marriages.

II. And to enable any person who may be desirous to preserve the evidence of their marriage, and of the birth of their children, be it further enacted by the authority aforesaid, That it shall and may be lawful, at any time within six years after the passing of this act, for any justice of the peace, at the request of either of the parties, to administer the following oath, or affirmation, as the case may be, to the husband and wife, or either of them:

"I, A. B., do solemnly swear, or affirm, [as the case may be,] that I did publicly intermarry with C. D. at on the day of in the year of our Lord and that there is now living issue of the said marriage, [as the case may be,] T. B., born on the day of M. B., born on the day of and that such marriage was solemnized by M. D., of the district of "

Which form of attestation shall be subscribed by the party making the same, and certified under the hand and seal of the justice administering the said oath or affirmation, who shall be entitled to receive therefor one shilling; and it shall be the duty of the clerk of the peace, upon payment of the sum of two shillings and six pence, to enter and record such attestation, duly certified as aforesaid, in a register, or book, to be by him kept for that purpose, and such register, or an attested copy thereof, shall be considered sufficient evidence of such marriage and of the birth of the said children; and the said clerk of the peace is hereby required to give such copy duly certified to any person demanding the same, upon payment of two shillings: Provided always, That nothing in this act contained shall extend, or be construed to extend, to make valid any marriage illegally solemnized, when the parties to such illegal marriage, or either of them, shall have subsequently contracted matrimony according to law.

Former marriages not to be rendered valid where a subsequent marriage has been legally contracted.

Ministers of certain denominations authorized to solemnize matrimony.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any clergyman or minister of any church, society, congregation, or religious community of persons, professing to be members of the church of Scotland, Lutherans, Presbyterians, Congregationalists, Baptists, Independents, Methodists, Menonists, Tun-

kers, or Moravians, who shall be authorized, in manner hereinafter mentioned, to solemnize the ceremony of marriage, within this province, between any two persons, neither of whom is under any legal disqualification to contract matrimony.

IV. Provided, nevertheless, and be it further enacted by the authority aforesaid, That no person shall be taken or deemed to be a clergyman or minister of such church, society, congregation, or religious community, within the intent and meaning of this act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and form of such church, society, congregation, or religious community, of which he professes to be a clergyman or minister; and unless he shall be a subject of his Majesty, and shall appear before the justices of the district in which he shall reside, in general quarter sessions assembled; and unless he shall produce proof of his ordination, constitution, or appointment, as such minister, and shall then and there take the oath of allegiance to his Majesty, which oath the said court shall then and there administer; and thereupon, if it shall appear to the majority of the justices then present that he has been regularly ordained, constituted, or appointed as aforesaid, they are hereby authorized and required to grant him a certificate, under the seal of the court, and signed by the chairman and the clerk of the peace, for which the said clerk shall be entitled to receive the sum of five shillings, certifying him to be a minister or clergyman of such church, society, congregation, or religious community, which certificate may be in the following form:

Certificate to be obtained from the quarter sessions by ministers, before they can solemnize matrimony.

"Be it remembered, that at the general quarter sessions of the peace, holden at in and for district, on the day of in the year of our Lord before A. B., and others, esquires, justices of our sovereign lord the King, assigned to keep the peace in the said district, came C. D., of who professes to be a minister or clergyman of the church, society, congregation, or religious community, [as the case may be,] it appeared to a majority of the justices that he, the said C. D., was duly ordained, constituted, or appointed, [as the case may be,] a minister or clergyman of the said church, society, congregation, or religious community. E. F., Chairman.
G. H., Clerk of the Peace."

V. Provided also, and be it further enacted by the authority aforesaid, That no such minister or clergyman shall at any time celebrate the ceremony of marriage between any two persons, as aforesaid, unless such their intention of marriage shall have been declared openly and in an audible voice in the church, chapel, meeting-house, or place of public worship of such congregation or religious community, on three several Sundays, either in some intermediate part of the service, or immediately before it began, or immediately after it ended, together with the number of times the said declaration shall have respectively been made, or unless such minister or clergyman shall have been duly authorized by license, under the hand and seal of the governor, lieutenant governor, or person administering the government of the province, to celebrate the said ceremony between the two persons therein named.

Banns to be published, or license obtained, before the solemnization of any marriage.

VI. And be it further enacted by the authority aforesaid, That every minister, or clergyman, or justice of the peace, who has been or shall be authorized to celebrate marriage by virtue of this act, or any other act of this province, shall, if required at the time, by either of the parties married by such minister, clergyman, or justice of the peace, give a certificate under his hand, of such marriage, specifying in such certificate the names of the parties, the time, and the names of two or more persons who witnessed such marriage, and whether such marriage has been solemnized by license, or by publication of banns, and also once in every twelve months return a certified list, under his hand, of all marriages by him solemnized within the said term of twelve months, or since his last preceding return, to the clerk of the peace in and for the district in which such marriages shall have been respectively solemnized, specifying in such list the names of the parties so by him married, the respective dates of such marriages, and the names of two or more persons who witnessed each of said marriages, and whether such marriages respectively shall have been solemnized by license or publication of banns, and such minister, or clergyman, or justice of the peace, shall, at the time of returning a certified list as aforesaid, pay to the said clerk of the peace the sum of two shillings and six pence; and it shall thereupon be the duty of the said clerk to record the said certified list in the register, or book required by law to be kept by him of the registry of certified marriages of members of the church of Scotland, Lutherans, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers, Presbyterians, or Moravians; and such register, or a certified copy thereof, shall be considered, in case of the death or absence of the witnesses to any marriage, a sufficient evidence of the said marriages; and the said clerk of the peace is hereby required to give such copy of the registry of any of the said marriages, duly certified, to any person demanding the same, upon the payment of two shillings; and if any such minister, or clergyman, or justice of the peace, shall refuse or neglect to return such certified list, as aforesaid, he shall forfeit and pay the sum of forty

Certificate of marriage to be given by the person solemnizing the same.

Return of marriages to be made annually to the clerk of the peace.

Clerk of the peace to record such return, which shall be evidence.

Persons neglecting to make returns to forfeit £40.

(See 33d Geo. III, c 5; 38th Geo. III, c 4; 59th Geo. III, c 15; 2d Geo. IV, c 11.)

pounds, to be recovered by action of debt in his Majesty's court of king's bench, one moiety thereof to the use of the informer, who shall sue for the same, and the other to be paid to the receiver general of this province, to and for the use of his Majesty, his heirs and successors, for the public uses of this province, and the support of the civil government thereof, to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty shall direct.

Chapter II.

An act to prevent a failure of justice by reason of immaterial variances in certain law proceedings, and to require all courts to take judicial notice of private acts of parliament.

[Passed March 16, 1831.]

Preamble.

Whereas great expense is often incurred, and delay or failure of justice takes place at trials, by reasons of variances between writings produced in evidence, and the recital or setting forth thereof upon the record on which the trial is had, in matters not material to the merits of the case, and such record cannot now in any case be amended at the trial, and in some cases cannot be amended at any time; and whereas great additional expense is often incurred by reason of the necessity of pleading specially private acts of parliament, which the several courts of justice cannot judicially notice unless they be so pleaded or given in evidence; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for every court of record holding plea in civil actions, any judge sitting at nisi prius, and any court of oyer and terminer and general gaol delivery, in this province, if such court or judge shall see fit so to do, to cause the record on which any trial may be pending before any such court or judge in any civil action, or in any indictment or information for any misdemeanor, when any variance shall appear between any matter in writing, or in print, produced in evidence, and the recital or setting forth thereof upon the record whereon the trial is pending, to be forthwith amended in such particular by some officer of the court, on payment of such costs (if any) to the other party, as such court or judge shall think reasonable, and thereupon the trial shall proceed as if no such variance had appeared; and in case such trial shall be had at nisi prius, the order for the amendment shall be endorsed on the postea, and returned together with the record, and thereupon the papers, rolls, and other records of the court from which such record issued, shall be amended accordingly.

Variances may be amended in civil cases and in prosecutions for misdemeanors, at the discretion of the court or judge holding plea thereof.

Courts required to take judicial notice of private acts of parliament.

II. And be it further enacted by the authority aforesaid, That all acts of the provincial parliament of this province, whether the same shall be deemed public or private acts, shall equally be taken notice of judicially, by all courts, judges, justices, and other persons whomsoever, without being specially pleaded; and that a copy of any such act, printed by proper authority in this province, shall be taken as sufficient evidence thereof, any law to the contrary notwithstanding.

Chapter III.

An act to enable married women more conveniently to alien and convey their real estate, and to repeal an act passed in the forty-third year of the reign of King George the Third, entitled, "An act to enable married women having real estate more conveniently to alienate and convey the same."

[Passed March 16, 1831.]

Preamble.

Whereas the laws now in force, enabling married women more conveniently to alien their real estate, do not afford the facility required, and at the same time unnecessarily expose purchasers to risk, from the chance of the married woman dying, or retracting her consent after her execution of the conveyance, by means whereof such conveyances may be defeated, to the great prejudice of innocent purchasers: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Ma-

jesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,' " and by the authority of the same, That from and after the first day of August next after the passing of this act, it shall and may be lawful for any married woman, being above the age of twenty-one years, residing within this province, and seized of real estate therein, to alien and convey such real estate by deed, to be executed by her jointly with her husband, to such use and uses as to her and her husband shall seem meet: Provided always, nevertheless, That such deed shall not be valid, or have any effect, unless such married woman shall execute the same in presence of one of the judges of the court of king's bench in this province, or in the presence of a judge in the district court, or of a judge of the surrogate court of the district in which such married woman shall reside, or of two justices of the peace for such district, and unless such judge or two justices of the peace (as the case may be) shall examine such married woman, apart from her husband, respecting her free and voluntary consent to alien and depart with her estate, as mentioned in the deed, and shall on the day of the execution of such deed, certify on the back of the deed in some form of words to the following effect:

Married women residing in this province may alien their real estates by deed executed jointly with their husbands; provided such deed be executed in the presence of a judge of king's bench, or of the district or surrogate courts, or of two justices of the peace for the district where such married women reside.

Such judge, &c. to examine such married women, and grant certificates of their consent to depart with their estates.

" That on the day mentioned in the certificate, such married woman did appear before him or them, [as the case may be,] at the place to be named in the said certificate, and being examined by him, or them, [as the case may be,] apart from her husband, did appear to give her consent to depart with her estate in the deed mentioned, freely and voluntarily, and without any coercion, or fear of coercion, on the part of her husband, or of any other person or persons whatsoever."

Form of certificate.

II. And be it further enacted by the authority aforesaid, That when the married woman resides out of this province, the deed may be executed by her in the presence of a judge of the court of king's bench, or of a judge of the district court, or of the surrogate court, or of two justices of the peace in and for any district of this province, whose certificate shall be effectual for the purposes aforesaid: Provided always, That it shall not in any case be necessary for any such judge or justices as aforesaid, to attest the execution of any deed as a subscribing witness; Provided always, That nothing in this act contained shall be taken or construed to give to such deeds, so executed as aforesaid, so far as relates to the married woman, or the interests of herself, or of those claiming under her, any greater or other force or effect than the same would have had in case such married woman had been sole at the time of executing the same.

When married women live out of the province, deed may be executed before any such judges or justices for any district.

Judge, &c. not required to attest the execution of any deed.

No greater effect to be given any such deeds than would attach thereto in case such married woman had been sole.

III. And be it further enacted by the authority aforesaid, That in all cases in which a married woman shall, before the passing of this act, have made any conveyance, which would be valid in law, if such certificate had been obtained with the period of twelve months, as was required by the laws then in force in this province, such certificate may at any time, after the passing of this act, be obtained, notwithstanding the period of twelve months may have expired, and the same shall have the like effect, and no other, as if given within twelve months: Provided always, nevertheless, That nothing herein contained shall affect, or be construed to affect, the right to lands of any person or persons who may have obtained a deed according to law for any lands which may have been previously conveyed by a married woman, but not acknowledged before a judge, pursuant to the laws of this province.

Where married women have heretofore conveyed their estates, but no certificate hath been granted within twelve months, such certificate may nevertheless be now granted, notwithstanding the twelve months have expired.

Such certificate not to affect sales made previous to the granting thereof.

IV. And be it further enacted by the authority aforesaid, That the sum of five shillings shall be paid for every such certificate, and no more.

Five shillings to be paid for certificates.

V. And be it further enacted by the authority aforesaid, That a certain act of the parliament of this province passed in the forty-third year of the reign of his late Majesty, King George the Third, entitled, " An act to enable married women having real estate more conveniently to alien and convey the same," shall, from and after the said first day of August next, be repealed, except as to any conveyances which have been or shall be executed while the same was in force.

43d Geo. III, c 5, repealed.

Such repeal not to affect conveyances executed while the same was in force.

(See 59th Geo. III, c 3, and 2d Geo. IV, c 14.)

Chapter IV.

An act to establish a market, and to establish wharfage fees, in the town of Amherstburgh, in the Western district.

[Passed March 16, 1831.]

WHEREAS it is expedient, for the convenience of the inhabitants of the Western district, that a market should be established at the town of Amherstburgh, in the said district, and that the times and places for holding such market should be ascertained; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain,

Preamble.

entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the commissioners of the peace in the Western district, in their court of general quarter sessions assembled, and they are hereby authorized and empowered, to establish upon lot number seven, on the west side of Dalhousie street in the said town of Amherstburgh, which has been granted in trust for that purpose, a market, where butcher's meat, butter, lard, eggs, poultry, fish, and vegetables, shall be exposed to sale, and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market to be established in Amherstburgh.

Magistrates to make regulations relative thereto.

Fines not exceeding twenty shillings may be imposed for the infraction of such regulations.

II. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorized and empowered, to impose such fines, not exceeding twenty shillings, for every offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Market regulations to be published.

III. And be it further enacted by the authority aforesaid, That all such orders, rules, and regulations, shall be published, by causing a copy of them to be affixed in the most public place in every township in the said district, and at the door of the court house of the said Western district, and that such orders, rules, and regulations, shall not be in force until three weeks after such publication.

A public wharf may be erected in front of the market, and magistrates may make regulations relative thereto;

IV. And whereas the said lot number seven in Dalhousie street, in the said town of Amherstburgh, extends to the channel of the river Detroit, and it may conduce to the convenience of the inhabitants of the said district, if a wharf were erected upon that part of the said lot which is covered with water; be it therefore enacted by the authority aforesaid, That so soon as a public wharf shall be erected on the said lot, it shall and may be lawful for the commissioners of the peace for the said district, or a majority of them, in general quarter sessions assembled, to make such rules and regulations in regard to the said wharf, and to impose such tolls and fees for the use of the same, as may to them appear reasonable; and to enforce compliance to the said rules and regulations, the said commissioners are hereby empowered to impose such fines, not exceeding twenty shillings for every offence committed contrary thereto.

and impose fines for the infraction thereof.

Fines to be recovered in a summary way before justices of the peace, and applied to the improvement of the market.

V. And be it further enacted by the authority aforesaid, That if any person shall transgress the orders and regulations, so made by the said commissioners, such person, for every such transgression, shall forfeit the sum which in every such order, rule, and regulation, shall be specified, to be recovered by information before any two commissioners of the peace, upon the oath of one credible witness, and to be levied by warrant, under the hand and seal of such commissioners, upon the goods and chattels of such offender, and be paid into the hands of the treasurer of the district, and subject to the disposal of the magistrates, in general quarter sessions, at their meeting in the month of April in each year, for the improvement of the said market, or of the said town of Amherstburgh.

Chapter V.

An act to amend and extend the provisions of an act passed in the eighth year of his late Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in the Eastern district."

[Passed March 16, 1831.]

Preamble.

Whereas it is expedient to amend and extend the provisions of an act passed in the eighth year of his late Majesty's reign, entitled, "An act to provide for the erection of a gaol and court house in the Eastern district;" be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That in addition to the three persons appointed by law to superintend the erection of a gaol and court house in the Eastern district, George S. Jarvis and Philip Vankoughnett, esquires, shall be commissioners for the like purpose, and that a majority of the said five commissioners shall decide on all matters relating to the erection and completion of the said gaol and court house.

Two additional commissioners appointed to superintend the erection of a gaol.

In case of death, refusal to act, or removal

II. And be it further enacted by the authority aforesaid, That in case any vacancy shall occur from the death, or removal out of the district, of any one or more of the commis-

sioners appointed by this or any other act, or by the refusal of any one or more of them to act, then, and in such case, the governor, lieutenant governor, or person administering the government, on such vacancies being certified to him by the other commissioners, or a majority of them, is hereby authorized and required to fill up such vacancies.

from the district, of any commissioner, governor may fill up such vacancy. (See 8th Geo. IV, c 15, and 11th Geo. IV, c 29.)

Chapter VI.

An act to indemnify the magistrates of the Newcastle district, and to authorize them to raise a loan, on the credit of the funds of the said district, to complete a building erected at the village of Amherst, as the gaol and court house of the said district.

[Passed March 16, 1831.]

Preamble.

WHEREAS it appears that, from the state of the gaol and court house for the district of Newcastle, it is expedient and necessary to provide a more sufficient building for the safety and comfort of prisoners, and for the accommodation of the courts of justice held within the said district; and whereas it appears by the petition of the magistrates and inhabitants of the Newcastle district, that the magistrates thereof have contracted for the erection of a gaol and court house at Amherst, in the township of Hamilton, in the said district, but that the legal assessments will not enable them to discharge the amount for which they have contracted with suitable promptness; and whereas the magistrates of the said district have expended a large sum of money of the funds of the said district, in part payment of the said contract; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the building so contracted for as aforesaid shall, when completed, be deemed and taken to be the legal gaol of the said district; and whereas the money so applied as aforesaid in part payment of the said contract was not authorized by law; and whereas it is necessary and expedient to indemnify the said magistrates for the expenditure of the same; be it therefore further enacted by the authority aforesaid, That the sum of money so expended as aforesaid shall be deemed and taken to be a legal expenditure and application of the funds of the said district.

Gaol now building to be deemed the legal gaol of the district. Magistrates of the district indemnified for the illegal expenditure of the money heretofore applied towards erecting a new gaol.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled, and they are hereby authorized and required to apply towards the expense of erecting and completing the said building, as such gaol and court house, all such monies arising from such rates and assessments as now are, or may come into the hands of the treasurer of the said district, and applicable to the uses of the same, not required for the ordinary and incidental expenses of the said district: Provided always, That nothing in this act contained shall authorize the application of a greater sum than six thousand pounds, including the sum already expended in the erecting and completing the said gaol and court house.

Funds of the district may be applied towards erecting the new gaol, not exceeding the sum of £6,000.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in and for the said district, in general quarter sessions assembled in April next, and they are hereby required, by an order of the said court, to authorize and direct the treasurer of the said district to raise by loan, from such person or persons, bodies politic or corporate, who may be willing to lend the same on the credit of the funds of the district, a sum, not exceeding two thousand five hundred pounds, to be applied in the building and completing the said gaol and court house.

Loan authorized, not exceeding £2,500.

IV. Provided always, and be it further enacted by the authority aforesaid, That the money so borrowed under the authority of this act shall not bear a greater interest than six per centum per annum, and that the treasurer of the said district for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than three hundred pounds, from and out of the rates and assessments so coming into his hands for the use of the district as aforesaid, together with all such monies as may remain in his hands after the payment of the ordinary and incidental expenses of the year.

Interest not to exceed six per cent. and not less than £300 per annum to be applied towards the liquidation of such loan.

V. And be it further enacted by the authority aforesaid, That the treasurer of the said district shall not receive any per centage for any sum or sums of money which may be loaned under the authority of this act, and which may come into his hands, or for paying out the same, in fulfilment of the contract aforesaid.

Treasurer not to receive per centage on money loaned. (See 42d Geo. III, c 2, and 45th Geo. III, c 5.)

Chapter VII.

An act to erect the county of Prince Edward into a separate district.

[Passed March 16, 1831.]

Preamble.

Whereas from the peculiar situation of the county of Prince Edward, in the Midland district of this province, and from various other causes, it has become expedient to erect the said county into a separate district; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so soon as the governor, lieutenant governor, or person administering the government of this province, for the time being, shall be satisfied that a good and sufficient gaol and court house has been erected therein, for securing prisoners, and for accommodating such courts as shall or may be held within the said county, it shall and may be lawful to and for the governor, lieutenant governor, or person administering the government of the said province, for the time being, by and with the advice of his Majesty's executive council in this province, to declare by proclamation the said county of Prince Edward a separate and distinct district, by such name as he shall think fit: Provided, nevertheless, That nothing in this act contained shall affect, or be construed to affect, the jurisdiction of his Majesty's court of king's bench in this province, or to make it necessary or lawful to issue commissions of oyer and terminer and general gaol delivery, and commissions of assize and nisi prius for the said district, or to affect the jurisdiction of the courts of general quarter sessions of the peace, or district court, within the said Midland district: Provided, nevertheless, That if at the time the said county shall be set off into a separate district, any action shall have been commenced, or be pending for any cause of action arising therein, or any indictment of any indictable offence that has been committed within the said county, the said action or indictment shall and may be tried at the next assizes, or other court in which the same may be pending, to be held in and for the Midland district, unless all the parties concerned shall agree that the same shall not be tried in said Midland district: Provided always, That such gaol and court house shall be erected in the village of Picton, upon a certain block of land, containing two and a half acres, granted, or intended to be granted and conveyed to Asa Worden, Simeon Washburn, and James Dougal, esquires, agreeably to a resolution adopted at a public meeting in May, one thousand eight hundred and twenty-six, convened for the purpose of fixing the site of the said gaol and court house, unless a majority of such justices of the peace of the Midland district, as shall be present on the second day of the court of general quarter sessions for the Midland district in the month of July next, shall by a resolution declare that such site is ineligible.

The county of Prince Edward may by proclamation be declared a separate district, so soon as a gaol and court house shall be erected.

Not to affect the jurisdiction of any courts.

Court house to be erected in Picton.

Courts established in the new district.

II. And be it further enacted by the authority aforesaid, That the courts of oyer and terminer and general gaol delivery, of assize and nisi prius, the courts of general quarter sessions of the peace, district court, surrogate court, court of requests, and every other court and jurisdiction, with all district offices whatsoever, held or to be held, possessed and enjoyed in and by the other districts of this province, at the time of such proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said district, to be thereby declared and named by virtue of this act, and that all and every jurisdiction, regulation, rule, privilege, exemption, matter, or thing, which shall or may have been enacted, provided, and declared by any act or acts of the parliament of this province, made, or to be made, touching or concerning the said other districts, and which shall be in force and operation at the time of such proclamation, as aforesaid, shall be, and are hereby, from thenceforth, extended to that district, to be thereby declared and named as aforesaid, unless otherwise provided for by this act, or any other act or acts of the parliament of this province.

Laws relating to other districts generally to be equally applied to the new district.

Laws respecting gaols and court houses to be applicable to the new district.

III. And be it further enacted by the authority aforesaid, That all and every the provisions, rules, regulations, matters, and things, contained in any act or acts of the parliament of this province, for the regulation of, or relating to gaols, which shall be in force and operation at the time of declaring and naming such new district as aforesaid, shall be and are hereby from thenceforth extended to the said gaol and court house, and that the aforesaid courts of oyer and terminer and general gaol delivery, assize and nisi prius, general quarter sessions of the peace, surrogate court, and every other of the aforesaid courts required to be held at a place certain, shall be commenced and from time to time holden at the aforesaid court house, or such other court house as shall hereafter be erected for that purpose by virtue of any act or acts of the parliament of this province.

Courts to be held in the court house hereby authorized to be erected.

Periods for holding of the district courts and sessions of the peace, and surrogate court.

IV. And be it further enacted by the authority aforesaid, That from and after the declaring and naming the said county of Prince Edward a separate district, as aforesaid, the court of general quarter sessions of the peace and district court of the said district, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, on the first Tuesday in the months of January, April, July, and October, in each and every year, and that the terms for the said district and surrogate court within and for such new district shall respectively commence on the Monday of the week next but one preceding the week in which the court of quarter sessions and sitting of the said district court are hereby appointed to be held, and such terms shall respectively end on the Saturday following.

Justices of the peace and other persons holding offices, and residing in Prince Edward at the time of its erection into a separate district, to continue their functions within such new district.

V. And be it further enacted by the authority aforesaid, That his Majesty's justices of the peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said county of Prince Edward, at the time the same shall be declared and named a separate district as aforesaid, shall continue to hold, enjoy, and exercise the like commission, office, authority, power, and jurisdiction within that district, in the same manner that they previously held, enjoyed, and exercised within the Midland district: Provided, That the authority, power, and jurisdiction, previously exercised by his Majesty's justices of the peace, and other persons bearing commission, or office, or lawful authority, within, or residing within, the said county of Prince Edward, shall not in any wise be longer exercised or continued within the Midland district, but the same within that district shall from thenceforth cease and determine: Provided, That after declaring and naming such new district as aforesaid, his Majesty's justices of the peace and others who thenceforth continued to hold commission or office, or bear lawful authority within the Midland district, shall cease to hold such commission or office, or to exercise such lawful authority within said new district, to be declared and named as aforesaid; and that no jurisdiction, power, or authority, of whatever nature or kind soever, to the said Midland district, at the time of the formation of such new district as aforesaid belonging or appertaining, shall longer extend, or be construed to extend, to the said new district.

Limitation of the period for holding such office.

Justices and others continuing to exercise their authority within the Midland district, shall cease to exercise the same in the new district.

Rates and assessments how to be applied.

VI. And be it further enacted by the authority aforesaid, That the ordinary assessments and rates levied within the said county of Prince Edward for the current year, at the time the said county shall be declared and named a separate district, by virtue of this act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within such new district, as they at that time might be applied and expended under and by virtue of any act or acts of the parliament of this province, in the Midland district, except in so far as the same may be varied by this act.

Arrearages due to the Midland district to be paid over within two years after the erection of such new district.

VII. And be it further enacted by the authority aforesaid, That the justices in general quarter sessions assembled for the district to be declared and named under this act shall, and they are hereby required to, order the treasurer of the said district to pay, from and out of the monies which he shall receive as such treasurer, within two years after the erection of the said county of Prince Edward into a separate district, such arrearages as may be due from the said district to the Midland district, for or on account of any assessment or rate imposed or levied, but not collected, previous to the separation of the said county of Prince Edward from the said Midland district; such arrearages to be certified to the justices of the peace for such district by the treasurer and chairman of the quarter sessions of the said Midland district.

Fifty pounds granted annually to his Majesty for payment of sheriff's salary.

VIII. And whereas it is necessary to make provision for the office of sheriff, and for the establishment and support of schools within the aforesaid county of Prince Edward, when the same shall have been declared a separate district by virtue of this act, be it further enacted by the authority aforesaid, That from and after the erection of the said county of Prince Edward into a separate district, by virtue of this act, and the appointment of a sheriff therein, there be granted to his Majesty, his heirs and successors, from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, the sum of fifty pounds annually, which said sum of fifty pounds shall be appropriated and applied for the payment of a salary to the sheriff, for the time being, of the said district to be named and declared as aforesaid.

£100 granted annually to his Majesty for the support of a district school.

IX. And be it further enacted by the authority aforesaid, That from and after the erection of the said county of Prince Edward into a separate district, by virtue of this act, there be granted annually to his Majesty, his heirs and successors, from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, the sum of one hundred pounds annually, which said sum of one hundred pounds shall be appropriated, applied, and disposed of, in paying the salary of the teacher of the public district school which may be hereafter erected in the said district.

District school to be opened in Hallowell.

X. And be it further enacted by the authority aforesaid, That the said district school shall be opened and kept in the township of Hallowell, in the said district, at such place as the trustees of the said district school, or a majority of them, may appoint.

The said district school to be under the like rules as other district schools.

XI. And be it further enacted by the authority aforesaid, That the said district school shall be established in like manner, and under the same rules, regulations, and restrictions, in every particular, as shall be mentioned and provided in the several acts of the parliament of this province for the regulation of similar schools in the other districts of this province, in force and operation at the time such school shall be established.

£250 granted annually to his Majesty for the support of common schools; which are to be under the same regulations as other common schools.

XII. And be it further enacted by the authority aforesaid, That from and after the erection of the said county of Prince Edward into a separate district as aforesaid, there be granted annually to his Majesty, his heirs and successors, from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and unappropriated, the sum of two hundred and fifty pounds, which sum of two hundred and fifty pounds shall be appropriated, applied, and disposed of, in the establishment of common schools in the said district, in manner and under the same rules, regulations, provisions, and restrictions, in every particular, mentioned, specified, and contained, in the several acts of the parliament of this province, for the regulation and support of similar schools in the other districts of this province, which shall be in force and operation at the time such schools shall be so established in the said projected district: Provided, nevertheless, That nothing herein contained shall be construed or taken to destroy or abridge the right of such new district to participate in the monies appropriated to the use of common schools in this province, by a certain act of the parliament of this province passed in the fourth year of his late Majesty's reign, entitled, "An act to make permanent and extend the provisions of the laws now in force for the establishment and regulation of common schools throughout this province, and for granting to his Majesty a further sum of money to promote and encourage education within the same," in addition to the above mentioned sum of two hundred and fifty pounds.

(See 4th Geo. IV, c 8.)

How monies to be accounted for.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the monies hereinbefore granted to his Majesty shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall, for the purposes aforesaid, be from time to time issued by the governor, lieutenant governor, or person administering the government of this province, and the said receiver general shall account for the same to his Majesty through the lords commissioners of his Majesty's treasury, for the time being, in such manner and form as his Majesty, his heirs and successors, shall direct.

XIV. And whereas, under the authority of two several acts of the parliament of this province, one passed in the second year of his late Majesty's reign, chapter twenty-one, and the other passed in the fourth year of his late Majesty's reign, chapter thirty-two, by which acts his Majesty's justices of the peace for the Midland district are authorized to obtain, by loan, a sum of money, for the purpose of erecting a gaol and court house in the town of Kingston, and under the authority of said acts, the sum of four thousand pounds hath been borrowed by the justices of the peace for the said Midland district, for the purposes therein specified, for the redemption of which loan the rates of said Midland district, including the said county of Prince Edward, are by the said acts rendered liable; and whereas it is expedient, in case the said county should be declared and named a separate district, by virtue of this act, before the total liquidation of the said debt of the said Midland district, that the inhabitants of the said county should continue subject and liable to contribute equally towards the payment thereof, as if the said county had not been erected into a separate district; be it therefore further enacted by the authority aforesaid, That so soon after the passing of this act as the said county of Prince Edward shall have paid into the Midland district treasury, out of the assessed rates and taxes now or hereafter raised within said county, the full sum of six hundred pounds, it shall be, and be taken to be, in full satisfaction for all arrears of said loan and interest thereon to be contributed and paid by the said county towards the said Midland district debt; and that from thenceforth all rates and taxes assessed and raised thereafter within said county or new district may and shall be applicable and be applied to the uses and benefit of said county, and may, by his Majesty's justices of the peace of and residing within said county, be laid out and applied towards the erecting and building a gaol and court house, as provided by this act in and for the said county or new district, any thing in this act to the contrary in any wise notwithstanding.

£600 to be paid by the new district to the treasurer of the Midland, in full of arrears of loan to the Midland district.

And thereafter the funds of the new district shall be applied to the uses thereof, &c.

May be applied towards the erection of a gaol and court house.

Chapter VIII.

An act to extend the time for taking the oath prescribed by a certain act passed in the ninth year of his late Majesty's reign, entitled, "An act to secure to and confer upon certain inhabitants of this province the civil and political rights of natural born British subjects."

[Passed March 16, 1830.]

Preamble.

WHEREAS the time allowed by the second clause of an act passed in the ninth year of his late Majesty's reign, entitled, "An act to secure to and confer upon certain inhabitants of this province the civil and political rights of natural born British subjects," will shortly expire; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the said second clause of the said act as limits the time for taking the oath therein prescribed to three years from the passing thereof, be, and the same is, hereby repealed.

9th Geo. IV, part of the 2d clause, repealed.

II. And be it further enacted by the authority aforesaid, That the said period of three years be extended, and the same is hereby extended, to four years from and after the passing of this act, and thence to the end of the then next ensuing session of parliament.

Time extended for taking oath, prescribed by 9th Geo. IV.

III. And be it further enacted by the authority aforesaid, That this act shall be publicly read by the clerk of the peace, immediately after empannelling the grand jury at the several quarter sessions of this province, for four successive sittings of such court, after the first day of July next.

Act to be publicly read at the court of quarter sessions.

Chapter IX.

An act to provide for settling and determining by arbitration certain difficulties that have arisen or may arise between persons owning land in the eighth concession of Saltfleet, and persons owning or claiming to own lands in the first concession of Binbrook, who through mistake may have made improvements on the rear part of the said eighth concession of Saltfleet.

[Passed March 16, 1830.]

Preamble.

WHEREAS the inhabitants residing on the front concession of the township of Binbrook, in the county of Wentworth, in the district of Gore, having commenced their improvements and erected their buildings on the front of the said first concession, and in accordance with a line run by Samuel Street Wilmot, a deputy surveyor sent by order of the government to ascertain and mark out the said line, and which line has since been discovered to be erroneous, as encroaching on the eighth concession or rear boundary line of the township of Saltfleet, and by which the parties interested are liable to be exposed to great difficulty and loss; and whereas the inhabitants living on the first concession of the township of Binbrook aforesaid, and whose improvements and buildings are found to be on the eighth concession of Saltfleet, not having made such encroachments knowingly or with evil intention, it is therefore expedient that provision be made by law to enable the parties to settle the difficulties that may have arisen or are liable to arise on account of the said error; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for any person or persons owning land in the eighth concession of Saltfleet, and which may have been improved by any person or persons owning or claiming to own lands in the first concession of the township of Binbrook, and who shall not mutually agree to settle the matter in dispute between themselves, to submit the same to be determined by arbitration, in the manner hereinafter set forth.

Owners of land in eighth concession of Saltfleet may refer disputes respecting the same to arbitration.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons owning any lot or parcel of land in the eighth concession of Saltfleet aforesaid, and which may have been improved before the passing of this act by any person or persons owning or claiming to own land in the first concession of Binbrook,

Persons not to be removed from their respective possessions, unless disputes respecting the same shall have

been submitted to arbitration.

to eject such person or persons from any such improvement, or take possession of such improved part of a lot or parcel of land, without the consent of the occupant thereof, unless the same shall have been submitted to the determination and award of arbitrators indifferently chosen by the parties, for settling and determining the same.

Arbitrators to be named, who shall choose an umpire.

III. And be it further enacted by the authority aforesaid, That in all cases where the owner of any such improved part of a lot or parcel of land, or the person having improved the same, or who may be otherwise interested therein, shall not agree as to the value of the land so improved, or the improvement thereon, it shall and may be lawful to and for each of the parties so interested, to choose one fit and proper person as an arbitrator, and the two arbitrators thus chosen may choose a third arbitrator, and the three arbitrators so chosen shall have full power and authority to award and determine the whole matter of difference between the parties.

Arbitrators to take an oath.

IV. And be it further enacted by the authority aforesaid, That before any arbitrator shall enter upon the duties assigned him by this act, he shall take the following oath:

Form thereof.

"I, A. B., do solemnly swear, that I will faithfully inquire into the matter in dispute between C. D. and E. F. and will make a just and true award thereon according to the best of my knowledge and belief. So help me God."

And which oath it shall and may be lawful for any justice of the peace in the district of Gore to administer.

Duty of the arbitrators.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said arbitrators, and they are hereby required to fix and determine the value of such improvements, as also the value of the land on which such improvements may have been made, considered only in its uncultivated state.

Owners of land may receive the value of land decided to be their's, or pay the value of the improvements fixed by the award of arbitrators.

VI. And be it further enacted by the authority aforesaid, That in all cases where an award shall be made under this act, determining the value of any such improvement, it shall be optional with the owner of the land, whether he will pay the amount at which such improvment may be valued, or receive the sum awarded to be paid by the person having made such improvement, as the value of the land on which the same may have been made.

Certain persons not eligible to be named as arbitrators.

VII. And be it further enacted by the authority aforesaid, That no person owning land in the eighth concession of the township of Saltfleet, nor any person who may claim remuneration for any such improvement as aforesaid, shall be eligible to be chosen or appointed an arbitrator for the purposes of this act.

If a road shall be laid out in front of Binbrook, the owners of the front lots shall be entitled to the former allowance for road.

VIII. And be it further enacted by the authority aforesaid, That if upon application to the court of quarter sessions for the Gore district being made in the manner pointed out by law, the aforesaid line, run by the said Samuel Street Wilmot, shall be confirmed as a common public highway, it shall and may be lawful for the owners of the land in the first concession of the township of Binbrook, to take, hold, occupy, and enjoy the road allowance in front of the said first concession, in lieu thereof, any law, usage, or custom, to the contrary notwithstanding: Provided always, That the value of said allowance be paid for by such occupant to the owners of land in the eighth concession of Saltfleet, next adjoining.

Any award may be made a rule of king's bench.

IX. And be it further enacted by the authority aforesaid, That every award that shall be made as hereinbefore directed, shall be made a rule of his Majesty's court of king's bench, and as such may be specially pleaded by the party or parties having complied with the same.

Chapter X.

An act for vesting in trustees, the market square in the town of York, for the benefit of the inhabitants of the said town.

[Passed March 16, 1831.]

Preamble.

Whereas Alexander Wood and Thomas Stoyell, of the town of York, have by their petition set forth that, by his Majesty's letters patent, the market square in the said town, containing about four acres and a half, had been granted in fee simple to the honorable Henry Alcock, the honorable Peter Russell, the honorable Æneas Shaw, and the honorable John McGill, without expressing, as was intended, any trust; that the same was intended for the use of the public as a market; and that the said John McGill, the sole surviving grantee, by a certain indenture of lease, for nine hundred and ninety-nine years, made between him and the said petitioners, then serving as town and church wardens for the said town, and which said indenture of lease has been lost and cannot be found, hath, as such survivor, leased the same to the petitioners and their successors, in the said offices of church and town wardens, for the management of the same, for the use of the public of the said town; and that they were desirous of being relieved from the said trust, and praying that a bill might be passed, vesting the market square in trustees, to, for, and upon

such trusts as might be deemed proper; and whereas it is expedient to grant the prayer of the said petitioners, and to make further provisions vesting the said estate; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said market square, or ground appearing upon the official map of survey of the said town of York, as reserved for a market, containing, as is said, about four and a half acres, more or less, be, and the same is, hereby vested in the church and town wardens, for the time being, and in their successors in the said offices, forever hereafter, as a corporation for leasing and managing the same as hereafter mentioned.

Market square vested in the church and town wardens.

II. And be it further enacted by the authority aforesaid, That the said church and town wardens, for the time being, as such corporation, shall have full authority and power to lease the same in such parcels, and for and upon such terms as the magistrates for the said district shall, in general or adjourned sessions, from time to time order and direct.

Power to lease the market square in parcels.

III. And be it further enacted by the authority aforesaid, That all monies arising from such lease or leases shall be paid into the hands of the treasurer of the said district, and shall be at the disposal of the magistrates of the said district for public uses, for the benefit of the inhabitants of the said town of York, and for no other use or purpose whatsoever.

Monies arising from leases how to be applied.

IV. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to do away, or in any manner to interfere with the present leases of the said market square, but that the same shall be taken and considered to be valid and effectual to all intents and purposes whatsoever.

No present lease to be avoided by this act.

V. And whereas a certain part of the said market square, known as lot number twelve in market lane, has been heretofore used for the purpose of a common school house for the said town, and it is expedient to provide for the permanent application of the same for the purposes of such common school; be it therefore further enacted by the authority aforesaid, That the said lot number twelve aforesaid shall be, and the same is hereby deemed to be, vested in the trustees of the said common school, and their successors duly appointed according to law, as a corporation for that purpose.

School lot vested in the trustees of the common school.

(See 54th Geo. III, c 15.)

Chapter XI.

An act to incorporate certain persons therein mentioned, under the style and title of the Tay Navigation Company.

[Passed March 16, 1831.]

WHEREAS Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass, and others, of the town and neighborhood of Perth, in the district of Bathurst, have by petition prayed to be incorporated a joint stock company for the purpose of improving and rendering navigable the river Tay, with such other persons as may feel disposed to undertake the said improvement; and whereas by an act passed in the eighth year of his late Majesty's reign, entitled, "An act to confer upon his Majesty certain powers and authorities necessary to the making, maintaining, and using the canal intended to be completed under his Majesty's direction, for connecting the waters of lake Ontario with the river Ottawa, and for other purposes therein mentioned," power and authority were given to any officers or persons employed by his Majesty, in case his Majesty should desire to improve the navigation of the rivers Tay and Goodwood, which empty their waters in the river Rideau, to enter into or upon the lands or grounds of or belonging to any person or persons on the borders of the said rivers Tay and Goodwood, in the same manner, and for the like purposes, and subject to the same conditions, as his Majesty is by the said act authorized to do with respect to the lands bordering on the river Rideau; and whereas it is expedient to repeal so much of the said act as authorizes his Majesty to cause the navigation of the river Tay to be improved according to the provisions of the said act, and to incorporate the petitioners for the purposes therein mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority

Preamble.

Part of 8th Geo. IV, c 1, repealed.

of the same, That so much of the said in part recited act as relates to the improvement of the navigation of the river Tay be, and the same is, hereby repealed.

Tay navigation company incorporated.

II. And be it further enacted by the authority aforesaid, That the said Henry Graham, Alexander Fraser, Roderick Matheson, John McKay, George Hume Read, Josias Taylor, Henry Glass, together with all such other persons as shall become stockholders in such joint stock or capital as is hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be, a body corporate and politic, in fact, by and under the name and style of the Tay Navigation Company, and that by such name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts or places whatsoever, in all manner of suits, actions, complaints, matters, and causes, whatsoever; and that they and their successors shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of the Tay Navigation Company, shall be in law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and demising, conveying, or otherwise departing therewith, for the benefit and on the account of the said company, from time to time, as they shall deem necessary and expedient.

Capital stock not to exceed £4,000.

III. And be it further enacted by the authority aforesaid, That the whole capital or stock, inclusive of any real estate which the said company may have or hold by virtue of this act, shall not exceed in value four thousand pounds of lawful currency of this province, which capital shall be composed of six hundred and forty shares, of the value of six pounds five shillings each, and that the said shares of the said capital stock shall be transferable, and may be from time to time transfered by the respective persons so subscribing or holding the same, to other person or persons: Provided always, That such transfer be entered or registered in a book or books, to be kept for that purpose by the said company, and that no such transfer shall be made by any stockholders of the said company until after the expiration of one year from the period when the said work is completed.

Shares to be transferable upon the books of the corporation.

Shares to be subscribed, and to be payable by instalments.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, his Majesty's subjects or others, to subscribe for any number of shares, (not exceeding in the first instance fifty,) the amount whereof shall be due and payable to the said company in the manner hereinafter mentioned, that is to say; ten per cent. on each share so subscribed shall be payable to the said company immediately after the stockholders shall have elected the number of directors hereinafter mentioned, and the remainder by instalments of not more than twenty per cent. at such periods as the president and directors shall from time to time direct and appoint for the payment thereof: Provided, That no instalment shall be called for in less than thirty days after public notice shall have been given in all the newspapers of the district of Bathurst: Provided always, That if any stockholder or stockholders as aforesaid shall neglect or refuse to pay to the said company the instalments due on any share or shares held by him, her, or them, at the time required by law, such stockholder or stockholders shall forfeit such share as aforesaid, with the amount previously paid thereon, and the share or shares shall be sold by the directors at public auction, after having given ten days' notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other proceeds of the said company: Provided always, That such purchaser or purchasers shall pay to the said company the amount of the instalment required, over and above the purchase money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares, so to be purchased as aforesaid.

Calls to be advertised.

Shares to be forfeited, if calls not paid.

First meeting of stockholders to choose directors, to be held in Perth.

V. And be it further enacted by the authority aforesaid, That so soon as two hundred shares shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named, (in the town of Perth,) for the purpose of proceeding to the election of the number of directors hereinafter mentioned; and such election shall then and there be made by a majority of shares, voted for in the manner hereinafter prescribed, in respect of the annual election of directors; and the persons then and there chosen shall be the first directors, and be capable of serving until the first Monday in January succeeding their election; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president for the like period, and the president and directors so chosen shall, as soon as a deposit amounting to ten pounds per centum upon the shares subscribed as aforesaid shall be paid to the said directors, commence the business and operations of the said company: Provided always, That no such meeting of the said subscribers shall take place until a notice is published in the newspapers of the district of Bathurst at the distance of not less than thirty days from the time of such notification.

When ten per cent. paid in, company may commence business.

Affairs to be managed by seven directors.

VI. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by seven directors, one of whom shall be chosen president, who shall hold their offices for one year, which directors shall be stockholders, and shall be inhabitants of this province, and be elected on the first Monday in January in every year, at such time of the day and at such place, near the line of the said intended navigation, as the majority of the directors for the time being shall appoint; and public notice shall be given by the said directors in the newspapers printed within the district of Bathurst, of such time and place, not more than thirty nor less than fifteen days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose in their own proper persons or by proxy; and all elections for directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be directors, except as is hereinafter directed; and if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than seven shall by plurality of votes appear to be chosen as directors, then the said stockholders, hereinbefore authorized to hold such election, shall proceed by ballot a second time, and by plurality of votes determine which of the said persons, so having an equal number of votes, shall be the director or directors, so as to complete the whole number of seven; and the said directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president, and two of the directors which shall be chosen at the preceding year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than five directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest number of votes, shall be considered void, and such other of the stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared ineligible as aforesaid; and the president for the time being shall always be eligible to the office of director, but stockholders not residing within the province shall be ineligible; and if any director shall absent himself from this province, and cease to be an inhabitant thereof, for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the directors, or in the office of president, by death, resignation, or removal from the said province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the directors: Provided always, That no person shall be eligible to be a director who shall not be a stockholder to the amount of at least five shares.

Mode of electing directors.

Vacancies in the direction during any current year to be filled up by the other directors.

Qualification of voters, and ratio of voting according to number of shares.

VII. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say; at the rate of one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Corporation not dissolved by non-election of directors at the time appointed, but election shall take place at another day.

VIII. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Directors to declare dividends;

and to render to the stockholders a statement of their affairs.

IX. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said company as to them, or to the majority of them, shall appear advisable; and that once in every year, and oftener if thereunto required by a majority of the votes of the stockholders, to be given agreeable to the ratios hereinbefore established, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses; such statement to appear on the books, and to be open to the perusal of any stockholder, at his or her reasonable request.

Directors may make by-laws, regulate toll, and appoint officers.

X. And be it further enacted by the authority aforesaid, That the directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the amount of tolls to be collected on the said navigation, the duty and conduct of the officers, clerks, and servants, employed by the said company, and all such other matters as appertain to the business of the said company, and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, and with such sala-

ries and allowances as to them shall seem meet: Provided, That such rules and regulations be not repugnant to the laws of this province.

Treasurer to give security.

XI. And be it further enacted by the authority aforesaid, That every treasurer, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the directors, with condition for the faithful discharge of his duty.

Company authorized to explore the country, take levels, and set out such portion of lands as may be required for the use of the company.

XII. And be it further enacted by the authority aforesaid, That the said company, or any person or persons authorized by them, shall have full power and authority to explore the country through which the river Tay runs, and to enter into and upon the lands or grounds of or belonging to any person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof, and set out and ascertain such parts thereof as he or they shall think proper and necessary for making locks, aqueducts, tunnels, culverts, bridges, and all such other improvements, matters, and conveniences, as he shall think proper and necessary for making, effecting, preserving, improving, completing, and using, in the said navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or thing which may be dug or got in the making of the said navigation, locks, tunnels, aqueducts, culverts, or other improvements, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be necessary for constructing or repairing the said works or improvements, or which may obstruct the making or maintaining the said navigation; and also to make, build, erect, and set up, in and upon the said river, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing-places, and other works, ways, roads, and conveniences, as the said company, or any person or persons authorized by them, as aforesaid, shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, amend, repair, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and from the said navigation, as for the carrying or conveying of all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening, or enlarging the works of and belonging to the said navigation; and also place, lay, work, and manufacture the said materials on the ground near to the place or places where the said works, or any of them, are, or shall be intended to be made, erected, repaired, or done, and construct the several locks, bridges, works, and erections belonging thereto; and also to make, maintain, repair, and alter, any fences or passings over, under, or through the said river, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, and sluices, respectively, which shall communicate therewith; and also to make, set up, and appoint, drawing boats, barges, vessels, or rafts, passing in, through, along, or upon the said river, as the company, or person or persons authorized by them, as aforesaid, shall think convenient; and to construct, erect, and keep in repair any piers, arches, or other works, in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said navigation and the towing paths on the sides thereof; and also to construct, make, and do, all other matters or things which he or they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said navigation, in pursuance and within the true meaning of this act, doing as little damage as may be in the execution of the several powers to them hereby granted.

General powers of the company in improving the navigation.

Bridges, &c. to be erected.

Company may contract for the purchase of the lands set out as necessary for their use.

XIII. And be it further enacted by the authority aforesaid, That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said navigation and other purposes and conveniences hereinbefore mentioned, the said company, or person or persons authorized by them as aforesaid, is hereby empowered to contract, compound, compromise, and agree, with all bodies politic, communities, corporations, aggregate or sole guardians, and all other person or persons, for themselves or as trustees, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, femmes covert, or other person or persons who shall occupy, be possessed of, or interested in, any lands or grounds which shall be set out or ascertained as aforesaid, for the absolute surrender to the said company of so much of the said land as shall be required, or for the damages which he, she, or they, may reasonably claim, in consequence of the said intended improvement, or other the works of and belonging to the said navigation, and other constructions and erections, being cut and constructed in and upon his, her, or their respective lands; and that all such contracts, agreements, and surrenders, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, or usage, to the contrary notwithstanding.

Lands set out to be vested in the company.

XIV. And be it further enacted by the authority aforesaid, That such parts and portions of land or lands covered with water as may be so ascertained and set out by the company,

or person or persons appointed as aforesaid, as necessary to be occupied for the purposes of the improvement of the said navigation, and also such parts and portions as may, upon alteration or deviation, be ascertained and set out as necessary for the purposes thereof, shall be forever thereafter vested in the said company.

Disputes between the company and individuals may be left to arbitration.

XV. And be it further enacted by the authority aforesaid, That if before the completion of the said navigation through the lands or grounds of any person or persons, no voluntary agreement shall have been made as to the amount of compensation to be paid for damages according to this act, the person or persons superintending the said work shall at any time after the completion of such portion of the improvement of the said navigation, upon the notice or request in writing of the proprietor of such lands, or his agent legally authorized, to appoint an arbitrator, who, at a day to be named in such notice, shall attend upon the premises in question, to meet an arbitrator to be appointed by such claimant, and such two arbitrators shall and may, before proceeding to consider the claim, appoint a third arbitrator, which three arbitrators being first sworn by some one of his Majesty's justices of the peace, then there present, to give a just and true award upon the claim submitted to them, shall, upon the statements of the parties and view of the premises, and upon the testimony of witnesses to be examined upon oath or affirmation, if either party shall require it, (which oath or affirmation any one of the said arbitrators is hereby authorized to administer,) make their award in writing, under their hands, of the amount of damages to be paid to such claimant.

Witnesses to be examined on oath.

Party declining to abide by award, to give notice thereof to the other party, and to pay the costs of assessing damages by a jury.

XVI. And be it further enacted by the authority aforesaid, That if either the person or persons superintending the said work, or the party claiming damages as aforesaid, shall decline to abide by any such award, such refusal shall be declared in writing within ten days after such award, and damages upon such claim shall be thereafter assessed in manner following, but at the sole expense of the party refusing to abide by such award.

Notice of assessment of damages to be served by party dissenting from any award, not less than thirty days from the time of dissent being notified.

XVII. And be it further enacted by the authority aforesaid, That in all cases in which awards shall be made, to which either party shall refuse to conform as aforesaid, it shall and may be lawful for the party dissenting from such award, to serve on the other party a notice in writing, appointing a day, not less than thirty days from the time of serving such notice, for having the damages for which he is entitled to claim compensation, according to this act, assessed, in the manner hereinafter provided, and that the party giving such notice shall also specify some day therein, which shall be at least ten days before the day appointed for such assessment, and not less than ten days from the time of serving such notice, at which he will attend at the office of the sheriff of the district of Bathurst, for the purpose of striking a jury to assess the damages so claimed as aforesaid.

Jury to be struck at the sheriff's office, from the special jury list.

XVIII. And be it further enacted by the authority aforesaid, That on the day so appointed as last aforesaid, the parties, their attornies or agents, shall attend at the sheriff's office, and that the sheriff shall, at the hour of one o'clock in the afternoon, proceed in the presence of the parties, or such of them, their attorney or agent, as may be present, to select the names of twenty-one persons from among those qualified to serve on special juries, and in the manner directed by law for selecting special juries; and that the names of such twenty-one persons so drawn being fairly written out by such sheriff, each party, or his attorney or agent, attending for that purpose, shall alternately strike off one, that party beginning at whose instance such jury is struck, until the whole number shall be reduced to seven, and that such seven persons shall be a jury for assessing the damages to be paid to such claimant as aforesaid: Provided always, That in case either party shall omit to attend personally or by agent at the time appointed, the sheriff or his deputy shall strike in behalf of such person not attending.

Sheriff to summon the persons who shall have been struck as jurors.

XIX. And be it further enacted by the authority aforesaid, That the seven persons so struck to serve as aforesaid, shall be summoned by the sheriff to attend upon the premises in respect to which the damages are claimed as aforesaid, giving not less than ten days' notice of such attendance, and that the sheriff or his deputy shall also attend at the time so appointed, and shall administer to the five persons who shall first answer, upon being called in the order in which they shall stand upon the original list, the oath following, that is to say: "I, A. B., do swear that I will well and truly assess the damages upon the claim of C. D., according to the act in that behalf;" and thereupon the said jury, having viewed the premises, and received the testimony upon oath or affirmation of such witnesses as shall be brought before them, (which oath or affirmation the said sheriff or his deputy is hereby authorized to administer,) shall deliver their verdict, by the opinion of the majority of such jury, of the amount of damages to be paid to such claimant.

Juror's oath.

Mode of estimating damages.

XX. And be it further enacted by the authority aforesaid, That in estimating the claim of any individual to compensation for property taken, or for damage done under the authority of this act, the arbitrators or juries assessing such damages shall take into their consideration the benefit likely to accrue to such individual from the improvement of the said navigation, by its enhancing the value of his property or producing other advantages: Provided always, nevertheless, That it shall not be competent to any arbitrators or jury

to direct any individual claiming as aforesaid, to pay a sum in consideration of such advantages over and above the amount at which the damages of such individual shall be estimated.

Party requiring jury, to pay all the expenses.

XXI. And be it further enacted by the authority aforesaid, That the party desiring such jury to be summoned, shall pay to the sheriff, for striking and summoning the same, and for attending and taking the verdicts, the sum of two pounds, and to each juryman attending in pursuance of such summons, the sum of ten shillings.

Persons guilty of wilfully injuring the works, to be punished as for a misdemeanor.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully or maliciously break down, damage, or destroy, any bank, lock, gate, sluice, or any works, machine, or device, to be erected or made by virtue of this act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent, the carrying into execution, or completing, supporting, or maintaining the said navigation, every such person or persons so offending shall be deemed guilty of a misdemeanor.

Penalty for obstructing the navigation.

XXIII. And be it further enacted by the authority aforesaid, That if any person shall float any timber upon the said navigation, or shall suffer the overloading of any boat, or vessel, or raft, navigating in or upon the navigation of the said river, so as by such overloading the same, to obstruct the passage of any other boat, vessel, or raft, and shall not immediately, upon due notice given to the owner or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same, so as to make a free passage for other boats, vessels, or rafts, every such owner, or person floating such timber, or having the care of such boat, vessel, or raft, so obstructing the passage as aforesaid, shall forfeit and pay for every such offence the sum of five pounds; and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said navigation, every such person shall for every such offence, forfeit a sum not exceeding five pounds.

Penalty for placing or leaving boats, &c. in the said navigation.

XXIV. And be it further enacted by the authority aforesaid, That if any boat, vessel, or raft, shall be placed in any part of the navigation of said river, so as to obstruct the same, and the person having the care of such boat, vessel, or raft, shall not immediately, upon the request of any of the persons employed by the said company, remove the same, he shall for every such offence forfeit a penalty of ten shillings for every hour such obstruction shall continue; and it shall be lawful for the agents, toll gatherers, or others employed by the said company, or person or persons by them appointed to the charge of said works, to cause any such boat, vessel, or raft, to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the cargo thereof, or any part of such cargo, until the charges occasioned by such unloading and removal are paid, and if any boat or vessel shall be sunk in any part of the said navigation, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not without loss of time weigh or draw up the same, it shall be lawful for the agents, toll gatherers, or other persons employed by the said company, to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Boats may be seized, unloaded, and detained until costs paid.

Sunken boats to be immediately weighed by the owners.

Persons inhabiting the banks of the river may ply thereon with their boats for the purposes of husbandry, but not to pass locks without consent.

XXV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the owners and occupiers of any land adjoining to the said river or navigation, to use any boats thereon for the purpose of husbandry, or for conveying cattle from one farm, part of a farm, or lands, to any other farm or lands of the same owner or occupier, not passing through any lock without the consent of the person or persons in charge for the time being, without interruption, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandize to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the said navigation or the towing paths thereof.

Powers given to the company to enter upon adjacent lands, and take materials for the repair of sudden injuries by floods or otherwise.

XXVI. And whereas it may hereafter happen from floods, or from unexpected accidents, that wears, gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further damages; be it further enacted by the authority aforesaid, That when and so often as any such case may happen, it shall be lawful for any person or persons employed by the said company, from time to time, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds, or hereditaments, adjoining or near to the said navigation or branches, reservoirs or trenches, or any of them, (not being an orchard, garden, or yard,) and to dig for, work, get, and carry away, and use, all such stones, gravel, and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in, such lands, grounds, or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owner or owners of, or other persons interested in, such lands, grounds, property, or

Recompense to be made for damages done.

hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them, which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined, by the ways and means hereinbefore described with respect to the other damages done by the making and completing the said navigation.

Spaces may be cut in the bank at convenient distances, for boats to pass each other, or turn in.

XXVII. And be it further enacted by the authority aforesaid, That the person or persons employed by the said company shall and may, in such parts of the said navigation as shall not be of sufficient breadth for admitting a boat, vessel, or raft, to turn about or lie, or for two boats, or other vessels or rafts to pass each other, to open or cut proper places or spaces in the lands adjoining to the said navigation, at convenient distances from each other, for the turning, lying, and passing of any such boat, vessel or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the said river shall, upon meeting any other boat or vessel, stop at, or go back to, and lie in, the said places or spaces, in such manner as shall be notified by the person or persons in charge of such navigation.

All boats to be gauged or measured, to ascertain their tonnage.

XXVIII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel, navigating upon the said river, be it further enacted by the authority aforesaid, That the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or vessel, to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of forty shillings; and it shall be lawful for the toll gatherer, or such other person or persons as shall be appointed for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage, in all questions respecting the payment of the aforesaid rates or dues, and if such owner or master shall refuse or decline to choose a person on his behalf as aforesaid, then the person appointed on behalf of the company shall have alone the power of ascertaining such tonnage.

Disputes to be settled by arbitration.

All persons may use the said improvements, upon payment of the established dues.

XXIX. And be it further enacted by the authority aforesaid, That all persons whatsoever shall have free liberty to use with horses, cattle, and carriages, the roads and ways to be made as aforesaid, (except the towing paths,) for the purpose of carrying any goods, wares, merchandize, timber, and commodities, whatsoever, to and from the said navigation; and also to navigate on the said river improvement with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, timber, and commodities; and also to use the said towing paths with horses, for drawing and hauling such boats and vessels, upon payment of such rates and dues as shall be established by the said company.

Company may take sufficient land for towing paths, &c.

Towing paths not to exceed forty feet in width.

Lands to be paid for.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said company to take, occupy, use, and enjoy, such lands along the said navigation, for the purposes of a towing path, and for the security and convenience of the several locks and dams, as to the directors shall seem necessary: Provided always, That the said towing path does not exceed forty feet in width, and the ground so taken at each dam and lock shall not embrace a greater quantity than one acre on each side of the said navigation; and, Provided also, That the value of the lands so taken shall be ascertained and compensated for in the manner hereinbefore prescribed for the payment of lands taken for the other purposes of this act.

Company may either sue or distrain for dues.

XXXI. And be it further enacted by the authority aforesaid, That in case of refusal or neglect of payment of any such rates or dues, as may be imposed by the said company, as aforesaid, for passing along the said navigation, or of any part thereof, on demand, to the person or persons appointed to receive the same, such person may in his own name sue for and recover the same in any court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid may, and he is, and they are, hereby authorized and empowered to seize and detain such boat, vessel, barge, or raft, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

How penalties to be levied.

XXXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures for offences against this act, or against any rule, order, or by-law of the said company, or person or persons appointed by the said company, to be made in pursuance thereof, shall, upon proof of the offences respectively, before any two justices of the peace for the district in which such offence has been committed, either by the confession of the party or parties, or by the oath of one credible witness, be levied by distress and sale of the goods and chattels of the parties offending, by warrant under the hand and seal of such justices, and the overplus, (if any,) after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned upon demand to the owner or owners of such goods and chattels; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such justices,

by warrant under their hands and seals, to cause such offender or offenders to be committed to the common gaol of such district, there to remain without bail or mainprize, for such time as such justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied.

Appropriation of penalties.

XXXIII. And be it further enacted by the authority aforesaid, That all penalties imposed by this act, when levied and satisfied in manner aforesaid, shall be paid to the said justices, to be by them transmitted to his Majesty's receiver general of this province, to be accounted for to his Majesty through the lords commissioners of his Majesty's treasury for the time being.

Powers given to the company to extend to their servants.

XXXIV. And be it further enacted by the authority aforesaid, That all and singular the powers and authorities given by this act to the said company, or to the person or persons to be employed by them in superintending the construction of the said navigation, or to the person at any time hereafter in charge thereof, shall extend, so far as may be required for the purposes of this act, to all and every the persons employed or to be employed in the execution of any matter authorized to be done by this act.

Powers and privileges hereby granted to extend to the bed of the river Tay, where it shall be improved as well as to the excavation on land.

XXXV. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, and privileges, by this act given, relating in any manner to the improvement of the said river intended to be made as aforesaid, shall extend and apply to that part of the navigation to be made or improved which shall lie along the said river, as well as to such parts as shall require to be wholly made and excavated through lands affording now no natural channel.

All actions to be brought within six months.

XXXVI. And be it further enacted by the authority aforesaid, That if any plaint shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this act, or in execution of the powers and authorities, or the orders and directions, hereinbefore given or granted, every such suit shall be brought or commenced within six calendar months next after the doing or committing of such damages shall cease, and not afterwards; and the defendant or defendants in such action or suit shall and may

General issue may be pleaded.

plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to be done so, or if any action or suit shall be brought after the time hereinbefore limited for bringing the same, then a verdict shall be given for the defendant.

Public act.

XXXVII. And be it further enacted by the authority aforesaid, That this act shall be deemed a public act, and shall be judicially noticed as such in the several courts in this province.

When tolls exceed twenty per cent. legislature may regulate the same.

XXXVIII. And be it further enacted by the authority aforesaid, That whenever it shall appear that the tolls received by the said Tay navigation company in any one year shall exceed twenty per cent. on the capital invested, it shall and may be lawful for the legislature of this province to regulate the tolls to be received by the said company, in such manner as to them may appear just, by any act to be passed for that purpose.

Ferries may be established across the river, if found necessary.

XXXIX. And be it further enacted by the authority aforesaid, That notwithstanding any thing in this act contained, it shall and may be lawful to authorize one or more public ferry or ferries across the said river, if the same shall appear expedient, and to erect, maintain, and use such bridge or bridges over the said river, and to make and use such highways leading to and from the same, as shall be found necessary for public convenience, in the same manner as highways and bridges are constructed and made in other parts of this province, and as if this act had not been passed: Provided always, That such highways and bridges shall be so constructed and made as to occasion no unnecessary inconvenience to the said navigation.

Bridges may be erected, but not to occasion inconvenience to the navigation.

His Majesty may, after fifty years from the completion of the work, assume the said navigation, upon paying therefor.

XL. And be it further enacted by the authority aforesaid, That at any time after fifty years after the making and completing the said navigation, his Majesty, his heirs and successors, may assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging, upon paying to the said company, for the use of the stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said navigation, together with such further sum as will amount to twenty-five per cent. upon the monies so advanced and paid, as a full indemnification to such company, and the said navigation shall, from the time of such assumption in manner aforesaid, appertain and belong to his Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said company, upon the conditions and subject to the provisions of any act of the legislature of this province, that may be passed of or respecting the same: Provided always, That it shall not be lawful for his Majesty, his heirs or successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said navigation, with its appurtenances as aforesaid, unless it shall appear from the accounts of the said company, to be for that intent laid before the legislature, that the

stockholders of the said company have received every year upon an average the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

After his Majesty shall have assumed the possession of the said navigation, tolls to be paid to the receiver general.

XLI. And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest, and property, in and to the said navigation, shall have been assumed by his Majesty, his heirs or successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, at the disposition of the legislature thereof, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That the said navigation shall be commenced within one year, and completed within seven years, after the passing of this act; otherwise this act, and every matter and thing herein contained, shall cease, and be utterly null and void.

How to be accounted for.

If within two months from the passing of this act, the governor shall ascertain that the officer superintending the Rideau canal shall deem it expedient to improve the navigation of the Tay, on behalf of his Majesty's government, the same shall be declared by proclamation, whereupon this act shall cease to have any effect.

XLII. And be it further enacted by the authority aforesaid, That if within two months after the passing of this act, it shall be ascertained by the governor, lieutenant governor, or person administering the government of this province, that the officer superintending the construction of the Rideau canal is instructed to undertake the improvement of the navigation of the river Tay, or deems it expedient that the same should be undertaken by his Majesty's government, under authority given by the twenty-fifth section of the act passed in the eighth year of his late Majesty's reign, then it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, by proclamation, to be issued by and with the advice of the executive council thereof, to suspend the operation of this act, and from thenceforth it shall cease to have any force or effect, any thing therein contained to the contrary notwithstanding.

Chapter XII.

An act to incorporate certain persons under the style and title of the Marmora Foundery Company.

[Passed March 16, 1831.]

Preamble.

WHEREAS Thomas Hetherington, Peter McGill, and Anthony Manahan, have by their petition represented, that the said Thomas Hetherington is now the proprietor of the establishment and manufactory situate in the township of Marmora, in the Midland district, commonly called and known by the name of "the Marmora iron works," and that the said Thomas Hetherington is willing and desirous to depart with his sole property therein, to a company to be formed and incorporated for the purpose of carrying on the said manufactory; and whereas the said petitioners have prayed that they, together with such others as shall become stockholders in the said company, may be incorporated for the said purpose; and whereas it is highly important to the public, that the said iron works and manufactory should be conducted on an extensive scale, so that his Majesty's subjects in this province may have a cheap and accessible market for the supply of iron wares, independent of any foreign country; and whereas the said petitioners have also represented that the said company will be capable of furnishing such ordnance, military and naval stores, in the line of their trade, as his Majesty's government may require in this province, in peace or war; and whereas it is expedient that the prosecution of the said manufactory and iron works should be encouraged, and the prayer of the petitioners granted; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said Thomas Hetherington, Peter M'Gill, and Anthony Manahan, and all such persons as hereafter shall become stockholders in the said company, shall be and are hereby ordained, constituted, appointed, and declared to be, a body corporate and politic, in fact, and by the name of "the Marmora Foundery Company," and by that name, they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of "the Marmora Foundery Company," shall be in law capable of purchasing, having, and holding, to them and their successors, any

The Marmora foundery company incorporated.

Powers of the company.

estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary and expedient.

Capital stock not to exceed £50,000, in shares of £12 10s. each.

II. And be it further enacted by the authority aforesaid, That the whole amount of stock, estate, and property, which the said company shall be authorized to hold, including the stock or shares hereinafter mentioned, shall never exceed in value fifty thousand pounds, and that a share in the stock of the said company shall be twelve pounds ten shillings, and the number of shares shall not exceed four thousand.

Books of subscription to be opened.

III. And be it further enacted by the authority aforesaid, That books of subscription shall be open within two months after the passing of this act, when, where, and by such person or persons, and under such regulations, as the majority of the said petitioners shall direct and appoint.

Shares to be payable by instalments.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to subscribe for any number of shares, the amount whereof shall be due and payable to the said company, in the manner hereinafter mentioned; that is to say, ten per cent. on each share, so subscribed, shall be payable to the said company immediately after the stockholders shall have elected the number of directors hereinafter mentioned, and the remainder by instalments of not more than ten per cent. at such period as the president and directors shall, from time to time, direct and appoint for the payment thereof: Provided always, That no instalment shall be called for in less than forty days after public notice shall have been given in the Upper Canada Gazette, and in some two or more newspapers published in the said Midland district.

Calls to be advertised.

Stock to be forfeited, upon neglect to pay instalments, when called for.

V. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders as aforesaid, shall neglect or refuse to pay to the said company, any instalment due on any share or shares, held by him, her, or them, at the time required by law, such stockholder or stockholders shall forfeit such share or shares, with the amount previously paid thereon, and the share or shares so forfeited, shall be sold for the best price that can reasonably be had for the same, in such manner as the directors of the said company shall think fit, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said company: Provided always, That such purchaser or purchasers shall pay to the said company the amount of the instalment required, over and above the purchase money of the said share or shares, to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before a certificate of transfer of such share or shares shall be given.

Stock to be transferable.

VI. And be it further enacted by the authority aforesaid, That after the first instalment shall be paid as aforesaid, on the respective share or shares of the said stock, the said share or shares shall become transferable on the books of the said company.

Upon £20,000 being subscribed, directors may be elected.

VII. And be it further enacted by the authority aforesaid, That so soon as twenty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named, in the town of Belleville, for the purpose of proceeding to the election of the number of directors hereinafter mentioned, and such election shall then and there be made by a majority of shares, voted for in manner hereinafter prescribed, in respect of the annual election of directors, and the persons then and there chosen shall be the first directors, and be capable of serving until the first Monday in August succeeding their election, and the directors so chosen, shall, so soon as a deposit amounting to one thousand pounds upon the shares subscribed, as aforesaid, shall be paid to the said directors, commence the business and operations of the company: Provided always, That no such meeting of the subscribers shall take place, until a notice thereof shall have been published in the Upper Canada Gazette, and in some two of the newspapers printed in the said Midland district, at the distance of not less than thirty days previous to such meeting.

Five directors to be chosen annually, one of whom to be president.

VIII. And be it further enacted by the authority aforesaid, That the stock, property, affairs, and concerns of the said corporation, shall be managed by five directors, one of whom shall be chosen president by the directors, which said directors shall be stockholders, holding at least ten shares in the stock of the said company, and shall hold their offices for one year, and be elected on the first Monday in August in each and every year, at such place in the said Midland district, as the majority of the directors for the time being shall appoint, and public notice shall be given by the said directors in the Upper Canada Gazette, and in some two of the newspapers printed in the said Midland district, of such place and the time of such election, not more than sixty nor less than thirty days previous to such election, and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose in person or by proxy, and such election shall be made by ballot, and the five persons having the greatest majority of votes shall be directors; and if it should happen at any election that two or more persons have an equal number of votes, so as that a greater number than five shall appear to be elected, then the said stockholders so authorized to hold such election, shall proceed to ballot a

Method of voting for directors.

second time, and by a majority of votes determine which of the said persons, so having an equal number of votes, shall be the director or directors, so as to complete the number of five, and the said directors, so soon as may be after such election, shall proceed in like manner to elect by ballot one of their number to be president; and if any vacancy should at any time happen among the said directors, or in the office of president, by death, resignation, or departure with the said qualification of holding the number of shares required as aforesaid, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by a person or persons holding the requisite number of shares aforesaid, to be nominated by a majority of the said directors.

Corporation not dissolved by neglect to choose directors on the day appointed.

IX. And be it further enacted by the authority aforesaid, That in case it shall happen at any time or times hereafter, that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the corporation.

Directors may make by-laws.

X. And be it further enacted by the authority aforesaid, That the directors, for the time being, or a major part of them, shall have power to make and subscribe such rules, orders, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty and conduct of officers, clerks, and servants, employed by the said company, and all such other matters as shall appertain to the business of the said corporation, and shall also have the power of appointing as many officers, clerks and servants, factors and agents, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet: Provided always, That such rules and regulations be not repugnant to the laws of this province.

Directors to declare all dividends, and to make a statement of the affairs of the company to the stockholders.

XI. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said company as to the majority of them shall seem advisable; and that once in every three years, or oftener, if thereto required by any number of stockholders holding at least one third part of the shares or stock which shall then be subscribed for and taken up, an exact and particular statement of the debts and credits of the said company, together with all other information concerning the affairs of the said company, within the knowledge or power of the said directors, which shall be required by any number of stockholders holding as aforesaid the third part of the stock then subscribed, shall be rendered and exhibited.

Stockholders to vote according to their shares.

XII. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to a number of votes, proportioned to the number of shares, which he or she shall have held in his or her own name at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say; at the rate of one vote for each share, not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

The King's rights, and all private rights, saved.

XIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall affect in any manner or way whatsoever the right of his Majesty, his heirs and successors, or of any person or persons, bodies politic or corporate, except as is herein expressly provided.

This to be deemed a public act.

XIV. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

XV. And be it further enacted by the authority aforesaid, That nothing in this act shall interfere with, or in any manner affect, the private vested right of any person or persons whatsoever.

Chapter XIII.

An act to incorporate the Niagara Harbor and Dock Company.

[Passed March 16, 1831.]

Preamble.

WHEREAS James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart, and Robert Kay, and others of the town and neighborhood of Niagara, have by petition prayed to be incorporated as a joint stock company, for the purpose of constructing, erecting, and managing a harbor, wharf, dry and wet docks, in conjunction with an iron marine railway, for the constructing, repairing, and refitting any shipping, vessels, or crafts, navigating lake Ontario, at the mouth of the Niagara river; and whereas it is expedient to incorporate the said petitioners for the purposes hereinafter mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper

Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the said James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cormick, James Lockhart, and Robert Kay, together with all such other persons as shall become stockholders in such joint stock or capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be, a body corporate and politic in fact, by and under the name and style of "The Niagara Harbor and Dock Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and concerns whatsoever, and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors by the same name of "The Niagara Harbor and Dock Company," shall be by law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said company, from time to time, as they shall deem necessary and expedient.

The Niagara harbor and dock company incorporated. General powers.

II. And be it further enacted by the authority aforesaid, That the said company may be authorized and empowered at their own costs and charges to construct a harbor and wharf and wharves, with a dry dock or railway, regulated for refitting and repairing all shipping at Niagara aforesaid, which said wharf or wharves, harbor and dry dock, or railway, shall be accessible to, and fit, safe, and commodious for the reception of, such description and burthen of sail or steam vessels as now navigate lake Ontario; and also to erect and build all such necessary and needful moles, piers, wharves, break-waters, or other erections or constructions whatsoever, as shall be useful and proper for the purposes aforesaid, and the protection of the harbor, wharf or wharves, docks or railways, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting, or laying up in the same, and to alter, amend, repair, and enlarge the said harbor, wharf or wharves, and docks or railway, as aforesaid, as may from time to time be found necessary and expedient.

Company authorized to construct a harbor, &c. at Niagara.

III. And be it further enacted by the authority aforesaid, That the directors of the said company may be empowered to contract, compound, compromise and agree with the owners or occupiers of any lands or private easements, rights, or privileges, upon which they may determine to dredge, cut, and construct the said harbor, with all necessary and convenient roads, streets, and approaches thereto, to be made and constructed, either by purchase of so much of the said land, or private easements and privileges, as they shall require for the purposes of the said company, or for the damages which he, she, or they, shall and may be entitled to receive of the said company in consequence of the said intended harbor, roads, streets, and approaches thereto, being cut, made, and constructed, in and upon his, her, or their respective lands; and in case of any disagreement between the said directors, and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful from time to time, as often as the said directors shall think fit, for each owner or occupier so disagreeing with the said directors, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot, by the persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final, and the said arbitrators shall, and they are hereby required to, attend at some convenient place in the vicinity of the said intended harbor, to be appointed by the said directors, after eight days' notice given them for that purpose by the said directors, then and there to arbitrate, award, adjudge, and determine, such matters and things as shall be submitted to their consideration by the parties interested, and that each arbitrator shall be sworn before some one of his Majesty's justices of the peace in and for the said district, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment: Provided always, That any award made under this act shall be subject to be set aside on application to the court of king's bench, in the same manner and on the same grounds, as in ordinary cases of submission by the

Company may agree with owners of any property upon which their improvements may be made, for the purchase thereof, or for damages done by the company.

Arbitrators may be appointed to settle all differences between the company and individuals.

Award may be made a rule of the court of king's bench.

parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Directors to fix the rates of toll and wharfage.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the president and directors of the said company, from time to time, to regulate, fix, and establish the rates of wharfage, tolls, dues, or duties, payable by persons navigating or owning rafts, vessels, boats, or other crafts, on lake Ontario, and which may from time to time partake of the benefits and advantages of the said harbor, wharves, docks, or railway, or of the store houses or other protections and erections for the safe keeping, repairing, and refitting of all vessels, boats, crafts, and rafts, of any description, and of goods, wares, and merchandize, shipped or unloaded within the limits established by this act, and to alter the said tolls, dues, duties, and demands aforesaid, as they may deem proper and expedient, and also for regulating the discharging of ballast, as well in the said harbor as in the river immediately adjacent thereto, a copy of which tolls, rates, and dues, shall be affixed up in not less than three public places adjacent to the said harbor, and docks, and railway, respectively.

The harbor, &c. shall be vested in the company.

V. And be it further enacted by the authority aforesaid, That the said harbor, moles, piers, wharves, and wet dock and dry dock, or railway, and all materials which shall be from time to time got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares, or merchandize, as hereinbefore mentioned, shall be, and the same are, hereby vested in the said company and their successors forever.

Period when the company shall begin to demand tolls.

VI. And be it further enacted by the authority aforesaid, That so soon as the said harbor, wharves, wet dock, and railway, shall be so far completed, as to be capable of receiving, sheltering, and repairing vessels, the said company shall have full power and authority to ask for, demand, receive, recover, and take the tolls and dues to be established by virtue of this act, to and for their own proper use and benefit, on all goods, merchandizes, and articles whatsoever, shipped on board or landed out of any vessel or boat entering, using, or occupying the said harbor, wharves, wet dock, and railway, or any other convenience, erection, or improvement, built, occupied, or owned by the said company.

Harbor, &c. to be constructed between the ferry lot on the Niagara river and the termination of King street on the bank of the said river.

VII. And be it further enacted by the authority aforesaid, That the said company, or their servants, or agents, at any time after the passing of this act, under and by virtue of its provisions, shall and may excavate, dig, dredge, construct, erect, and finish the said harbor, wharves, wet dock, and railway respectively, or any of them, on any part or portion of the land or beach lying immediately adjacent to the Niagara river, and between the ferry lot in the occupation of Andrew Heron, junior, in the rear of the present government wharf and ware house, and the lot in the possession of Andrew Heron, senior, situate at the termination of King street, in the town of Niagara: Provided always, That the said area or space between the said limits so defined, do not recede or extend in the rear from the river further than the summit of the hill or bank adjacent; and also that the said erections or constructions, contemplated by this act, shall not in any degree interfere with, or encroach on, any fee simple right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without permission first had and obtained, either by the consent of such owner or owners thereof, or by virtue of reference authorized by this act.

Goods, vessels, and boats, may be seized for non-payment of tolls.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this act, it shall and may be lawful for the said company, or their officer, clerk, or servant, duly appointed, to seize or detain the goods, vessels, or boats, on which the same shall be due and payable, until such tolls shall be paid; and if the same shall remain unpaid for the space of thirty days next after such seizure, the said company, or their officer, clerk, or servant, as aforesaid, may sell or dispose of the said goods, vessels, or boats, or such part thereof as may be necessary to pay the said tolls or dues, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner or owners thereof.

Seven directors to be elected annually, one whereof to be the president.

IX. And be it further enacted by the authority aforesaid, That the property, affairs, and concerns, of the said company, shall be managed and conducted by seven directors, one of whom shall be chosen president, who shall hold their offices for one year; which said directors shall be stockholders to the amount of at least four shares, and be elected on the first Monday in June in every year, at Niagara, at such time of the day as a majority of the directors for the time being shall appoint; and public notice thereof shall be given in any newspaper or newspapers that may be published in the said district of Niagara, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said company as shall attend for that purpose in their own proper persons or by proxy, and all elections for such directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be directors; and if it shall happen at any such election that two or more have an equal number of votes, in such a manner that a greater

Mode of electing directors.

number of persons than seven shall, by a plurality of votes, appear to be chosen directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be president; and if any vacancy or vacancies shall at any time happen among the directors by death, resignation, or removal from the province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the directors.

How vacancies occurring during the year are to be filled.

Stockholders to have votes in proportion to their shares in the capital stock.

X. And be it further enacted by the authority aforesaid, That each stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say; one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares over ten.

Corporation not dissolved by neglect to choose directors on the day appointed.

XI. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day, when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an election of directors in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Directors may make by-laws.

XII. And be it further enacted by the authority aforesaid, That the directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty of the officers, clerks, and servants, and all such other matters as appertain to the business of the said corporation; and shall also have power to appoint as many officers, clerks, and servants, for carrying on the said business, with such salaries and allowances, as to them shall seem fit.

First meeting of stockholders.

XIII. And be it further enacted by the authority aforesaid, That on the fourth Monday after the passing of this act, a meeting of the stockholders shall be held at Niagara, who in the same manner as hereinbefore provided shall proceed to elect seven persons to be directors, who shall continue in such office until the first Monday in June next after their election, and who during such continuance shall discharge the duties of directors in the same manner as if they had been elected at the annual election: Provided always, That if shares to the amount of one thousand pounds of the capital stock of the said company shall not be taken, then the said meeting shall not be held until the amount of stock shall have been taken up, and at least thirty days' notice thereof be given in any paper or papers published in the district of Niagara.

Capital stock not to exceed £25,000.

XIV. And be it further enacted by the authority aforesaid, That the whole capital or stock of the said company, inclusive of any real estate which the company may have or hold by virtue of this act, shall not exceed in value twenty-five thousand pounds, to be held in two thousand shares of twelve pounds ten shillings each, and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said company.

Stock to be called in by instalments.

XV. And be it further enacted by the authority aforesaid, That so soon as directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the stockholders of the said company, by giving thirty days' notice thereof in any paper or papers published in the said district of Niagara, for an instalment of ten per cent. upon each share which they, or any of them respectively, may subscribe; and that the residue of the sum or shares of the stockholders shall be payable by instalments, in such time and in such proportions as a majority of the stockholders at a meeting to be expressly convened for that purpose shall agree upon, so as no such instalments shall exceed ten per cent. nor become payable in less than thirty days after public notice in the paper or papers as aforesaid: Provided always, That the said directors shall not commence the construction of the said harbor, wharves, and docks, or railway, until the first instalment shall be paid in.

Stock forfeited upon default of payment of instalments called for.

XVI. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders as aforesaid shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the directors, as due upon any share or shares, such stockholder or stockholders, so refusing or neglecting, shall forfeit such share or shares as aforesaid, with any amount which shall have previously been paid thereon; and that the said share or shares may be sold by the said directors, and the sum

arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said company: Provided always, That the purchaser or purchasers shall pay the said company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares, so purchased as aforesaid: Provided always, That thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the district of Niagara, and that the instalments due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

Directors to declare the dividends; and to render an account of the affairs of the company annually to the stockholders.

XVII. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make annual dividends of so much of the profits of the said company as to them, or the majority of them, shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits, and losses, such statements to appear on the books, and to be open to the perusal of any stockholder, at his or her reasonable request.

This to be deemed a public act.

XVIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a public act, and as such shall be judicially noticed by all judges, justices of the peace, and other persons, without being specially pleaded.

After fifty years the King may assume the possession of the harbor, &c. on paying therefor.

XIX. And be it further enacted by the authority aforesaid, That at any time after fifty years after the making and completing the said harbor, his Majesty, his heirs and successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said company, for the use of the stockholders thereof, the full amount of the then respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said harbor, wharves, wet dock and dry dock, or railway, together with such further sum as will amount to twenty-five per cent. upon the monies so advanced and paid, as a full indemnification to such company, and the said harbor, wharves, wet dock and dry dock, or railway, shall from the time of such assumption in manner aforesaid, appertain and belong to his Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said company, upon the conditions and subject to the provisions of any act of the legislature of this province, that may be passed respecting the same: Provided always, That it shall not be lawful for his Majesty, his heirs or successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said harbor, wharves, wet dock, dry dock, or railway, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said company, to be for that intent laid before the legislature, that the stockholders of the said company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

Tolls thereafter to be paid to the receiver general.

XX. And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest, and property, in and to the said harbor, wharves, wet dock and dry dock, or railway, shall have been assumed by his Majesty, his heirs and successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of his Majesty's receiver general, to and for the public uses of this province, at the disposition of the legislature thereof, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct: Provided always, That the said harbor, wharves, wet dock, dry dock, or railway, shall be commenced within one year, and completed within five years, after the passing of this act; otherwise this act, and every matter and thing herein contained, shall cease, and be utterly null and void.

How to be accounted for.

All government vessels may use the harbor toll free.

XXI. And be it further enacted by the authority aforesaid, That all ships, vessels, rafts, or other crafts, owned by, belonging to, or in the use and occupation of, the parent or provincial government, shall from time to time have free access and privilege of occupancy and sheltering under, and using the privileges, safeties, and advantages of the said harbor and wharves, wet dock, dry dock, or railway, without being subject to any charge for toll or dues whatsoever.

Chapter XIV.

An act to repeal an act passed in the fifth session of the sixth parliament of this province, entitled, "An act for granting to his Majesty a sum of money towards defraying the expenses of the civil administration of the government of this province," and for granting to his Majesty a certain sum of money to be applied towards the payment of the expenses of the administration of justice and the support of the civil government of this province.

[Passed March 16, 1831.]

Most gracious Sovereign:

Preamble.

Whereas by a message transmitted to the house of assembly and legislative council, by his excellency sir John Colborne, knight, commander of the most honorable military order of the Bath, lieutenant governor, the intention of your Majesty is communicated to the provincial parliament, of placing at the disposal of the legislature the revenues raised, levied, and collected, under the imperial act of the fourteenth year of the reign of King George the Third, entitled, "An act to establish a fund towards further defraying the charges of the administration of justice and support of the civil government within the province of Quebec, in America," and expressing your Majesty's earnest desire, that the legislature would make provision for defraying such of the expenses of the civil service of the colonial government as ought not to be dependent upon annual votes; and whereas the revenue about to be placed under the control of the legislature has greatly increased during the last seven years, and is constantly increasing, and amounts at this time to upwards of seventeen thousand five hundred pounds; and whereas the sum of six thousand five hundred pounds, sterling, is required for the services hereinafter mentioned, which it is expedient should be permanently provided for; and whereas, by an act in the fifth session of the sixth parliament of this province, entitled, "An act for granting to his Majesty a sum of money towards defraying the expenses of the civil administration of the government of this province," the sum of two thousand five hundred pounds was granted to his late Majesty, King George the Third, annually, in aid of the support of the civil government of this province, which it is expedient to repeal; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the

56th Geo. III, c 26, repealed.

said act passed in the fifth session of the sixth parliament of this province, entitled, "An act for granting to his Majesty a sum of money towards defraying the expenses of the civil administration of the government of this province," shall be, and the same is, hereby repealed.

£6,500 sterling granted to his Majesty.

II. And be it further enacted by the authority aforesaid, That there be annually granted to his Majesty, his heirs and successors, from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this province, and in the hands of the receiver general, and unappropriated, the sum of six thousand five hundred pounds, sterling, which sum shall be applied for defraying the charges hereinafter mentioned, that is to say: the salary of the lieutenant governor, or person administering the government of this province, two thousand pounds, sterling; the salaries of the judges of his Majesty's court of king's bench, three thousand three hundred pounds, sterling; the salaries of the attorney and solicitor general, five hundred pounds, sterling; the salaries of five executive councillors, five hundred pounds, sterling; the salary of the clerk of the executive council, two hundred pounds, sterling; and shall be paid by the receiver general of this province, in discharge of any warrant or warrants which shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, by his Majesty's receiver general of this province, through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Period when this act shall come into operation.

III. And be it further enacted by the authority aforesaid, That this act shall come into operation and take effect from and immediately after the revenues arising under the said act passed in the fourteenth year of the reign of his late Majesty, George the Third, shall, by act of the imperial parliament, or otherwise, be placed under the control of the parliament of this province.

Chapter XV.

An act to repeal the laws now in force granting poundage to the receiver general, and to provide a salary for that officer, in lieu thereof.

[Passed March 16, 1831.]

Preamble.

WHEREAS it is expedient to repeal the laws now in force ascertaining the rates which the receiver general of this province shall be authorized to take and receive, to and for his own use and benefit, out of the monies at the disposition of the parliament, passing through his hands, and to provide a salary for that officer, in lieu thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That so much of the last clause of an act passed in the thirty-third year of the reign of his late Majesty, King George the Third, entitled, "An act to establish a further fund for the payment of the salaries of the officers of the legislative council and the house of assembly, and for defraying the contingent expenses thereof," as authorizes the receiver general of this province to deduct from and out of the several sums of money by him received, the sum of three pounds for every hundred pounds that may be raised, levied, collected, and paid, by virtue of the said act; and also, an act passed in the forty-second year of the reign of his late Majesty, King George the Third, entitled, "An act to ascertain and declare the rates which the receiver general shall take and retain to his own use out of the monies passing through his hands, which are subject to the disposition of the parliament of this province, and to provide by law for the receipt and transmission of monies due to this province, for duties collected in Lower Canada," be, and the same are, hereby repealed.

Part of the 7th section of 33d Geo. III, c 13, and 42d Geo. III, c 3, repealed.

One half per cent. receivable by the receiver general, for agency.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general of this province to retain out of every hundred pounds, which shall or may be paid by the said receiver general, or any other person authorized by the government of Lower Canada to pay the same, as the proportion of duties due to this province from Lower Canada, the sum of ten shillings, as a compensation for the charge of agency in receiving and paying over the same: Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to enable the said receiver general, under any other appellation, title, pretence, or color, whatsoever, to take or retain to his own use, benefit, or emolument, any additional or other rate or rates, allowance or allowances, out of the monies, and for the services hereinbefore mentioned, than such as are hereinbefore specified, mentioned, and contained, any law, usage, or custom, to the contrary in any wise notwithstanding.

£700 sterling granted annually to his Majesty, as the salary of the receiver general.

III. And be it further enacted by the authority aforesaid, That from and out of the rates and duties raised, levied, and collected, to and for the uses of this province, and in the hands of the receiver general unappropriated, there be granted to his Majesty, his heirs and successors, the sum of seven hundred pounds, sterling, annually; which sum of seven hundred pounds, sterling, shall be appropriated, applied, and disposed of, in payment of the salary of the receiver general of this province.

How paid and accounted for.

IV. And be it further enacted by the authority aforesaid, That the said sum of seven hundred pounds, sterling, shall be paid to the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty by the receiver general of this province, through the lords commissioners of his treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Salary to become payable 1st July, 1831.

V. And be it further enacted by the authority aforesaid, That the salary granted by this act shall take date and be payable from the first day of July, one thousand eight hundred and thirty-one.

Usual poundage receivable until 1st July, 1831.

VI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to prevent the receiver general from receiving his usual poundage upon all monies passing through his hands, from the passing of this act to the first day of July next ensuing.

Chapter XVI.

An act to provide a salary for the clerk of the crown in chancery, and to remunerate him for past services.

[Passed March 16, 1831.]

Most gracious Sovereign:

Preamble. Whereas it is expedient to provide for the payment of a salary to the clerk of the crown in chancery, and to remunerate him for past services; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, and in the hands of the receiver general, unappropriated, there be granted to his Majesty, his heirs and successors, for the present year, the sum of one hundred and twenty-five pounds, and annually, in each and every succeeding year, the sum of seventy-five pounds, which said sums of one hundred and twenty-five pounds, and seventy-five pounds, shall be appropriated as follows, that is to say: to Samuel Peters Jarvis, esquire, for past services as clerk of the crown in chancery, the said sum of one hundred and twenty-five pounds; to the clerk of the crown in chancery for the time being, annually, in each and every year, the sum of seventy-five pounds; to commence and be payable from the first day of January, one thousand eight hundred and thirty-one: Provided always, That the said clerk of the crown in chancery shall not be entitled to receive any fees whatever for the services which, by virtue of his office, he may be called upon to perform.

£125 granted to his Majesty for former services, and £75 granted annually, to pay the salary of the clerk of the crown in chancery.

No fees to be charged by clerk of the crown in chancery.

Sums granted how to be accounted for.

II. And be it further enacted by the authority aforesaid, That the said sums of one hundred and twenty-five pounds, and seventy-five pounds, respectively, shall be paid by the receiver general of this province, in discharge of such warrant or warrants as shall for that purpose, from time to time, be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for to his Majesty, his heirs and successors, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Act to continue in force four years.

III. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for four years, and from thence to the end of the then next ensuing session of parliament, and no longer.

Chapter XVII.

An act granting to his Majesty a sum of money, to be raised by debenture, for the improvement of roads and bridges in the several districts of this province.

[Passed March 16, 1831.]

Preamble. Whereas it is desirable and necessary to afford aid towards repairing roads and bridges in the several districts of this province; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the government bills or debentures authorized to be issued under this act, a sum of money not exceeding twenty thousand pounds, at a rate of interest not exceeding six per centum per annum, to be applied to the said roads and bridges.

£20,000 to be raised by debenture.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause any number of debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum

of twenty thousand pounds, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient, and that for each loan or advance, a debenture shall issue, bearing date at the day on which the same shall be actually issued, conditioned for the payment of the said sum of twenty thousand pounds, or such part thereof as shall be actually received, and redeemable at a period not exceeding twenty years, and which debenture or debentures shall and may be signed by the said receiver general of this province for the time being.

Account of the debentures redeemed and outstanding to be laid before parliament each year.

III. And be it further enacted by the authority aforesaid, That the receiver general of this province for the time being shall, before each session of the parliament of this province, transmit to the governor, lieutenant governor, or person administering the government of this province, a correct account of the numbers, amounts, and dates of the different debentures which he may have issued under the authority of this act, of the amount of the debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the debentures outstanding and unredeemed at the periods aforesaid, and of the expenses attending the issuing the same, to be laid before the legislature of this province.

Interest to be paid half yearly.

IV. And be it further enacted by the authority aforesaid, That the interest growing due upon the said debentures shall and may be payable in half yearly periods, to be computed from the date thereof, and shall and may be paid on demand by the receiver general of this province, for the time being, whose duty it shall be to have the same endorsed on each debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively; and that the governor, lieutenant governor, or person administering the government of this province, shall, after the first day of January and the first day of July in each year, issue warrants to the receiver general for the payment of the amount of interest that shall have been advanced, according to the receipts to be by him taken as aforesaid.

Separate warrants to be issued for the payment of each debenture.

V. And be it further enacted by the authority aforesaid, That a separate warrant shall be made to the receiver general by the governor, lieutenant governor, or person administering the government of this province, for the time being, for the payment of each debenture, as the same may become due, and be presented, in favor of the lawful holder thereof, and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said receiver general.

Forging the debentures declared a capital felony.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any such debenture as aforesaid, which shall be issued under the authority of this act, and uncancelled, or any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged debenture, or any debenture with such counterfeit endorsement or writing thereon, or shall demand to have any such counterfeit debenture, or any debenture with such counterfeit endorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered in payment or to be exchanged, or the endorsement or writing thereupon or therein, to be forged or counterfeited, with intent to defraud his Majesty, his heirs and successors, or the persons authorized to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony without benefit of clergy.

Debentures charged upon the public revenues.

VII. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all the charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the monies that shall come into the hands of the receiver general, to and for the public use of this province, and at the disposal of the legislature thereof.

Receiver general not entitled to poundage.

VIII. And be it further enacted by the authority aforesaid, That the sum of money herein authorized to be raised by loan, shall not be subject to any deduction of poundage for the receiver general of this province, any law, usage, or custom, to the contrary notwithstanding.

Debentures may be redeemed by giving notice to the holders in the Gazette.

IX. And be it further enacted by the authority aforesaid, That at any time after the said debentures, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, if he think proper so to do, to cause a notice to be inserted in the Upper Canada Gazette, requiring all holders of said debentures to present the same for payment, according to this act; and if, after the insertion of the said notice for three months, any debentures then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures shall,

after the expiration of the said six months, cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

X. And be it further enacted by the authority aforesaid, That the said sum of twenty thousand pounds, so granted as aforesaid, shall be appropriated and applied towards making and repairing roads and bridges in certain parts of this province, and be apportioned to the several districts within the same, as follows:

Appropriation of the sum granted.

To the Ottawa district, the sum of one thousand pounds.
To the Bathurst district, the sum of one thousand nine hundred pounds.
To the Eastern district, the sum of one thousand nine hundred pounds.
To the district of Johnstown, the sum of one thousand nine hundred pounds.
To the Midland district, the sum of two thousand two hundred pounds.
To the Newcastle district, the sum of one thousand nine hundred pounds.
To the Home district, the sum of one thousand nine hundred pounds.
To the district of Gore, the sum of two thousand pounds.
To the Niagara district, the sum of one thousand six hundred pounds.
To the district of London, the sum of two thousand pounds.
To the Western district, the sum of one thousand seven hundred pounds.

Appropriation, and appointment of commissioners for the Ottawa district.

XI. And be it further enacted by the authority aforesaid, That the sum of one thousand pounds hereby granted to the Ottawa district, be appropriated and expended as follows, that is to say: On the front road leading from the eastern boundary of the township of Alfred to the river Rideau, near Bytown, the sum of six hundred pounds; on the road from point Fortune to Longuiel, the sum of one hundred and fifty pounds; on the road from Lochiel to the Ottawa, commencing in the rear of West Hawkesbury, and from thence to Vanclack's hill, the sum of fifty pounds; on the road from Breadalbane to Vanclack's hill, the sum of fifty pounds; on the road through the gore of Plantagenet to the house of John Paxton, esquire, the sum of fifty pounds; on the road from Longuiel to Chesser's mills, the sum of fifty pounds; and that Charles Waters, Charles A. Low, William Wait, Daniel Wiman, and Joseph Griffen, be commissioners for expending the same: On the principal road leading through the township of Osgoode, to the river Rideau and Bytown, the sum of fifty pounds; and that Archibald McDonell, William York, and Peter McLaren, be commissioners for expending the same.

Appropriation for the district of Bathurst, and appointment of commissioners.

XII. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, granted to the district of Bathurst, be appropriated and expended as follows, that is to say: On the main road through Goulbourn, between the third and fourth concessions, to Richmond, the sum of two hundred pounds; and that John Anderson, senior, Thomas Skellington, and John Gordon, be commissioners for expending the same: On the road from Taylor's tavern, in Huntley, to Fitzroy harbor, the sum of two hundred pounds; and that James Daily, Henry McBride, and Thomas Landon, be commissioners for expending the same: On the road from Torbolton, through March, to Goulbourn, the sum of one hundred pounds; and that Hammet Pinhey, Edward Logan, junior, and John Armstrong, be commissioners for expending the same: On the road from Richmond to Bytown, the sum of one hundred pounds; and that Thomas McKay, Bernard Chapman, and Hugh Bell, be commissioners for expending the same: On the road from the northwest town line of Ramsay, through Packenham, to McNab, the sum of one hundred pounds; and that John Grant, John Hutchinson, and James Morris, be commissioners for expending the same: On the road from the northwest angle of Goulbourn, to the road leading from Richmond to Bytown, the sum of fifty pounds; and that Robert Young, Robert Grant, and James Bell, be commissioners for expending the same: On the road from Perth to Franktown, the sum of two hundred and twenty-five pounds; and that Alexander Fraser, Thomas James, and William Andison, be commissioners for expending the same: On the road from Franktown to Carleton place, the sum of seventy-five pounds; and that William Willson, David Moffat, and James Jackson, be commissioners for expending the same: On the road from Carleton place, through Ramsay, to the town line of Packenham, the sum of seventy-five pounds; and that David Snedden, John Foshack, and John McEwen, be commissioners for expending the same: On the road from Perth, passing through Drummond, to the northwest line of Ramsay, the sum of one hundred and fifty pounds; and that James Wylie, Andrew Dickson, and Daniel Shipman, be commissioners for expending the same: On the road from Perth to Lanark, the sum of two hundred pounds; and that Matthew Luch, Thomas Richardson, and John Porter, be commissioners for expending the same: On the road from Balderson's inn, in Drummond, through Dalhousie, passing Boulton's mills, the sum of one hundred pounds; and that Alexander Montgomery, Benjamin Boulton, John McIntyre, and Samuel Walker, be commissioners for expending the same: On the road from Perth into North Sherbrooke, passing through Bathurst, the sum of one hundred pounds; and that James Gilmour, Ebenezer Willson, and Josiah Davies, be commission-

ers for expending the same: On the road from the town line of Packenham, through McNab, the sum of seventy-five pounds; and that Archibald McNab and Christopher J. Bell be commissioners for expending the same: On the road leading through Bathurst to South Sherbrooke, the sum of seventy-five pounds; and that Patrick Kennedy, John Nuttall, and John Mullican, be commissioners for expending the same: On the road from Perth to Freer's falls, the sum of seventy-five pounds; and that John Robertson and John Campbell be commissioners for expending the same.

Appropriation for the Eastern district, and appointment of commissioners.

XIII. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, hereby granted to the Eastern district, shall be appropriated and applied as follows, that is to say: In the county of Glengarry, on the road from Gray's creek to Lancaster, the sum of fifty pounds; on the road from Hawkesbury to Dundas street, the sum of one hundred and fifty pounds; on the road from Dundas street to Williamstown, the sum of fifty pounds; on the road leading from Dundas street, at Archibald Cameron's, to the rear of Kenyon, the sum of twenty-five pounds; on the road between lots number twenty-four and twenty-five, by John B. McLennan's, to the rear of Kenyon, the sum of twenty-five pounds; on the road leading from Martintown through the centre of the Indian land, to the gore of Plantagenet, the sum of seventy-five pounds; on Dundas street, including the bridge at Martintown, the sum of one hundred and thirty-five pounds; on the nine mile road at Westley's, front of Lancaster, to Dundas street, the sum of fifty pounds; on the road from or near Lochiel church to Breadalbane settlement, the sum of twenty pounds; on the nine mile road near John Cameron's, front of Charlottenburgh, to the river Aux Raisins, the sum of thirty pounds; on the road between the fourth and fifth concessions of Lochiel, commencing at the eastern boundary near Thomas Duncan's, until it intersects the Ottawa road, the sum of twenty-three pounds six shillings and eight pence; and that John McGillivray, esquire, John McLennan, esquire, Hugh McGillis, esquire, Alexander Chisholm, esquire, Alexander Fraser, esquire, and Mr. Donald Cattanach, be commissioners for expending the same. And in the county of Stormont, on the front road, the sum of fifty pounds, and that Albert French and John Bailey be commissioners for expending the same: On the road from St. Andrews' church, leading by Dickson's, formerly Louck's mills, till it intersects the road leading to Finch, the sum of fifty pounds; and that Simon Fraser, Alexander McLean, and John Poapst, junior, be commissioners for expending the same: On the road from Cornwall to the rear of Roxborough, the sum of one hundred and fifty pounds; and that Simon Fraser, Alexander McLean, and John McDonald, of lot number ten in the fifth concession of Cornwall, be commissioners for expending the same: On the road leading from Alexander McDonald's, in the fifth concession of Cornwall, to the second concession of the township of Roxborough, the sum of fifty pounds; and that John Montgomery, of Roxborough, and Duncan McDonnell, of lot number four, in the fifth concession of Cornwall, be commissioners for expending the same: On the road from the Indian lands, between the first and second concessions, to Cornwall, the sum of thirty-three pounds six shillings and eight pence; and that Guy Wood, esquire, and John Chesley, of Cornwall, be commissioners for expending the same: On the road from the front of Osnabruck, near the church, to Crysler's mills, in the township of Finch, the sum of one hundred and fifty pounds; and that Michael Empey, John Waldroff, junior, and John Archibald, be commissioners for expending the same: On the road leading from Charlesville to the fifth concession of Osnabruck, the sum of fifty pounds; and that John N. Ault and James Grant be commissioners for expending the same: On the road leading from Thomas H. Maxwell's to the fifth concession in the township of Osnabruck, the sum of fifty pounds; and that Thomas H. Maxwell, Henry Shaver, and Jacob W. Empey, be commissioners for expending the same: On the road from John Dixon's, junior, leading into the township of Finch, the sum of fifty pounds; and that John Dixon, junior, and Ewen McMillen, be commissioners for expending the same. And in the county of Dundas, in the townships of Williamsburgh and Winchester, on Dundas street, in front of Williamsburgh, the sum of sixty-one pounds thirteen shillings and four pence; on the nine mile road, between lots number six and seven, the sum of thirty pounds; on the centre road in the township of Williamsburgh, the sum of fifty pounds; on the nine mile road between lots number twenty-six and twenty-seven, the sum of thirty-five pounds; on the nine mile road, between lots number thirty and thirty-one, running through Williamsburgh and Winchester, the sum of one hundred pounds; and that Jacob Markle, senior, William Swayne, Andrew Snider, Adam Noodle, Francis S. Beadstead, and John Frats, be commissioners for expending the same: To John Cook, as president of the road society, the sum of forty pounds, to be expended on the road between lots number thirty and thirty-one, on the main road leading through Williamsburgh and Winchester. And in the township of Matilda, on the Dundas street, the sum of sixty-one pounds thirteen shillings and four pence; on the nine mile road, between lots number six and seven, the sum of twenty-five pounds; on the nine mile road between lots number twelve and thirteen, the sum of fifty pounds; on the road running through

the centre of Matilda and Mountain, the sum of one hundred and twenty-five pounds; on the nine mile road between lots number twenty-four and twenty-five, the sum of forty-two pounds ten shillings; on the nine mile road between lots number thirty-one and thirty-two, the sum of twelve pounds ten shillings; and that Jacob Brouse, John Flagg, John Parlow, Henry Hare, and Matthew Berkley, be commissioners for expending the same.

Appropriation for the district of Johnstown, and appointment of commissioners.

XIV. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, hereby granted to the district of Johnstown, be appropriated and expended as follows, that is to say: In the county of Grenville, the sum of nine hundred and fifty pounds; of which said sum of nine hundred and fifty pounds, there shall be applied and expended on the allowance for road between the counties of Grenville and Dundas, leading from the Saint Lawrence to the river Rideau, the sum of fifty pounds; and that Joseph Millar and Hugh McCarger be commissioners for expending the same: On the road from James Humphrey's, at the head of the Galloup rapids, to Gideon Adam's, esquire, in South Gower, the sum of two hundred pounds; and that Lewis Grant, esquire, and Elijah Froom, be commissioners for expending the same: On the road from Timothy Hodges, senior, in Augusta, to the river Rideau, (called the White road,) the sum of three hundred pounds; and that Henry Burrett, esquire, and John Bass, senior, be commissioners for expending the same: On the road from Merrickville to Alexander McCrae's, the sum of fifty pounds; and that Terrence Smyth, esquire, and Alexander McCrae, be commissioners for expending the same: On the road from Kemptville to Olmstead's, in Oxford, the sum of fifty pounds; and that Trueman Hurd, esquire, and Richard Olmstead, senior, be commissioners for expending the same: On the road from John Froom's to the Rideau river, the sum of fifty pounds; and that William Kay and John Froom be commissioners for expending the same: On the allowance for road from John Eastman's, on the north side of the river Rideau, to Richmond, the sum of fifty pounds; and that John Thomson and John Eastman, the elder, be commissioners for expending the same: On the road from Richard Olmstead's to Richmond, the sum of one hundred pounds; and that Richard Olmstead, senior, and Andrew Moor, be commissioners for expending the same: On the road from Bellamy's mills to the river Rideau, the sum of one hundred pounds; and that Edmund Burrett and William Ferguson be commissioners for expending the same. In the county of Leeds, the sum of nine hundred and fifty pounds; of which said sum of nine hundred and fifty pounds there shall be applied and expended on the road from Jones' mills, in Yonge, to the western boundary line of the county of Leeds, the sum of one hundred and seventy-five pounds; and that John McDonald, esquire, Benjamin Ruggles Munsel, esquire, and George Cook, be commissioners for expending the same: On the road from Manhard's to Stone's corner, in Elizabethtown, the sum of one hundred pounds; and that Sylvester Wright, esquire, Edward Howard, esquire, and Jesse Lamb, be commissioners for expending the same: On the road from Stone's corner to Willson's inn, in Elizabethtown, the sum of eighty pounds; and that Ira Lewis and Gideon Leahigh be commissioners for expending the same: On the road leading from Willson's inn to Oliver's ferry, in Elmsley, the sum of one hundred pounds; and that Horace Tappon, Elisha Landon, and Clark Nichols, be commissioners for expending the same: On the road from Oliver's ferry to Perth, the sum of one hundred pounds; and that William Rutherford, Fitz William Berford, Abel Wright, and William McPherson, be commissioners for expending the same: On the road from Wilson's inn, Kitley, leading to Merrickville, to the east boundary line of Kitley, the sum of fifty pounds; and that Philip Shook, esquire, and Timothy Soper, be commissioners for expending the same: On the road from Elisha Landon's to Smith's falls, in Elmsley, the sum of seventy pounds, and that Solomon Landon and Obadiaz Read, junior, be commissioners for expending the same: To open and improve the road near the south side of the Rideau lake, from Donaldson's, in Elmsley, westward to the old landing, the sum of one hundred pounds; and that Thomas Donaldson and Richard Meyers be commissioners for expending the same: On the road from John Dixon's, in Yonge, to the Long falls and Chaffy's mills, Crosby, the sum of one hundred pounds; and that Joshua Bates, Aaron Stoddard, and Charles Davidson, be commissioners for expending the same: On the road from Beverly, in Bastard, to the isthmus in North Crosby, the sum of fifty pounds; and that Nathan Soper and James Philips be commissioners for expending the same: On the road leading northward from Russell Fields' to Nathan Clark's, in Elizabethtown, the sum of twenty-five pounds; and that Nathan Clark and Russell Fields be commissioners for expending the same.

Appropriation for the Midland district, and appointment of commissioners.

XV. And be it further enacted by the authority aforesaid, That the sum of two thousand two hundred pounds, hereby granted to the Midland district, shall be appropriated and expended as follows, that is to say: On the road leading from Waterloo to Loughborough, the sum of one hundred pounds; and that Horace Yeomans, Henry Wood, and William Latimore, be commissioners for expending the same: On the road leading from the fifth

concession of Portland to the third concession of the township of Kingston, the sum of one hundred pounds; and that Henry Shibley, Robert Abernethy, and Bryan Spike, be commissioners for expending the same: On the road from lot number sixteen to Picor's, on the new line of road in Pittsburgh western addition, the sum of fifty pounds; and that John Marks, Stephen Yarwood, and Adam Laidlaw, be commissioners for expending the same: On the back road leading from Kingston mills to Perth, through the township of Pittsburgh, the sum of fifty pounds; and that James Matheson, Sephronius Hickey, and John B. Smith, be commissioners for expending the same: On the road leading from Waterloo to Kingston, the sum of one hundred pounds; and that Samuel Aykroyd, Horace Yeomans, and Benjamin Olcott, be commissioners for expending the same: In the Indian woods, on the road leading from Belleville to the Napanee mills, the sum of two hundred pounds; and that Allan McPherson, Thomas D. Appleby, and Jabez Kellog, be commissioners for expending the same: On the road leading from Waterloo to the Napanee mills, the sum of two hundred and fifty pounds; and that the treasurer and trustees of the Ernestown and Kingston road society, be commissioners for expending the same: On the road leading from Wallace's tavern, township of Kingston, to Bath, the sum of three hundred pounds; and that Henry Lasher, William McKay, Duncan Vanalstine, Abraham Amy, and Josiah Lampkins, be commissioners for expending the same: For the bridge at the mouth of the Little Cataraqui, the sum of fifty pounds; and that Joseph Ferris, Peter Grass, and Thomas Rogers, be commissioners for expending the same: In the township of Richmond, the sum of one hundred pounds; and that Archibald Caton, James Long, William Prindle, Philip J. Roblin, and Samuel Baldwin, be commissioners for expending the same, on such roads and bridges as they, or a majority of them, may deem most expedient and conducive to the advantage of the inhabitants of the said township of Richmond: In the township of Camden East, the sum of one hundred pounds; and that Jacob Rambaugh, Samuel Clark, Jacob Huffman, Calvin W. Perry, Calvin Wheeler, John Pomeroy, and Peter Bowers, be commissioners for expending the same, on such roads and bridges as they, or a majority of them, may deem most expedient and conducive to the advantage of the said township of Camden East: On the road leading from Eli Peters' mill, in the said township of Camden, to the principal road to the Napanee mills, to Waterloo, otherwise called the York road, the sum of fifty pounds; and that Eli Peters, Stephen Warner, and John Brown, junior, be commissioners for expending the same: On the road leading from Shaw's mills, in Camden, the sum of fifty pounds; and that John Perry, Ebenezer Perry, and Benjamin Clark, be commissioners for expending the same: On the road leading from Bellus', in Ameliasburgh, to the outlet at the West lake, the sum of twenty pounds; and that Edmund Marsh and Joseph Dorland be commissioners for expending the same: From Bellus', in Ameliasburgh, to Demorestville, the sum of forty pounds; and that Jacob Howell and Benjamin Stapleton be commissioners for expending the same: To assist in erecting a new bridge across the Marsh creek, near William Brickman's, in Ameliasburgh, the sum of twenty pounds; and that William Brickman and Peter Redner, be commissioners for expending the same: On the road leading from Hallowell to Demorestville, the sum of twenty pounds; and that James Cotter and Thomas Davis, be commissioners for expending the same: To repair the different roads in the township of Marysburgh, the sum of sixty-five pounds; and that John Richards, Samuel Mollineaux, and Henry Dingman, be commissioners for expending the same: To erect a bridge across East creek, at the east end of East lake, in the township of Hallowell, the sum of fifty pounds; and that Asa Worden and Owen McMahon be commissioners for expending the same: From Marsh creek, in Ameliasburgh, between lots number seventy-six and seventy-seven, in the third concession, to the top of the big hill, and thence in the most direct way to the village of Hallowell, the sum of sixty pounds; and that Jesse Henderson, George Monro, and Peter Valleau, be commissioners for expending the same: On the new road leading from Hallowell to the Carrying Place, the sum of twenty-five pounds; and that Simeon Washburn and Joseph Cryderman be commissioners for expending the same: On the road leading from Belleville to the Marmora iron works, through the townships of Thurlow, Sidney, Rawdon, and Marmora, the sum of two hundred and fifty pounds; and that Anthony Manahan, William Ketcheson, junior, and John Reynolds, be commissioners for expending the same: On the forty foot road between lots number twelve and thirteen in the township of Sidney, leading from the bay of Quinte, through the different concessions, passing Thomas Ketcheson's, until it intersects the river Trent road, the sum of forty pounds; on the forty foot road, between lots number twenty-four and twenty-five in the fourth concession of the township of Sidney, the sum of twenty pounds; on the concession road in the said fourth concession, between lots number twenty-two and twenty-nine, the sum of twenty pounds; and that Henry Hagerman, Thomas Ketcheson, and Gideon Turner, be commissioners for expending the same: On the road in the township of Huntingdon, leading to the township of Madoc, and surveyed by William Ketcheson, junior, in the year one thousand eight hundred and twenty-eight, the sum of thirty pounds; and that Garret Garrison, Jacob

Youngs, and James O'Hara, be commissioners for expending the same: To be expended in the township of Tiendinaga, or in opening a road from the said township to the front road, the sum of forty pounds; and that William Porte, Donald Murchison, and Richard Lazier, be commissioners for expending the same.

Appropriation for the district of Newcastle, and appointment of commissioners.

XVI. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, hereby granted to the district of Newcastle, be appropriated and expended as follows: On the main highway through the township of Murray, between the river Trent and Kellogg's tavern, the sum of one hundred pounds; and that Sheldon Hawley, esquire, Thomas D. Sandford, and Samuel Cooley, be commissioners for expending the same: On the road leading from the Carrying Place to the west line of Murray aforesaid, on the front road, and from thence to Hezekiah Beatty's, in the said township, the sum of one hundred and twenty-five pounds; and that Charles Biggar, esquire, Simon Kellogg, and Pitkin Gross, be commissioners for expending the same: On the road leading through the English settlement, in the township of Murray, to the main highway through the said township, the sum of twenty-five pounds; and that Abijah Smith and James Rankin be commissioners for expending the same: On the road leading from the east boundary line of the township of Cramahe, on the front road, to the allowance for road between lots number eleven and twelve, thence on said allowance to the main highway through the said township, the sum of fifty pounds; and that William M. Bullock, esquire, and Thomas Simpson, be commissioners for expending the same: On the road between lots number two and three, leading from the front road to the main highway, through the township of Cramahe, the sum of twenty-five pounds, and that William M. Bullock, esquire, and Jesse Wells, be commissioners for expending the same: On the road along the concession line between the third and fourth concessions of the township of Cramahe, the sum of twenty-five pounds; and that James D. Gosslie and Aaron Henman be commissioners for expending the same: On the road leading from the second concession of the township of Cramahe to the Percy settlement, the sum of fifty pounds; and that Joshua Webster and James Platt be commissioners for expending the same: On the road leading from John Richmond's, in Murray, to the road leading from the township of Cramahe to the Percy settlement, the sum of twenty-five pounds; and that Richard Steavins and James Holland be commissioners for expending the same: On the road leading from the Percy settlement to the Asphodel bridge, including repairs to said bridge, the sum of one hundred pounds; and that Joseph A. Keeler, esquire, Joseph Sparrow, and David Cummings, be commissioners for expending the same: To cut down and improve the hills between the widow Brown's and Ephraim Doolittle's, in the township of Haldimand, the sum of twenty pounds; and that Charles Powers and Ephraim Doolittle be commissioners for expending the same: To straighten and improve the road leading from Cobourg to the Rice lake, in the township of Hamilton, the sum of seventy-five pounds; and that Doctor Gilchrist and John McCarty be commissioners for expending the same: On the road leading from Burr's tavern, in the said township of Hamilton, to the boundary line between the counties of Northumberland and Durham, the sum of twenty-five pounds; and that Doctor Gilchrist and John McCarty be commissioners for expending the same: On the road leading from Peterborough to the Rice lake, in the township of Monaghan, the sum of fifty pounds; and that Charles Rubridge and Thomas Carr, esquires, be commissioners for expending the same: On the road leading from Doctor Gilchrist's mill to the Peterborough road, the sum of twenty-five pounds; and that Charles Rubridge and Thomas Carr, esquires, be commissioners for expending the same: On the road leading from Doctor Gilchrist's mill to the Asphodel bridge, on the front road, the sum of seventy-five pounds; and that Thomas Carr, esquire, and John Beckett, be commissioners for expending the same: On the boundary line road between the townships of Otanabee and Douro, leading from Peterborough to Asphodel, the sum of forty pounds; and that Alexander McDonell and Moore Lee, esquires, be commissioners for expending the same: On the road leading from Mr. Stewart's, in the fifth concession of the township of Haldimand, to the Baltimore settlement, in the township of Hamilton, the sum of twenty-five pounds; and that Wilson S. Conger and John Brisbane be commissioners for expending the same: On the road leading from Peterborough to the boundary line between the counties of Northumberland and Durham, the sum of fifty pounds; and that Thomas V. Tupper and Alexander McDonell, esquires, be commissioners for expending the same: On the road leading from lot number twenty-six, in the fourth concession of the township of Murray, to Joseph Carls, in the said township, the sum of twenty-five pounds; and that Levi Lomis and Samuel Clapp be commissioners for expending the same: On the boundary line road between the counties of Northumberland and Durham, the sum of two hundred and fifty pounds; and that Ebenezer Perry, John Hall, and John Huston, be commissioners for expending the same: On the back road leading through the township of Haldimand, the sum of twenty-five pounds; and that William F. H. Kelly and Josiah Wellington be commissioners for expending the same: To cut down the hill and repair the bridge on the back road, in the

township of Hamilton, in the rear of Levi Bates' farm, the sum of twenty-five pounds; and that William Faulkner, esquire, and Levi Bates, be commissioners for expending the same: On the stage road through Darlington, the sum of thirty pounds; and that Robert Fairburn and John Burk, esquire, be commissioners for expending the same: On the stage road through Clarke, the sum of twenty pounds; and that Alexander Colter and William McIntosh be commissioners for expending the same: On the road leading from Port Hope, until it intersects the boundary between Hamilton and Hope, called the Cavan road, the sum of twenty-six pounds; and that Barnabas Bletcher and John Ainley be commissioners for expending the same: On the road between lots number thirteen and fourteen, in Hope, commencing at the fourth concession of Hope, and running as near as is practicable between lots number thirteen and fourteen, until it intersects the middle road between lots number twelve and thirteen, in the township of Cavan, and through the said township, between lots number twelve and thirteen, and through the township of Emily, between lots number twelve and thirteen, in the township of Emily, the sum of three hundred pounds; and that John Huston, esquire, William Samuel Marsh, and Samuel Davidson, be commissioners for expending the same: On the road between the fifth and sixth concessions of Hope, commencing at lot number thirteen, until it intersects the boundary line between Clarke and Hope, and on said boundary, or as near as is practicable, between Clarke and Hope, Cavan and Manvers, the sum of two hundred and eighty-nine pounds; and that John Huston, esquire, and William Samuel Marsh, be commissioners for expending the same.

Appropriation for the Home district, and appointment of commissioners.

XVII. And be it further enacted by the authority aforesaid, That the sum of one thousand nine hundred pounds, granted to the Home district, be appropriated and expended as follows, that is to say: For completing that part of Yonge street, commonly called the Blue hill, the sum of four hundred pounds; and that Charles Thompson, James Hogg, and William Botsford Jarvis, be commissioners for expending the same: For opening and improving the new road laid out in the second concession of the township of York, the sum of twenty pounds; and that Joseph Shepherd and Alexander Cathcart be commissioners for expending the same: On the road leading from Dundas street, in the township of Toronto, by Streetsville, to McNabb's mills, in Esquesing, the sum of one hundred pounds; and that Thomas Stoyle, Ebenezer Farnsworth, and James Kennedy, be commissioners for expending the same: For an experimental railway, to be made of wood, on Yonge street, between the Blue hill and York, the sum of fifty pounds; and that William Botsford Jarvis, James Hogg, and Charles Thompson, be commissioners for expending the same: For the erection of a bridge across the Humber, on the road leading from York to Caledon, commonly called Campbell's road, the sum of one hundred pounds; and that David Jardine, Nathan Martin, of Etobicoke, and Elisha Lawrence, of the gore of Toronto, be commissioners for expending the same: On the Kennedy road, in the townships of Markham and Scarborough, the sum of twenty pounds; and that Samuel Kennedy, Thomas Kennedy, and Thomas Whitesides, be commissioners for expending the same: For cutting down the hill on Yonge street, commonly called Thorn hill, the sum of seventy-five pounds; and that William Crookshank, John Hartman, and John Atkinson, be commissioners for expending the same: For improving the hills on Yonge street, north and south of Hogg's mills, the sum of seventy-five pounds; and that Cornelius Van Ostrand, James Hogg, and Andrew McGlashan, be commissioners for expending the same: On the road from Hawke's mills, on Yonge street, to number five, the sum of fifty pounds; and that Peter Lawrence, Joel Beeman, and George Bond, be commissioners for expending the same: For the erection of a bridge across the creek at Whitmore's mills, and for improving the road from the said creek to number one, on Yonge street, the sum of fifty pounds; and that Jacob Snider and Charles Thompson be commissioners for expending the same: On the road from the four mile tree, on the Danford road, to Markham, running between lots number thirty-four and thirty-five, in the township of Scarborough, the sum of twenty pounds; and that Isaac Lameraux, Asa Patrick, and William Davenish, be commissioners for expending the same: On the road from the eighth concession of Markham to the Danford road, the sum of fifty pounds; and that Peter Secor, John Reamer, John De Hart, and Richard Houck, be commissioners for expending the same: On that part of the Kingston road called Bates' hill, the sum of twenty-five pounds; and that Stephen Pherril and Robert Stoboe be commissioners for expending the same: On that part of Dundas street, called Barber's hill, the sum of seventy-five pounds; and that Jacob Cook, Peter McCullum, and John McGill, be commissioners for expending the same: To improve the hills at the Highland creek, in Scarborough, the sum of thirty pounds; and that William Weller, Peter Secor, and John Fisher, be commissioners for expending the same: On the town line between the townships of Chinguacousy and Toronto, to assist in opening the same, the sum of thirty pounds; and that Asa Ingraham, John Seflar, and Martin Salisbury, be commissioners for expending the same: On Dundas street, from the river Humber to the river Credit, the sum of one hundred and sixty pounds; and that

John McGill, John McFarlane, and Stanaus Daniels, be commissioners for expending the same: On the lake road, from Sandford's corner to the district line, the sum of one hundred pounds; and that William Thompson, John Gamble, and Frederick Starr Jarvis, be commissioners for expending the same: To improve the sixth concession line, between the townships of Albion, Chinguacousy, the gore of Toronto, and Toronto new survey, thence across Etobicoke to the river Humber, near Scarlet's mills, the sum of forty pounds; and that John Bagwell, esquire, John McCarty, and Thomas Burrel, be commissioners for expending the same: For improving the Rouge hill, on the Kingston road, the sum of thirty pounds; and that Francis Leys and William Weller be commissioners for expending the same. And that of the nineteen hundred pounds, granted to the Home district, the sum of four hundred pounds be appropriated and expended as follows: On the Penetanguishine road through West Gwillimbury, from Mulloy's tavern, to the line between that township and Innisfil, the sum of thirty pounds; and that Isaac Rogers and James Tindale be commissioners for expending the same: On the Penetanguishine road, from the south line of Innisfil to Alexander Walker's on Kempenfeldt bay, the sum of thirty pounds; and that Thomas McConkey and Charles Clement be commissioners for expending the same: On the long causeway on the Penetanguishine road, between Lawrence's and Mairs', the sum of one hundred pounds; and that Thomas Mairs and Peter White be commissioners for expending the same: On the long causeway in West Gwillimbury, across the west branch of the Holland river, the sum of thirty pounds; and that Isaac Rogers, junior, and George Thorp, be commissioners for expending the same: On the main road through the township of Thora, the sum of fifty pounds; and that W. Turner and Samuel H. Farnsworth be commissioners for expending the same: To complete the causeway leading to Essa, on the town line between West Gwillimbury and Tecumseth, the sum of seventy-five pounds; and that George Dunwoodie and John Perry be commissioners for expending the same: On the main road on the town line of Adjala, going through Albion to York, the sum of thirty pounds; and that Francis McLoughlin and Robert Keenan be commissioners for expending the same: On the main road leading to Dundas street, between Amaranth and Mono, the sum of fifteen pounds; and that Lewis Horning and Abraham Houghton be commissioners for expending the same: On the Penetanguishine road, between Craig's and Robert Jeff's, the sum of forty pounds; and that Robert Jeff and John Craig be commissioners for expending the same.

Appropriation for the district of Gore, and appointment of commissioners.

XVIII. And be it further enacted by the authority aforesaid, That the sum of two thousand pounds, hereby granted to the district of Gore, shall be appropriated and expended as follows, that is to say: In the county of Halton, the sum of one thousand three hundred pounds; of which sum of one thousand three hundred pounds, there shall be applied and expended on the Dundas street, from the village of Dundas to Burford town line, the sum of three hundred pounds; and that John Binkley, Peter Bombarger, and Hiram Capron, be commissioners for expending the same: On the road from the township of Beverly, at Samuel Cornell's, through the said township of Beverly and Dumfries to the town line of Waterloo, the sum of two hundred pounds; and that Samuel Cornell, John A. Cornell, and Absalom Shade, be commissioners for expending the same: On the road between lots number six and seven, from the second concession of West Flamborough to Robert Paterson's, thence through the corner of Beverly, township of Puslinch, town of Guelph, to the line between Woolwich and Nichol, to the falls of the Grand river, the sum of one hundred pounds; and that James Crooks, esquire, Thomas B. Husband, and Thomas Smith, esquires, be commissioners for expending the same: On the road up the mountain, from Dundas to Flamborough West, the sum of fifty pounds; and that Peter Bombarger be the commissioner for expending the same: On the road between the first and second concessions of Beverly, the sum of twenty-five pounds; and that Barney Howard, Adam Thompson, and Barney Markle, be commissioners for expending the same: On the road between the second and third concessions of the township of Beverly, the sum of twelve pounds ten shillings; and that Hugh Mulholland, Daniel Cornell, and William Coleman, be commissioners for expending the same: In the township of Dumfries, the sum of fifty pounds; and that Absalom Shade, Hiram Capron, and Robert Murray, esquire, be commissioners for expending the same: Upon the road from Waterloo town line to the falls of the Grand river, in the township of Woolwich, east side of the Grand river, the sum of twelve pounds ten shillings; and that Zephaniah Sexton, Thomas Smith, esquire, and Alpheus Smith, be commissioners for expending the same: Upon the road through the centre of the township of East Flamborough, from Dundas street to the Twelve-Mile creek, the sum of twenty-five pounds; and that Alexander Brown, John Eaton, and Edward Evans, be commissioners for expending the same: Upon the road through East and West Flamborough, from Sampson Howell's saw mills easterly, the sum of twenty-five pounds; and that Sampson Howell, Edward Ryckman, and John Davis, (innkeeper,) be commissioners for expending the same: On the road leading from Moses McCoy's, in the township of Nelson, to the rear part of Eramosa, the sum of seventy-five

pounds; and that William McCoy, William Smith, and Joseph Parkinson, be commissioners for expending the same: On the road leading from Post's inn, in the township of Trafalgar, through said township of Trafalgar, Esquesing, and Erin, the sum of seventy-five pounds; and that John Kenny, Peter Kenny, and Charles Kennedy, be commissioners for expending the same: On the Twelve-Mile creek hill, east side on Dundas street, the sum of fifty pounds; and that William McKerlie, Nathaniel Bell, esquire, and Walter O'Reilly, be commissioners for expending the same: On the lake road at the Sixteen-Mile creek, to make good a like sum expended by Merrick Thomas, Jacob Randall, and William Young, (commissioners appointed by the quarter sessions,) upon a bridge, levelling the hills, and making a mound across the flats of said creek, the sum of one hundred and eighty-seven pounds ten shillings: On the road leading from Post's inn in Trafalgar to Oakville, the sum of twenty-five pounds; and that James Thomson, Merrick Thomas, and William Young, be commissioners for expending the same: On the road from Mrs. Munn's to Oakville, the sum of twelve pounds ten shillings; and that John Keating, George Chalmers, and Charles Biggars, be commissioners for expending the same: On the road leading from Lawrence Hager's through the township of Trafalgar, Esquesing, and Erin, the sum of fifty pounds; and that Joseph Bows, Jasper Martin, and Levi Willson, be commissioners for expending the same: On the road from Ephraim Hopkins' on Dundas street, upon the line between numbers twenty-five and twenty-six, to the second concession south of Dundas street, also on the second concession, to the line between lots number twenty-one and twenty-two, and upon the side line leading south to the lake road, the sum of twenty-five pounds; and that Robert Smith, Hiram McCraney, and John Street, be commissioners for expending the same. In the county of Wentworth, the sum of seven hundred pounds, of which sum of seven hundred pounds, there shall be applied and expended on the road from William Vanderlip's tavern in Ancaster, to Fairchield's creek, on the Indian lands, the sum of two hundred and fifty pounds; and that Ewen Ritchee, Samuel Andruss, and Enos Bunnell, be commissioners for expending the same: On the main road from James Gage's, to Fifty-Mile creek, through Saltfleet, the sum of one hundred pounds; and that Ebenezer Place, John Galbraith, and Jonathan Pettit, be commissioners for expending the same: On the mountain road from Samuel Tapley's to the western boundary line of Saltfleet, near Secord's mills, the sum of fifty pounds; and that Samuel Tapley, Jeremiah Springstead, and John Law, of Saltfleet, be commissioners for expending the same: On the road leading up the mountain by George Hamilton's, the sum of fifty pounds; and that Jacob Ramble, Joseph Rolestone, and Peter Hess, be commissioners for expending the same: On that part of the road leading from Hamilton to Dundas, called Beasley's hollow, the sum of fifty pounds; and that William B. Van Every, Francis Glover, and Frederick Ashbourgh, be commissioners for expending the same: In the township of Glanford, the sum of one hundred pounds; and that Thomas Choate, David Kearns, and Elisha Bingham, be commissioners for expending the same: On the main road leading from Crosswaith's, in Barton, to Sheldon's saw mill, in Saltfleet, the sum of fifty pounds; and that James Gage and William Case be commissioners for expending the same: On the road leading up the mountain, from Ebenezer Place's to John Lee's, the sum of fifty pounds; and that John Glover and John Lee be commissioners for expending the same.

Appropriation for the Niagara district, and appointment of commissioners.

XIX. And be it further enacted by the authority aforesaid, That the sum of one thousand six hundred pounds, hereby granted to the district of Niagara, be appropriated and expended as follows, that is to say: In the county of Lincoln, the sum of one thousand two hundred pounds; of which said sum of one thousand two hundred pounds, there shall be applied and expended, on the Black swamp road, leading to the Ten-Mile creek, the sum of seventy-five pounds; and on the road leading from Queenston, by Saint Davids, to the Ten-Mile creek, to intersect the Black swamp road, the sum of twenty-five pounds; and on the lake road, from Niagara to Samuel Woods', esquire, on the Twelve-Mile creek, and thence to Barnabas Gregory's, on the Fifteen-Mile creek, the sum of fifty pounds; and that Adam Brown, of Queenston, Thomas Darling, of Grantham, and Barnabas Gregory, of Louth, be commissioners for expending the same: On the lake road leading from Frederick Schram's, at the Fifteen-Mile creek, to the Twenty-Mile creek bridge, the sum of fifty pounds; and that James William Osgoode Clarke, Isaac Wiesman, and Nathan Pawling, be commissioners for expending the same: On the road leading from John Decoo's, by William Adams', and Robert Comfort's, to the end of the district, the sum of one hundred pounds; on the road leading from Smith Griffin's to Canborough, the sum of twenty-five pounds; on the road leading from Snider's mills to the river Welland, the sum of twenty-five pounds; on the road leading from John Moot's, in Clinton, to Wier's mills, on the river Welland, the sum of twenty-five pounds; and that John Decoo, William Adams, and John Harris, be commissioners for laying out and expending the same: On the road leading from George Oills', in Pelham, to the village of St. John's, in Thorold, the sum of fifty pounds; and that George Oills, John Street, and Samuel Beckett,

be commissioners for expending the same: On the road leading from Hainer's corner, by Thomas Mills' to Adam Brown's, the sum of twenty-five pounds; and that Adam Brown, of Louth, be a commissioner for expending the same: On the great Canborough road, leading from Anthony Upper's to Canborough, the sum of one hundred pounds; and that George Lacy, William Delts, senior, and Peter Wiers, be commissioners for expending the same: On that part of the highway leading from Niagara, to commence on the west bank of the Sixteen-Mile creek in Louth, to the township line of Clinton, the sum of twenty-five pounds; and that Joseph Smith, James Johnson, and Henry Kerr, of Louth, be commissioners for expending the same: On the road passing William Disher's, junior, in Pelham, and John McGlashan's, to Robert Comfort's, in Gainsborough, the sum of twenty-five pounds; and that John McGlashan, senior, Robert Comfort, and William Disher, junior, be commissioners for expending the same: On the road from Charles Anderson's, at the Forty-Mile creek, to Daniel Camp's, at the Twenty-Mile Creek, the sum of fifty pounds; and that Daniel Palmer, John Beamer, senior, and Daniel Camp, be commissioners for expending the same: On the road from Dearie's mills, on Twenty-Mile creek, by Michael Rettenhouse's to lake Ontario, the sum of fifty pounds; and that Samuel Moyer, Michael Rettenhouse, and John Henry, be commissioners for expending the same: On the Fly road, leading from James Simmerman's, in Clinton, to Henry Disher's, in Louth, the sum of fifty pounds; and that Henry Roat, John Patterson, and Henry Disher, be commissioners for expending the same; On the highways in the townships of Stamford, Thorold, and Pelham, the sum of one hundred pounds; and that Doctor Lafferty, John Decoo, and Samuel Beckett, be commissioners for expending the same: On the highways in the townships of Willoughby, Crowland, Wainfleet, Humberstone, and Bertie, to be equally expended, the sum of three hundred pounds; and that Jacob Gander, Samuel McAfee, Isaac H. Johnson, Henry Boughner, junior, Emanuel Winters, and Daniel Robbins, be commissioners for expending the same: On the highway leading from John Oills' corner, in Pelham, by Becket's mills, to the Quaker meeting-house, thence to Riley's bridge on the river Welland, the sum of fifty pounds; and that Peter Beckett, James Fell, and William Chapman, be commissioners for expending the same. In the county of Haldimand, the sum of four hundred pounds; of which said sum of four hundred pounds, there shall be applied and expended on the road from the High Banks to the feeder at Broad creek, the sum of twenty-five pounds; from Christian Kinclay's, at the High Banks, on the lake road, to the mouth of Grand river, the sum of twenty-five pounds; from the mouth of the Grand river, on the lake road, to Rainham, the sum of twenty-five pounds; from Dunville, Grand river dam, to Rainham, the sum of twenty-five pounds; on Rainham and Walpole lake road, the sum of fifty pounds; on the river road from Dunville to Highflyers, the sum of fifty pounds; on the road from Dunville to Canborough, the sum of twenty-five pounds; from Canborough, on the main route from Niagara falls to Rainham, the sum of one hundred and seventy-five pounds; and that Andrew Thompson, Benjamin Canby, Joseph Younge, John Eakins, Benjamin Hoover, and David McFields, all of the county of Haldimand, be commissioners for expending the same.

Appropriation for the district of London, and appointment of commissioners.

XX. And be it further enacted by the authority aforesaid, That the sum of two thousand pounds, hereby granted to the district of London, shall be appropriated and expended as follows, that is to say: On Talbot road, in the townships of Dunwich and Aldborough, the sum of one hundred and fifty pounds; on the road leading from the river Thames to Furnival, on lake Erie, in the township of Aldborough, the sum of fifty pounds; and that Lesslie Patterson, esquire, of Dunwich, and Ewen McKinlay, of Aldborough, be commissioners for expending the same: On the road leading from the furnace in Dereham, to the mouth of Big Otter creek, on lake Erie, the sum of one hundred pounds; and that George Tillson, Andrew Dobbie, esquire, and Isaac Draper, esquire, be commissioners for expending the same: On Wharncliffe highway, from the road between lots number thirty and thirty-one, in the township of Westminster, near the farm of Michael McLaughlin, to Thomas Pool's farm, on the north branch of Talbot road, the sum of fifty pounds; and that John O'Neil and Henry Sherwick be commissioners for expending the same: On the proof line in the township of London, the sum of one hundred pounds; and that Duncan McKenzie, William Robertson, and James Parkinson, esquires, be commissioners for expending the same: On Dundas street, between the town plot of London and the eastern limit of that township, the sum of twenty-five pounds; and that Dudley Marrills and Linus Forbes be commissioners for expending the same: On the Long-wood road, in the township of Carradoc, the sum of twenty-five pounds; on the same road in the township of Ekfrid and Mosa, the sum of two hundred and fifty pounds; and on the main road through the township of Delaware, the sum of fifty pounds; and that Roswell Mount, esquire, James Craig, and Singleton Gardiner, be commissioners for expending the same: On the road leading from Saint Thomas to Port Stanley, in the township of Yarmouth, the sum of one hundred pounds; and that Benjamin Willson and James Nevills, esquires, be commissioners for expending the same: On the road leading from

Finlay Malcolm's to Norwich, the sum of twenty-five pounds; and that Finlay Malcolm, esquire, John Kelly, and Peter Sackrider, be commissioners for expending the same: On the road from Whitehead's, in Burford, to the Quaker meeting-house in Norwich, the sum of fifty pounds; and that George Washington Whitehead, esquire, George Higson, and Michael Stover, be commissioners for expending the same: On the main road between Whitehead's and Dodge's, the sum of one hundred and fifty pounds; and that John Weir, Richard Brown, and John Kern, be commissioners for expending the same: On Dundas street, including the town plot of Oxford, to the township line of London, the sum of one hundred and fifty pounds; and that John Hatch, esquire, Jacob Kearn, and Hugh McDermid, be commissioners for expending the same: On the road leading from Jacob Doty's to Dundas street, through North Oxford, the sum of fifty pounds; and that Daniel Carrol and James Ingersoll be commissioners for expending the same: On the road from Nicholas French's, in Oxford, to the furnace, in Dereham, the sum of fifty pounds; and that Stilton Hacket, Peter Hayle, and William Reynolds, be commissioners for expending the same: On Dundas street, from Lewis Charles' to the town plot in Oxford, the sum of twenty-five pounds; and that Joseph Smith, Lewis Charles, and John Phalen, be commissioners for expending the same: On the road line passing James McLeod's, in Blenheim, the sum of thirty-five pounds; and that James McLeod, Thomas Roach, and Michael Showers, junior, be commissioners for expending the same: On the second concession of Blenheim, east of Peter Bastedo's, the sum of fifteen pounds; and that Peter Bastedo, Denton Burns, and Hiram Graham, be commissioners for expending the same: On the main road between Woodhouse and Townsend, leading to Walpole, the sum of two hundred and fifty pounds; and that Jonathan Austin, Philip Beemer, and Rynard Potts, be commissioners for expending the same: On the main road leading from Willson's mills, in Woodhouse, to Frederick Sovreen's, in Middleton, the sum of thirty pounds; and on Talbot road, in Middleton, to improve the hills on that road, the sum of twenty-five pounds; and that Frederick Sovreen and Reuben Richardson be commissioners for expending the same: On the fourth concession of Woodhouse, the sum of twenty-five pounds; and on the bank of lake Erie, in front of Woodhouse, from the mouth of Patterson's creek to the western line of Walpole, the sum of twenty-five pounds; and that Philip Austin and Elijah Doan be commissioners for expending the same: On the front road in the township of Walsingham, the sum of fifty pounds; and in the township of Charlotteville, on lots number fifteen and sixteen, in the fifth concession, the sum of twenty-five pounds; and on the road from Kern's to Charles Glover's, and thence westerly to the township line, the sum of twenty pounds; and that Oliver Maybee and Cornelius Deddrick be commissioners for expending the same: On the main road in Townsend, from Malcolm's mills to Abraham Massaker's, the sum of twenty-five pounds; and on the main road between Windham and Townsend, from John Cline's to the Round Plains, the sum of twenty-five pounds; and that Gabriel Collvar and Matthew Tisdale be commissioners for expending the same.

Appropriation for the Western district, and appointment of commissioners.

XXI. And be it further enacted by the authority aforesaid, That the sum of one thousand seven hundred pounds, hereby granted to the Western district, shall be appropriated and expended as follows, that is to say: In the township of Rochester, from the upper or eastern side of the river Ruscom bridge, thence along the beach, and across the marsh where the road is now travelled; and to open the road on the ridge to Dejarlet, twenty-five pounds; and from the Belle river to Lavallee's, on the front road, twenty-five pounds; and that Benjamin Lavallee, Charles Campeau, and James Askin, be commissioners for expending the same: On the new road leading from the bridge over Pike's creek, to the second concession line of the township of Sandwich, and along the same to Charles Forneau's farm, and along the new road to Andre Peltier's, the sum of one hundred and seventy-five pounds; on the Talbot road, from the town of Sandwich, to the township of Mersea, the sum of one hundred and twenty-five pounds; on Talbot middle road in the townships of Sandwich and Maidstone, the sum of twenty-five pounds; and that George Jacob and Charles Eliot, esquires, and Chrissostom Pagot, be commissioners for expending the same: From the river Detroit, along the new road between Campeau and Lozon's farm, to the second concession of the township of Sandwich, the sum of twelve pounds ten shillings; and that Antoine Cecile and Joseph Morran be commissioners for expending the same: For repairing or making a new bridge over Turkey creek, the sum of twenty-five pounds; and that Charles Eliot, esquire, Thomas Martin, and Thomas Giniac, be commissioners for expending the same: From the turnpike road on the south side of riviere Aux Canards to Amherstburgh, the sum of sixty-two pounds ten shillings; and that Alexis Lemai, Alexis Laferte, and Daniel Botsford, be commissioners for expending the same: On the back road from Amherstburgh to Colchester, the sum of one hundred and fifty pounds; and that Francis Caldwell, Jean Baptiste Deneau, and William Mickle, be commissioners for expending the same: From Amherstburgh, on the new road, to Talbot, Sandwich road, the sum of fifty pounds; and that James Caldwell, Jean Baptiste

Mercure, and Charles Bondy, be commissioners for expending the same: On the concession roads of the township of Colchester, the sum of twenty-five pounds; and that Matthew McCormick, Jerius Brush, and John Ferris, be commissioners for expending the same: For erecting a bridge over Isler's creek, in the township of Colchester, the sum of fifty pounds; and that Thomas McLean and Jacob Arner be commissioners for expending the same: On the road in the second concession of the Petite Cote, in the township of Sandwich, the sum of twenty-five pounds; and that Jaques Girard, Paul Laframboise, and James Allen, be commissioners for expending the same: On the road in front and rear in the township of Gosfield, the sum of twenty-five pounds; and that Peter Scratch, Alexander K. McKenzie, and Joseph Wigle, be commissioners for expending the same: On the Talbot road in the township of Mersea, the sum of fifty pounds; and that Charles Stuart and Michael Fox be commissioners for expending the same. In the Five-Mile woods in the township of Romney, the sum of one hundred pounds; and that James W. Little, esquire, and Messrs. Joseph Smith and Thomas Renwick be commissioners for expending the same: On the road passing between the farms of Joseph Smith and Jacob Klinger Smith, in Raleigh, leading to the settlement in the middle road in the said township, the sum of twenty-five pounds; and that Messrs. Joseph Smith and James Price be commissioners for expending the same: On Talbot road, in the townships of Oxford and Howard, for the purpose of bridging and making more passable three ravines and hills in the said townships, the sum of twenty-five pounds; and that John Answorth, David H. Gisner, and David S. Baldwin, be commissioners for expending the same: For making four bridges on the road from the river Aux Perches, in the Western district, to Townsend, in the London district, the sum of thirty-seven pounds ten shillings; and that Henry Jones, esquire, be the commissioner for expending the same: On the road along the river St. Clair, in the township of Sombra, and through the Indian reservation, adjoining to said township, the sum of fifty pounds; and the further sum of fifteen pounds towards completing bridges on the said road; and that Claude Gouin, Henry Jones, and William Jones, esquires, be commissioners for expending the same: Towards opening the road from Jared Lindsley's, on the east branch of Bear creek, in Dawn, to the river Thames, the sum of thirty-seven pounds ten shillings; and that Messrs. Lewis, son of John Arnold, Jared Lindsley, and Lewis Arnold, the elder, be commissioners for expending the same: On the road from the old site of the Moravian village, in the township of Zone, to the line dividing the Western from the London district, for repairing the hills and widening the said road, the sum of one hundred pounds; and that George Kirby, esquire, Messrs. Singleton Gardiner and Matthew Cornwall, be commissioners for expending the same: On the road from Talbot road, in Howard, leading to the middle road settlement in the said township, the sum of twenty-five pounds; and that Messrs. John Unsworth and Robert Wood be commissioners for expending the same: For building a bridge across Big Bear creek, from Lauchlin McDougall's, below the forks of the east and north branches of Bear creek, in Sombra, the sum of two hundred pounds; and that Claude Gouin and William Jones, esquires, and Lauchlin McDougall, be commissioners for expending the same: On the road between Howard and Harwich, from the river Thames to Talbot road, the sum of one hundred pounds; and that Messrs. Christopher Arnold and Robert Wood be commissioners for expending the same: On the ridge road through Harwich, for the purpose of levelling the Cradle knolls, the sum of fifty pounds; and that Messrs. Robert Wood, John Dismond, and James Little, esquire, be commissioners to expend the same: On the road from Isaac Wilcock's across the river Thames plains, to the first fork of the Thames, the sum of sixty pounds ten shillings; and that Messrs. Daniel Dolson, Francis Drake, and George Jacob, junior, esquire, be commissioners for expending the same: On the road dividing the townships of Chatham and Camden, from the river Thames through Dawn, to East Bear creek, the sum of twenty-four pounds ten shillings; and that Christopher Arnold and Alexander Wallen be commissioners for expending the same.

Commissioners to make oath to the correctness of their account.

XXII. And be it further enacted by the authority aforesaid, That some one of the commissioners hereinbefore named or appointed under the authority of this act, for any division of road, shall, and is hereby required, to make oath before one of the justices of the peace in the district in which such commissioner or commissioners shall act; and annex or subjoin the same to the schedule or abstract statement of the expenditure of the monies under the direction of such commissioner or commissioners, in the following form:

"I, A. B., a commissioner under the road act, make oath and say, that the prefixed schedule or abstract statement, is a true and faithful account, in all its particulars, of the monies expended by the commissioners of which I am one, to the best of my knowledge and belief. So help me God."

Monies granted, how paid and accounted for.

XXIII. And be it further enacted by the authority aforesaid, That any monies to be laid out and expended under the provisions of this act, shall be paid by the receiver general to the treasurers of the several districts, in discharge of such warrant or warrants

as shall be issued for that purpose by the governor, lieutenant governor, or person administering the government of this province, for the time being, and shall be accounted for to his Majesty through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs or successors, shall be graciously pleased to direct.

Treasurers to pay monies to commissioners.

XXIV. And be it further enacted by the authority aforesaid, That the treasurers of the several districts are hereby authorized and required to pay over to the respective commissioners named in this act, or appointed under the authority thereof, or a majority of them, the several sums by this act appropriated, to be expended on that portion of the roads which such commissioners are appointed to superintend: Provided always, That the said treasurers shall not be entitled to any commission for receiving and paying the several sums of money mentioned in this act.

Governor may appoint commissioners, in case of vacancies.

XXV. And be it further enacted by the authority aforesaid, That in the event of the death, removal, or refusal to act, of any of the commissioners named in this act, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to appoint such person or persons as he shall think fit, to fill the vacancies that may be occasioned as aforesaid.

How contracts are to be let.

XXVI. And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners hereinbefore mentioned, and they are hereby required, in all cases where improvements are to be made upon the roads and bridges throughout the several districts of this province, to expose the same at public auction, and in small portions, where it may be practicable, so as to afford ample competition to all persons desirous of contracting for portions of the work to be performed, and to strike off the same in convenient portion, to the lowest bidder, having in all cases given at least three weeks' previous notice thereof by public advertisement, or to procure the performance of such improvements or repairs in such manner as the majority of such commissioners shall deem most advantageous and expedient: Provided always, That no commissioner hereinbefore named shall be a contractor for the performance of any part of the work over which he shall have been appointed such commissioner.

Commissioners to keep proper vouchers to accompany their accounts.

XX. And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners hereinbefore named, or that may be appointed under the authority of this act, and they are hereby required, to make out, and at the time of paying over any monies, cause to be executed in the presence of at least one respectable witness, vouchers or pay-lists, containing abstract statements of the money expended, and the service performed; stating the names of the several contractors; the pieces of work performed; the rate at which such work shall have been performed; and the signatures of the contractors, acknowledging the receipts of the sums opposite their names respectively; which vouchers shall be made according to the annexed schedule or form, and transmitted to the office of the governor, lieutenant governor, or person administering the government, on or before the thirty-first day of December next, and by him laid before the commons house of assembly, at the ensuing session of parliament.

SCHEDULE,

Or abstract Statement and Receipts of Monies expended in the District, under the Road Act of 1831, by A. B. and C. D. Commissioners.

Contractors' Names.	Description of work contracted for.	Sums in currency for which contracts have been made.			Signatures of Contractors acknowledging the receipt of the sums opposite their names.	Names of witnesses to the payment and signatures.
		£	s.	d.		

Chapter XVIII.

An act to afford further aid to the Welland Canal Company, and to repeal part of and amend the laws now in force relating to the said company.

[Passed March 16, 1831.]

Preamble.

Whereas the Welland canal company are desirous of raising by loan the sum of fifty thousand pounds, of lawful money of this province, to complete the said canal from the river Welland to lake Erie; and whereas it is expedient to afford public aid, in furtherance of the said undertaking, upon security of the said canal company, as hereinafter mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That whenever the said Welland canal company shall have executed a bond, under form of law, conditioned for the punctual payment of the interest and principal of such debentures as shall by the authority of this act be issued for their benefit; and shall also have executed a mortgage upon the canal and the tolls thereon, as collateral security for the payment of the said condition, then it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province to issue and deliver to the directors of the said company the debentures of this province, to the amount of fifty thousand pounds, in sums not less than two hundred pounds each, as may be required by the said directors, payable to the order of the said company, at the expiration of twenty-five years from the passing of this act, with interest at the rate of five per cent. per annum, payable half yearly in the city of London, at such place as shall from time to time be named by the president of the said company for the time being, and published in two newspapers of said city at least three months before such interest shall become due, and whenever any change in the place of payment shall be made, such notice shall again be given in the same manner: Provided also, That no part of the said sum of fifty thousand pounds shall be expended by the said Welland canal company in building boats or vessels, erecting storehouses, or in any other manner than in completing of the said canal, and the towing paths, locks, and harbors, appertaining thereto.

Debentures to the extent of £50,000 may be issued to the Welland canal company, upon giving security.

Interest on debentures payable half yearly in London.

Money how to be expended.

II. And be it further enacted by the authority aforesaid, That all such debentures as are hereby authorized to be issued, and the interest thereon, shall be and are hereby charged and chargeable upon, and shall be repaid and borne out of the monies that shall come into the hands of the receiver general, to and for the public uses of this province, and at the disposal of the legislature thereof.

Debentures charged on the general revenues of the province.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of the directors, in the appropriation of their tolls, to make provision for the payment of the interest of the aforesaid debentures, pursuant to their tenor, sufficient for one year in advance, and to have that sum always at their command before any dividend of profits to the stockholders shall be declared; and further, in their annual report to the parliament, they shall particularly name the place and manner in which the same is deposited or invested.

Directors to appropriate tolls to the payment of the interest on the debentures.

IV. And be it further enacted by the authority aforesaid, That all such debentures, with the interest thereon, and all charges incident to or attending the same, shall be and are hereby charged and chargeable upon the fund provided by the securities given for the repayment thereof, by the said Welland canal company; and if at any time, satisfactory provision shall not have been made, in the manner named in the preceding clause, for the payment of the interest and the principal, when due, it shall then be lawful for his Majesty's receiver general of this province, for the time being, and he is hereby required, in the name and on the behalf of his Majesty, to take possession of the said canal, and appoint such agents, collectors, and other officers, as may be requisite to manage the same, and deposit and apply the proceeds thereof to the payment of the interest and principal aforesaid: Provided always, That no part of the said sum of fifty thousand pounds shall be advanced to the said company, until personal security shall have been given to the satisfaction of his excellency the lieutenant governor, to the amount of twenty-five thousand pounds, that the said canal shall be completed for ship navigation from the said river Welland to some point in lake Erie, to be fixed upon by the directors of the said company for a harbor, and that the said harbor shall likewise be completed without any further grant for that purpose; and that the said company shall bear harmless, and keep indemnified, the government of this province of, from, and against, the payment of one half of the said sum of fifty thousand pounds, and the interest from time to time growing due thereon.

In case default shall be made by the Welland canal company in the payment of the interest and principal, when due, canal may be taken possession of for the use of his Majesty.

Security to the amount of £25,000 to be given for the due application of the money, and for payment of half the above loan, and interest.

Company may extend their operations to lake Erie, and improve the Grand river below the dam.

V. And be it further enacted by the authority aforesaid, That the president and directors of the Welland canal company shall be permitted to occupy such portion of the Grand river, and the land adjoining the same, from the upper part of the dam erected by the said company across the same, and thence to the mouth of the said river, as may be necessary for a towing path, warehouses, and other buildings or erections, and to improve the navigation thereof by the use of dredging machines and otherwise; and that the said company shall have the privilege to extend their canal for ship navigation to the said Grand river, and to any other bay or harbor on lake Erie to the eastward from the mouth of the said river, and occupy the same as aforesaid, as they may think the public convenience and the interest of the said company may require.

11th Geo. IV, c 11, s 11, and 6th Geo. IV, c 2, s 15 and 16, repealed.

VI. And be it further enacted by the authority aforesaid, That the eleventh clause of the act to grant a further loan to the Welland canal company, and to regulate the further operations, passed in the second session of the tenth parliament, by which the said company are restricted from extending said canal to lake Erie, without further legislative provision for that purpose, and the fifteenth and sixteenth clauses of the act passed in the sixth year of his late Majesty's reign, entitled, "An act to repeal part of and to extend the provisions of an act passed in the fourth year of his present Majesty's reign, entitled, 'An act to incorporate certain persons, therein named, under the style and title of the Welland canal company,'" be, and the same are, hereby repealed.

J. Warren, S. Street, and D. Thorburn, appointed arbitrators.

VII. And be it further enacted by the authority aforesaid, That John Warren, esquire, Samuel Street, esquire, and David Thorburn, esquire, shall be arbitrators to settle and award the damages sustained by individuals whose property has been injured by the operations of the company, or whose property shall have been, or may hereafter be, taken by the company, and with whom the company have not agreed and cannot agree, and whose claims have not been adjusted under former laws, whose decision shall be final between the parties; and the said arbitrators shall be allowed for every day of their attendance to the duties of such arbitration, the sum of twenty shillings.

Arbitrators to be sworn.

VIII. And be it further enacted by the authority aforesaid, That the said arbitrators shall be sworn before some one of his Majesty's justices of the peace, well and truly to hear and determine all matters submitted to them, and a true judgment to give according to the evidence.

Arbitrators may summon witnesses.

Witnesses to be sworn.

Expenses of witnesses to be settled by arbitrators.

IX. And be it further enacted by the authority aforesaid, That the said arbitrators shall have full power and authority to summon all witnesses that may be required by any of the parties, to appear before them, and to swear the said witnesses to testify the truth, the whole truth, and nothing but the truth, respecting the matters to which they shall be interrogated, and that they shall be allowed a sum not exceeding five shillings per diem, according to the discretion of the said arbitrators, and that such remuneration shall be paid by the party requiring their attendance.

Account upon oath to be laid before the legislature.

X. And be it further enacted by the authority aforesaid, That a true, full, and particular account in detail of the expenditure of all monies raised by the Welland canal company from the debentures hereinbefore mentioned, be laid before the legislative council and house of assembly by the president, directors and company of the Welland canal company, which account shall be verified by the oath of the president and secretary of said company, made before a judge of the king's bench or of any district court in this province, stating that the said account is a just and true account of the expenditures of the said monies.

Chapter XIX.

An act to grant a sum of money, and to provide for the improvement of the navigation of the river Aux Raisin, in the county of Glengarry.

[Passed March 16, 1831.]

Preamble.

WHEREAS it would afford great advantage to the inhabitants of Williamstown and the settlements adjacent, if the navigation of the river Aux Raisin were improved and rendered practicable for boats, from Lancaster to the said village of Williamstown, and it is therefore expedient to grant a sum of money in aid of the subscriptions of the persons interested in the said improvements; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and remaining in the hands of the

£300 granted to his Majesty, for the improvement of the navigation of the river Aux Raisin.

receiver general of this province unappropriated, there be granted to his Majesty the sum of three hundred pounds, which sum shall be applied in removing obstructions and improving the navigation of the river Aux Raisin, between the village of Williamstown and lake Saint Francis.

How to be accounted for.

II. And be it further enacted by the authority aforesaid, That the monies granted by this act shall be accounted for to the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Commissioners for laying out the said sum.

III. And be it further enacted by the authority aforesaid, That Alexander Fraser, John McGillivray, and Hugh McGillis, esquires, shall be commissioners for the purpose of expending the said sum of money, and improving the navigation of the said river Aux Raisin; and that the said commissioners shall cause an account in detail of the expenditure of the said sum of money, together with a report of the proceedings under this act, to be transmitted to the governor, lieutenant governor, or person administering the government, to be laid before the legislature.

Commissioners' duty.

IV. And be it further enacted by the authority aforesaid, That the said commissioners, or any contractor or contractors, or persons employed under them for the purposes of this act, shall have authority to enter upon any lands immediately adjacent to the said river, and lay and deposit upon the beach or bank of the said river, any stone, earth, or other materials, which may be removed from the bed of the said river: Provided always, That nothing herein contained shall be taken to give any authority to any person or persons whatever to enter upon any such land for the purposes of this act, at any time when such entry would prove injurious to any crops planted or sown therein, without the consent of the owner or owners thereof; and, Provided also, That any stone, earth, or other material, which may be removed from the bed of the said river, shall not be removed or laid on land at a greater distance than twenty feet from the water's edge of the said river.

Chapter XX.

An act to authorize the laying out several sums of money granted by an act of the last session of the legislature, entitled, "An act granting to his Majesty a sum of money for the improvement of the roads and bridges in this province," and which sums remain unexpended.

[Passed March 16, 1831.]

Preamble.

Whereas divers sums of money granted during the last session of parliament, to be applied on roads and bridges, from various causes remain unexpended, and it is expedient to provide for the expenditure of such sums of money in the several places and by the several persons hereinafter mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That the sum of one hundred pounds remaining unexpended, and in the hands of the treasurer of the district of Bathurst, shall be expended and applied on the road in the township of Goulburn, between the third and fourth concessions; and that Joseph Hinton, Edward Morris, and John Turney, be commissioners for expending the same.

(See 11th Geo. IV, c 14.)

£100 unexpended in Bathurst how to be applied.

£75 unexpended in Gore how to be applied.

II. And whereas the sum of seventy-five pounds, ordered and appropriated by the said act to be laid out and expended on the road leading from Smith Griffin's, in the district of Niagara, to the township line between Saltfleet and Binbrook, in the district of Gore, remains unexpended; be it enacted by the authority aforesaid, That the said sum of seventy-five pounds be expended on the line run by Samuel S. Wilmot, deputy surveyor, on the rear part of the eighth concession of Saltfleet, in the county of Wentworth, in the Gore district, whenever the said line shall be confirmed as a common and public highway, agreeably to the laws now in force, to provide for the laying out, amending, and keeping in repair, the public highways and roads in this province; and that Elijah Secord, John Secord, and Daniel K. Servos, be commissioners for expending the same.

£100 unexpended in London how to be applied.

III. And whereas also by the said act, the sum of one hundred pounds of the monies granted for the improvement of the public roads in the district of London, remains unexpended in the hands of the treasurer of the said district; be it therefore further enacted by the authority aforesaid, That the same shall be expended and applied upon the road now opened between the seventh and eighth concessions of the township of Walpole, in

the county of Haldimand; and that Philip Beemer, Jonathan Austin, and Rynard Potts, be commissioners for expending the same.

The sum of money unexpended in the Western district how to be applied.

IV. And whereas by the said act the sum of forty pounds was directed to be expended on the bridge at the Chatham fork, in the Western district, part whereof remains unexpended; be it therefore further enacted by the authority aforesaid, That so much of the said sum of forty pounds as remains unexpended shall be applied towards improving the communication road in the township of Harwich, from the river Thames to the ridge road, and that William McCrea, Jacob Dolson, and Duncan McGregor, be commissioners for expending the same.

Duty of the commissioners.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners to observe all the directions contained in the said act, respecting the manner of making contracts and receiving the money from the treasurers of the several districts, who are hereby authorized to pay the same to the commissioners aforesaid, under the provisions and conditions contained in the said act.

£50 unexpended in the hands of the treasurer of the Midland district, how to be applied.

VI. And whereas the sum of fifty pounds, ordered by the said act to be expended on the Montreal road between the town of Kingston and the eastern limit of the county of Frontenac, remains in the hands of the treasurer of the Midland district unexpended; be it therefore further enacted by the authority aforesaid, That the said sum of fifty pounds be laid out and expended as heretofore directed, and that John McAulay, Elijah Beach, James Atkinson, and Dougald Thomson, be commissioners for expending the same.

Chapter XXI.

An act to remunerate James Gordon Strobridge for labor and materials provided and applied by him in constructing the Burlington bay canal.

[Passed March 16, 1831.]

MOST GRACIOUS SOVEREIGN:

Preamble.

Whereas by virtue of an act passed in the ninth year of the reign of his late Majesty, entitled, "An act to provide for the valuation of the labor and materials applied in constructing the harbor at Burlington bay," arbitrators were appointed to make the said valuation; and whereas by the said act, the said arbitrators were authorized to inquire as to all such matters and things as might appear necessary for enabling them to make a just award concerning the true value of the materials and labor applied by James Gordon Strobridge in the prosecution of the work; and whereas the said arbitrators were restrained by the said act from awarding a greater sum of money than should at the time of making their award remain unexpended, of the monies already appropriated for the erection and completion of the said works; and whereas it actually appeared to the arbitrators, in the course of their investigation, that the sum of five thousand five hundred and ninety-one pounds, eight shillings and five pence half-penny, was justly due to the said James Gordon Strobridge, for the materials and labor aforesaid, although the sum remaining in the hands of the commissioners at the time of making the award, was only three thousand two hundred and thirty-four pounds, fourteen shillings and eight pence, unappropriated as aforesaid, and the said arbitrators were restrained by the said act from awarding more than the said last mentioned sum, and it therefore appears that the balance remains justly due to the said James Gordon Strobridge, notwithstanding the relief afforded by the said act, and it is just that the said James Gordon Strobridge should be remunerated for the labor and materials expended at his expense on the said work; we, your Majesty's dutiful and loyal subjects, the commons of Upper Canada, in provincial parliament assembled, beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this province, there be granted to his Majesty, his heirs and successors, the sum of two thousand three hundred and fifty-six pounds, thirteen shillings and nine pence half-penny, to be issued out of the sums now remaining, or that may hereafter come into the hands of the receiver general unappropriated, which said sum shall be disposed of and appropriated as follows, that is to say: The sum of two thousand three hundred and fifty-six pounds, thirteen shillings and nine pence half-penny, being the said balance due to the said James Gordon Strobridge, as the balance of the remuneration of the labor and materials used and applied in and about the said work, by the said James Gordon Strobridge, which said

9th Geo. IV, c 12.

£2,356 13s. 9½d. granted to his Majesty to remunerate J. G. Strobridge for work done to the Burlington canal.

sum of two thousand three hundred and fifty-six pounds, thirteen shillings and nine pence half-penny, shall be paid in discharge of such warrant or warrants as shall for that purpose be issued by the governor, lieutenant governor, or person administering the government of this province, and shall be accounted for through the lords commissioners of his Majesty's treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

How paid and accounted for.

Chapter XXII.

An act to indemnify Roswell Mount, esquire, for monies advanced by him to complete a bridge across the river Thames, from Delaware to Carradoc.

[Granting him £75 3s. 1d. for that purpose.]

Chapter XXIII.

An act to make good certain monies paid under the warrants of his excellency the lieutenant governor in advance, to defray the contingencies of the last session of the legislature.

[Granting £3,212 12s. 3d. to meet the like sum advanced towards the contingent expenses of the legislature, during the session 1831.]

Chapter XXIV.

An act to grant a sum of money to his Majesty, in aid of the York hospital.

[Passed March 16, 1831.]

Most gracious Sovereign:

Preamble

Whereas the public hospital in the town of York has been found of great benefit and advantage, in affording medical and surgical assistance to many destitute and unfortunate emigrants and others, and it is therefore desirable to extend aid to the said institution; we therefore beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, and unappropriated, or hereafter to be raised, levied, and collected, and unappropriated, there be granted to his Majesty the sum of one hundred pounds of lawful money of this province, to be held by his excellency the lieutenant governor, or person administering the government of this province, for the time being, in trust, to be applied to the use and benefit of the said hospital.

£100 granted to his Majesty, in aid of the York hospital.

(See 11th Geo. IV, c 31.)

II. And be it further enacted by the authority aforesaid, That the money hereby granted shall be paid by the receiver general, in discharge of such warrant or warrants as shall be issued by the governor, lieutenant governor, or person administering the government, for the time being, upon the receiver general of this province, in favor of any person or persons, to be applied to the purposes of this act, and shall be accounted for to his Majesty, through the lords commissioners of his treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

How to be paid and accounted for.

Chapter XXV.

An act for affording aid to William Chisholm, esquire, towards the completion of the harbor at Oakville, in the township of Trafalgar.

(See 9th Geo. IV, c 19.)

[Passed March 16, 1831.]

Most gracious Sovereign:

Preamble.

Whereas by an act passed in the ninth year of his late Majesty's reign, entitled, "An act to enable William Chisholm, esquire, to erect a harbor at the Sixteen-Mile creek, in the township of Trafalgar, in the Gore district," authority was given to the said William Chisholm to erect the said harbor; and whereas the said William Chisholm has so far proceeded in the erection of the said harbor as, by the protection and convenience already afforded to vessels and boats, clearly to demonstrate its utility; and

whereas a schedule of the tolls which would have been collected at the said harbor, had the same been finished during the past year, has by the said William Chisholm been exhibited to the legislature, which sufficiently warrants the expectation of a certain return of the interest of the monies already expended and necessary to be expended for the completion of the said harbor, and in ten years the principal also; and whereas the said William Chisholm has expended from his own private funds the sum of one thousand four hundred and two pounds, seven shillings and three pence, one farthing, and the work, when completed, being considered one which will prove of great utility to that part of the country in which it is situated, and of safety and convenience to the shipping interests of the lake trade generally, it is expedient to loan to the said William Chisholm the sum of two thousand five hundred pounds; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, for the time being, to authorize and direct his Majesty's receiver general of this province to raise by loan, from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the government bills or debentures authorized to be issued under this act, a sum of money not exceeding two thousand five hundred pounds, at a rate of interest not exceeding six pounds per centum; which said sum of two thousand five hundred pounds shall be advanced by way of loan to the said William Chisholm, at the same rate of six per centum interest, to be by him applied in the completion of the said harbor at the Sixteen-Mile creek aforesaid.

£2,500 authorized to be raised by debentures to be loaned to William Chisholm, esquire.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said receiver general, for the time being, to cause any number of debentures to be made out, for any such sum or sums of money, not exceeding in the whole the said sum of two thousand five hundred pounds, at a rate of interest not exceeding six per centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient; and that for each loan or advance a debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of two thousand five hundred pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding ten years, and shall be signed by the said receiver general.

Receiver general to issue the debentures.

III. And be it further enacted by the authority aforesaid, That all and every the provisions contained in a certain act of the parliament of this province passed in the seventh year of his late Majesty's reign, entitled, "An act to authorize the government to borrow a certain sum of money upon debentures, to be loaned to the Welland canal company," respecting the debentures authorized by the said act passing current with public accountants; the payment of interest on the same by such accountants, and the suspension of interest in certain cases; the submitting to the legislature accounts of such debentures; the paying off and cancelling the said debentures, and the punishment awarded for forging any of the said debentures, or for any thing relating thereto, shall apply to, and be in force in respect to, the debentures which shall be issued under the authority of this act.

Provisions of a former act to be applicable to the debentures issued under this act.

IV. Provided always, and be it further enacted by the authority aforesaid, That before the said sum of two thousand five hundred pounds, hereby authorized to be loaned to the said William Chisholm, shall be advanced by the receiver general, the said William Chisholm shall give such security to the said receiver general as he shall deem satisfactory, for the regular payment of the interest, and the final repayment of the principal of the sum so loaned, within the time specified in this act; and that the said sum of money, or so much thereof as shall be advanced by his Majesty's receiver general to the said William Chisholm, under the provisions of this act, shall by him be applied towards the completion of the said harbor, and for no other purpose whatsoever.

Mr. Chisholm to give security to the receiver general before the money is advanced.

Chapter XXVI.

(See 8th Geo. IV, c 18.)

An act to make further provision for completing the Kettle creek harbor in the district of London.

[Passed March 16, 1831.]

Most gracious Sovereign:

Preamble.

Whereas an act was passed in the eighth year of the reign of his late Majesty, King George the Fourth, for the construction of a harbor at the mouth of Kettle creek, in the district of London, and the sum of money thereby granted has proved insufficient to complete the piers and works of the said harbor, so as to render the same fit and commodious for the purposes of navigation and commerce at all seasons; and whereas there is every reason to believe that the tolls and dues of the said harbor will fully pay the interest, and eventually the principal, of the monies expended, and also of the amount necessary to be expended to finish the same, and it is therefore desirable, in order that the said harbor shall be completed with as little delay as practicable, to grant a further sum of money for that purpose; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this province, to authorize and direct his Majesty's receiver general of this province, to raise by loan from any person or persons, bodies politic or corporate, who may be willing to advance the same upon the credit of the government bills or debentures authorized to be issued under this act, a sum of money not exceeding three thousand five hundred pounds, at a rate of interest not exceeding six pounds per centum, to be applied by the commissioners heretofore appointed in completing the said harbor.

£3,500 to be raised by debenture for the completion of Kettle creek harbor.

Receiver general to issue debentures.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the receiver general, for the time being, to cause any number of debentures to be made out, for any such sum or sums of money, not exceeding in the whole the said sum of three thousand five hundred pounds, at a rate of interest not exceeding six per centum, as any person or persons, bodies politic or corporate, shall agree to advance on the credit of the said debentures, which debentures shall be prepared and made out in such method and form as his Majesty's receiver general shall think most safe and convenient; and that for each loan or advance, a debenture shall issue, bearing date on the day on which the same shall be actually issued, conditioned for the payment of the said sum of three thousand five hundred pounds, or such part thereof as may be actually received, and redeemable at a period not exceeding twenty years, and shall and may be signed by the said receiver general for the time being.

Provisions contained in the 8th Geo. IV, c 18, to be applicable to debentures issued under this act.

III. And be it further enacted by the authority aforesaid, That all and every the provisions contained in the said first mentioned act of the parliament of this province passed in the eighth year of his late Majesty's reign, entitled, "An act to provide for the construction of a harbor at the mouth of Kettle creek in the London district," shall apply to and be in force in respect to the debentures which shall be issued under the authority of this act.

Chapter XXVII.

An act for vesting the estates which were of the late Laurent Quetton Saint George, deceased, in this province, in William Warren Baldwin, and for declaring the trusts upon which certain other estates are held by the said William Warren Baldwin, for the purpose of enabling the said William Warren Baldwin the better to carry into effect the will of the said Laurent Quetton Saint George, and for other purposes relating to the real and personal estates which were of the said Laurent Quetton Saint George, in this province.

[Passed March 16, 1831.]

Preamble.

Whereas Laurent Quetton Saint George, formerly a lieutenant colonel in the service of his Majesty the then French King, and chevalier of the royal and military order of Saint Louis, did, some time in the years one thousand seven hundred and ninety-seven, or eight, come into this province as a French loyalist emigrant; and whereas the said Laurent Quetton Saint George, during his residence in this province, did become seized and possessed of divers estates, real and personal, as well by virtue of certain grants from

his late Majesty King George the Third, made to the said Laurent Quetton Saint George, as such French loyalist, as by purchase; and whereas the said Laurent Quetton Saint George afterwards returned to France, having first made and executed certain letters of attorney, bearing date the sixteenth day of May, in the year of our Lord one thousand eight hundred and fifteen, whereby he, the said Laurent Quetton Saint George, made, constituted, and appointed, William Warren Baldwin, of York, in the county of York, in this province, esquire, his trustee and lawful attorney for him, and in his name, among other things, to enter into and upon and take possession of all and singular the messuages, farms, lands, tenements, and hereditaments, freehold and leasehold whatsoever, to the said Laurent Quetton Saint George belonging, or in any wise appertaining, or wherein or whereof the said Laurent Quetton Saint George had any estate or inheritance, and to make sale of and convey, either in fee simple or other less estate, for the best price that could be obtained for the same, certain lands and premises, part of the estate of the said Laurent Quetton Saint George, in the said letters of attorney particularly mentioned; and the monies arising from such sale or sales to lay out, invest, remit, and pay over to and for the use of the said Laurent Quetton Saint George, in such manner and form, and to such persons, as the said Laurent Quetton Saint George should or might by letter, or otherwise, direct or appoint, and to sign and execute, and as the act and deed, and acts and deeds of the said Laurent Quetton Saint George, to deliver any deed or deeds, conveyances, and assurances, whatsoever, for conveying either by way of absolute sale, or in leasehold estates, the therein aforesaid lots of land, with their appurtenances; and view, search, and examine the condition and defects of reparation of all the said estates of the said Laurent Quetton Saint George, and to give directions for repairing the same, and generally to oversee, set, let, and manage the said estates of the said Laurent Quetton Saint George to the best advantage; and also to contract with any person and persons for leasing any of the said premises, and to accept of surrenders of leases, and for that purpose to make, seal, deliver, and execute any lease or leases, demises, grants, or other lawful deed or instrument whatsoever, which should be necessary and proper in that behalf; and also to sue for, receive, and recover, all manner of debts, dues, duties, rents, sum and sums of money whatsoever, due, or to grow due, to the said Laurent Quetton Saint George, in respect of the premises aforesaid, and on non-payment thereof, to enter into and distrain, and the distress and distresses found, to detain and keep, or otherwise dispose of according to law; and also, for and in the name of the said Laurent Quetton Saint George, to commence and prosecute any action or actions, suit or suits, as well real as personal and mixed, for the recovery of any debt by bond, bill, or promissory note, book account, or of any matter or thing whatsoever due or payable, or to become due or payable, or coming unto, or in any wise belonging or appertaining to, the said Laurent Quetton Saint George; and the same action or actions, suit or suits, to prosecute and follow, or else to discontinue or to become non-suit therein, if the said William Warren Baldwin should see cause, and also for him, the said Laurent Quetton Saint George, and in his name generally, to use and take all such lawful ways and means for the recovering, receiving, obtaining, getting in, and securing any rent, sum and sums of money, and other things whatsoever, which were, or should, or might be due, owing, belonging, or payable to the said Laurent Quetton Saint George, by or from any person or persons whomsoever, as fully and effectually as the said Laurent Quetton Saint George might do if he were personally present; and also for the said Laurent Quetton Saint George, and in his name, to accept and receive any deed or deeds of mortgage, either in fee or for term of years, as security for any of the aforesaid debts that the attorney might think advisable should be secured; and for the said Laurent Quetton Saint George, his executors, administrators, and assigns, in such deeds of mortgage, to covenant and agree upon payment of the sum and sums secured thereon, to reconvey the lands and premises mentioned in such mortgage to the mortgager, his heirs, executors, administrators, and assigns, according to the true intent and meaning of the securities; and whereas the said Laurent Quetton Saint George afterwards, by his certain other letter of attorney, bearing date the fourth day of December, in the year of our Lord one thousand eight hundred and eighteen, after reciting that the said Laurent Quetton Saint George had given the before mentioned power of attorney to the said William Warren Baldwin, to act as his attorney in every thing concerning his affairs, and during the absence of him, the said Laurent Quetton Saint George, as if it was himself, and that he the said Laurent Quetton Saint George had full confidence in the said William Warren Baldwin, and that by the said power, he, the said Laurent Quetton Saint George, had restrained him, the said William Warren Baldwin, to the sale only of certain lots of land, did authorize and give full power to the said William Warren Baldwin to sell or lease any lot or lots of land of him, the said Laurent Quetton Saint George, in whatsoever part of the province they might be, and to execute any deed or deeds to that effect, as if it was himself, the said Laurent Quetton Saint George, and to turn the money or monies arising therefrom according to the orders of the said Laurent

Quetton Saint George, by letter or letters; and whereas the said Laurent Quetton Saint George, after his said return to France, that is to say, on the eighth day of June, in the year of our Lord one thousand eight hundred and twenty-one, did depart this life at the city of Orleans, in France, leaving Adele de Barbeyrac de Saint Maurice, his widow, and Henry Joseph Charles Quetton de Saint George, his only child, legitimate heir surviving; and being at the time of his death seized and possessed of divers estates in this province, real and personal, acquired as aforesaid, and having made his last will and testament in writing, in the French language, which said will and testament has been, since the death of the said Laurent Quetton Saint George, proved and authenticated in France, according to the laws of that kingdom, and in this province in the court of probate, according to the laws and customs thereof, and administration thereof granted and committed to the said William Warren Baldwin by the said court of probate, a translation of which said last will and testament into the English language follows in these words, that is to say:

"I, the undersigned Laurent Quetton de Saint George, formerly lieutenant colonel, chevalier of the royal and military order of Saint Louis, dwelling and inhabiting at Montpellier, desiring to use the power granted me by the law, have made my testament, and the disposition of my last will, as follows: By my marriage contract with Madame Adele de Barbeyrac de Saint Maurice, I have made to my said wife such endowments as will assure to her after my decease a respectable support; nevertheless, wishing to give her a new testimony of my esteem and of my affection, I further give and bequeath to her the possession of all the lands, vineyards, &c., &c., which I have bought since our marriage, or which I may buy, and which are or shall be united to the domain of L. Engarau. I give and bequeath to Marie Antoinette Q. Aures, who passes for my niece, a boarder at St. Germain en Laye, at the house of the Ladies de St. Thomas, the sum of fifty thousand francs, to be paid to her, twenty-five thousand on the day of her marriage, and the other twenty-five thousand one year afterwards: In case that she should not marry, the fifty thousand francs shall not be paid to her; but I assure her an annuity for life, of two thousand francs per annum, which my heirs shall pay to her every six months by half, and in advance. I have but an only son, Henry Charles Joseph Quetton de Saint George: he shall be my sole heir; but in case that on the day of my decease, there be any other, or several other children, issue of my marriage with the same Lady Adele de Barbeyrac, I give and bequeath by preciput, and exclusively to my son above named, the fourth of all the property which I shall leave, first deducting the gifts and legacies. If my son, and the other children which may be born of our marriage, have the misfortune to be deprived of their father before they attain the age of their majority, their mother shall be their tutrix, and will preserve for them, I do not doubt, a fortune which I have so laboriously acquired. I desire that the council of the family name to them, as under tutor, Monsieur Noel Quetton, merchant, my brother, whose friendship and good advice cannot but be useful. I revoke and annul all other testaments prior to the present, especially that which I made at York, on the thirteenth of May, one thousand eight hundred and fifteen, signed by me, and by D'Arcy Boulton, junior, D. McArthur, and Ambrose D'Farcy, witnesses. I have made such disposition as appeared most proper to realize and recover the property which I possess in Canada: Monsieur William Warren Baldwin, member of the parliament of the province, my intimate friend, living at York, has always well assisted me, and has promised me to continue his good offices and his care, even after my decease, for the success of this design. I wish, and intend expressly, that my children and their mother content themselves with receiving what shall be remitted or sent to them by him, and that they be entirely satisfied with his declaration as to the state and condition of the said property, excusing him from all other accounts and all responsibility. My confidence in Monsieur William Warren Baldwin is and always will be without bounds; it is fully justified, as well by the knowledge which I have acquired by his frank and honest character, of his exact and rigorous probity, and of the delicacy of his sentiments, as by the tender friendship he has shewn to me; and of which he has given me so many proofs in all circumstances, that I cannot find expressions sufficient to testify to him the lively gratitude with which my heart is penetrated to him. This is my testament olographe, made in two originals, entirely written, dated and signed with my hand; of which, the one to be placed in trust with my wife, and the other with Monsieur Anduze, notary, at Montpellier, my friend. Made at Montpellier, the fifteenth of February, one thousand eight hundred and twenty-one. [Signed] Quetton St. George."

And whereas, after the death of the said Laurent Quetton St. George, that is to say, on the eleventh day of June, in the year of our Lord one thousand eight hundred and twenty-one, at Montpellier, in France, aforesaid, the said Adele de Barbeyrac de Saint Maurice, widow of the said Laurent Quetton Saint George, and tutrix of the said Henry Charles Joseph Quetton de Saint George, then, and still being an infant under the age of twenty-one years, by her certain letter of attorney, bearing date the same day, made and appointed the said William Warren Baldwin her attorney, general and special, in all matters con-

cerning the estates, real and personal, whereof the said Laurent Quetton Saint George died seized, possessed, or entitled to, and in and by the said letter of attorney declared that she had in said William Warren Baldwin a confidence as unlimited as that which her said late husband had always testified for him; and whereas the said Laurent Quetton Saint George was an alien, born out of the dominions of his Majesty, that is to say, in France, aforesaid; and whereas the said Henry Charles Joseph Quetton de Saint George was also born out of the said dominions, that is to say, in France, aforesaid; and notwithstanding the provisions of the provincial and imperial naturalization acts, doubts may be raised by some, whether the said land and estate real, whereof the said Laurent Quetton Saint George died seized and possessed, are not liable to forfeiture and escheat; and whereas his excellency the lieutenant governor has been pleased by message to signify his Majesty's royal pleasure graciously to forego any and every such rights of forfeiture and escheat; and whereas it is desirable that the said lands and real estates, whereof the said Laurent Quetton Saint George died seized and possessed, as aforesaid, should be vested in a trustee, so that the same may be sold and disposed of, and the proceeds thereof applied to the uses, intents, and purposes, expressed in the said will of the said Laurent Quetton Saint George; and whereas it is desirable that the same should be vested in the said William Warren Baldwin, according to the desire of the said Laurent Quetton Saint George, and the trust and confidence expressed in his said last will, and that the said William Warren Baldwin should be enabled effectually to proceed in the settlement of the affairs, estates, rights, and credits, which were of the said Laurent Quetton Saint George, according to the said will; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That all and singular the lands, tenements, and hereditaments, mentioned and enumerated in the schedule to this act annexed, marked *A.*, and which were held, or deemed to have been held, by the said Laurent Quetton Saint George, at the time of his death, shall be, and the same are, hereby vested in the said William Warren Baldwin, his heirs, executors, administrators, and assigns, to have and to hold the same, with the appurtenances, to the use of the said William Warren Baldwin, his heirs, executors, administrators, and assigns, in the like estate as the same were or would have been had and held by the said Laurent Quetton Saint George, had he been a natural born subject of his Majesty, upon trust, nevertheless, to hold, sell, exchange, dispose of absolutely, and convey the same, from time to time, and together, or in parcels, as the said William Warren Baldwin, his heirs, executors, or administrators, the trustee or trustees for the time being, may think fit, and to receive and take the proceeds of such sale, and to pay and expend the same to and for the uses, intents, and purposes, expressed in the said will of the said Laurent Quetton Saint George: Provided always, That nothing in this act contained shall be held to acquit or discharge the said William Warren Baldwin, his heirs, executors, or administrators, or any trustee or trustees, under the authority of this act, from any malversation, malfeasance, or misfeasance, in the management of the said estates, rights, and credits, which were of the said Laurent Quetton Saint George, whereby the said Henry Charles Joseph Quetton de Saint George, or any other person or persons rightfully claiming under the will of the said Laurent Quetton Saint George, have been, or shall or may be damnified or injured; but that the said William Warren Baldwin, his heirs, executors, and administrators, and all trustees under this act, shall, notwithstanding this act, be held answerable and accountable, in his Majesty's courts of law and equity in this province, in like manner as other trustees, agents, and executors, are or shall be held answerable and accountable.

The lands mentioned in the schedule marked *A.*, vested in W. W. Baldwin, esquire.

Upon trust to sell the same.

II. And be it further enacted by the authority aforesaid, That the said William Warren Baldwin shall and may proceed in the recovery of all debts which now remain due to him, the said William Warren Baldwin, as executor of the said Laurent Quetton Saint George, in the like manner, and by the same remedies, as debts between subject and subject in this province may be prosecuted and recovered in law or equity; and upon settlement and compromise of such debts, he, the said William Warren Baldwin, his heirs, executors, or administrators, trustee or trustees, for the time being, may accept and take land or other real estate or security, as to him or them may seem advisable, and such land or other real estate to hold and sell again, exchange, dispose of absolutely, or convey from time to time, and together or in parcels, and for such price or prices as the said William Warren Baldwin, his heirs, executors, or administrators, may think fit, and to receive and take the proceeds of such sale and sales, to and for the uses and intents and purposes expressed in the will of the said Laurent Quetton Saint George: Provided

W.W. Baldwin to collect debts.

always, That all conveyances of such land made to the said William Warren Baldwin, or his heirs, shall express that the same are made under the authority of this act, and that the said lands, or other real estate or security, are to be held in trust to hold and sell again, exchange, dispose of absolutely, and convey the same from time to time, and together or in parcels, as the said William Warren Baldwin, or his heirs, may think fit, and the proceeds arising from such sale to receive and take to and for the uses, intents, and purposes expressed in the said will of the said Laurent Quetton Saint George.

III. And whereas the said William Warren Baldwin, as such agent and attorney for the said Laurent Quetton Saint George, and by his particular instructions in the compromise of debts due to the said Laurent Quetton Saint George, or to him the said William Warren Baldwin, as his executor, hath accepted and taken in compromise and satisfaction for debts due to the said Laurent Quetton Saint George, but in his own name, divers lands, tenements, and hereditaments; and whereas it is desirable to declare the trusts upon which the same are held; be it therefore enacted by the authority aforesaid, That all and singular the lands, tenements, hereditaments, and premises, mentioned and enumerated in the schedule to this act annexed and marked *B.*, which said lands, tenements, and hereditaments, have been heretofore purchased, accepted, or taken, by the said William Warren Baldwin or others, the agents of the said Laurent Quetton Saint George, in consideration, satisfaction, or compromise of such debts, and not again sold or disposed of, shall be, and the same are hereby declared to be, held by the said William Warren Baldwin, in trust to hold, sell, exchange, dispose of absolutely, and convey the same from time to time, and together, or in parcels, and for such price and prices as the said William Warren Baldwin, his heirs, executors, or administrators, may think fit, and to receive and take the proceeds of such sale or sales, to and for the uses, intents, and purposes, expressed in the will of the said Laurent Quetton Saint George.

W. W. Baldwin to be responsible for monies received by him under the authority of this act

IV. And be it further enacted by the authority aforesaid, That the said William Warren Baldwin, his heirs, executors, and administrators, and not the purchaser or purchasers from or under him or them, under and by virtue of this act, shall remain answerable to the said Adele de Barbeyrac, the said tutrix, and to the said Henry Charles Joseph Quetton de Saint George, for the monies and proceeds of the estates, to be sold under and by virtue of this act, according to the true intent and meaning of the said will of the said Laurent Quetton Saint George, he, the said William Warren Baldwin, and his heirs, executors, and administrators, being in no wise answerable or accountable for the application, misapplication, or nonapplication of such monies or proceeds, or of any part thereof, by the said tutrix, or any other tutrix, or tutor, or guardian, whatsoever: Provided, nevertheless, That it shall and may be lawful for the said William Warren Baldwin, his heirs, executors, and administrators, to keep and retain to his and their own use and uses, out of such monies and proceeds, all reasonable compensation and disbursements for the services, costs, and charges, done, or to be done, performed, expended, and paid by him, them, or any of them, in the business and execution of the several trusts in this act expressed or referred to, and by the said trusts in any wise required, or necessary, or advisable to be done; and, Provided also, That the said William Warren Baldwin, his heirs, executors, and administrators, trustee or trustees, under this act, shall be answerable and accountable to the said Adele de Barbeyrac de Saint Maurice, the tutrix aforesaid, and to any tutrix or tutor regularly appointed in her place and stead under and according to the laws of France, and to the said Henry Charles Joseph Quetton de Saint George, his heirs, executors, or administrators, in an action of account, as her, his, or their bailiff, for all monies received by him, them, or any of them, under the authority of this act; and, Provided also, That his Majesty's court of king's bench in this province shall and may, from time to time, have and hold equitable jurisdiction in and over the trusts hereby created, and shall have full power to make all such orders and decrees touching the same, or any thing therewith connected, as any court of equity might or could do in the like case.

His Majesty's court of king's bench invested with equitable jurisdiction over the trusts hereby created.

V. And whereas the said Laurent Quetton Saint George in his life time did convey by deed, unto the said William Warren Baldwin, his heirs and assigns for ever, those certain lots and parcels of land namely, lots number thirty-two, thirty-four, and thirty-five, in the fourth concession of the township of Whitby, in the Home district of this province, to have and to hold the same to the use of the said William Warren Baldwin, his heirs and assigns forever; and whereas the said William Warren Baldwin, as trustee, under and by virtue of this act, cannot further assure the same unto himself, and it is desirable that he, the said William Warren Baldwin, should be further assured therein; be it further enacted by the authority aforesaid, That the said certain lots and parcels of land, namely, lots number thirty-two, thirty-four, and thirty-five, in the said fourth concession of Whitby aforesaid, be held and taken to be vested, and are hereby vested, in the said William Warren Baldwin, his heirs and assigns, forever, in as full and ample a manner as the same would or might have been vested in the said Laurent Quetton Saint George, had he been a natural born subject of his Majesty in this province.

Four hundred acres of land in Whitby, vested in W. W. Baldwin to his own use.

W. W. Baldwin rendered liable to the creditors of the estate of St. George, under certain circumstances.

VI. And be it further enacted by the authority aforesaid, That if the assets in the hands of the said William Warren Baldwin, as executor of the said last will and testament of the said Laurent Quetton Saint George, shall be found insufficient to satisfy any writ or writs of execution issued, or any judgment or judgments obtained, or which shall or may be obtained against the said William Warren Baldwin, as such executor, in any of his Majesty's courts in this province, out of which a writ of execution against lands and tenements may lawfully issue, then, and in such case, the said William Warren Baldwin shall be personally liable to the amount of the lands and tenements in his hands, as such trustee as aforesaid, at the time of the commencement of the suit or suits, and which shall be sold, conveyed, or disposed of, by the said William Warren Baldwin, pending such suit or suits, on which such judgment or judgments are or shall be obtained as aforesaid, and such part of the said lands and tenements in his hands, as such trustee as aforesaid, at the time of such judgment or judgments, shall be liable to the said judgment or judgments, and may be seized and taken in execution, and sold to satisfy such judgment or judgments by the like process, and in the same manner, as if the same judgment or judgments were against the said William Warren Baldwin, in his own right, and the said lands and tenements his own private property, saving always, and reserving to all and every other person or persons whatsoever, bodies politic or corporate, their heirs and successors, (other than the King's most excellent Majesty, his heirs and successors,) the said Henry Charles Joseph Quetton de Saint George, the said Adele de Barbeyrac de Saint Maurice, and the said William Warren Baldwin, their and every of their heirs, executors, and administrators, all his, her, or their right, title and interest, claim and demand, whatsoever, of, in, or to the said premises, or any of them, every or any part or parcel thereof, any thing herein contained to the contrary thereof, in any wise notwithstanding.

Rights of the crown and individuals, saved.

SCHEDULE *A*.

Schedule A.

Number of Lots and Parcels.		Concession.	Township.	Acres.	R.	P.
No. 59 and ¼ of 58, as described in the King's patent to Quetton Saint George,	in	1	Vaughan,	262	"	"
North half of 59, east side of Yonge street,	in	1	Markham,	95	"	"
No. 6,	in	4	Mersea,	200	"	"
2,	in	4	Mersea,	200	"	"
6 and 7,	in	4	Barton,	200	"	"
8, 9, 12, and 13,	in	8	Saltfleet,	400	"	"
31 and 32, Broken lots 34, 35, 36, 37, and 38,	in	12	Pittsburgh,	940	"	"
6 and 7,	in	4	Reach,	400	"	"
1,	in	6	Reach,	200	"	"
23 and 25,	in	1	Gainsborough,	400	"	"
35,	in	3	Whitby,	200	"	"
9 and 10,	in	6	Uxbridge,	400	"	"
East half 10,	in	4	Uxbridge,	100	"	"
1, and south half 6,	in	5	Walsingham,	300	"	"
16, 17, and 18,	in	2	Uxbridge,	600	"	"
12 and 13,	in	7	East Gwillimbury,	400	"	"
49, on Yonge street,	in	1	Markham,	190	"	"
14,	in	7	East Gwillimbury,	200	"	"
19,	in	8	East Gwillimbury,	200	"	"
West halves of 6, 7, 8, and 9, from the bay,	in	3	York,	400	"	"
Town plot in village of Dundas, as described in the deed of sale thereof, dated 31st July, 1810, made by William Hare and wife to Quetton Saint George, being part of No. 16,		1	Flamborough West,	6	"	26
No. 8,	in	4	Whitchurch,	200	"	"
29,	in	6	Whitchurch,	200	"	"
22,	in	5	Scott,	200	"	"
25 and 26,	in	1	Uxbridge,	400	"	"
19,	in	1	Whitby,	200	"	"
25 and 31,	in	6	Whitchurch,	400	"	"
11, 12, 13,	in	7	Saltfleet,	300	"	"
6, 19, 20, and 21,	in	8	Saltfleet,	400	"	"
29,	in	5	Beverly,	200	"	"
60, on Yonge street,	in	1	Markham,	190	"	"

Number of Lots and Parcels.	Concession.	Township.	Acres.	R.	P.
No. 61, on Yonge street, the south half thereof, in	1	Whitchurch,	95	"	"
West half of 14, in	3	Markham,	100	"	"
No. 18 and 19, west of Yonge street, in	2	York,	400	"	"
1, north side of Dutchess street, in		Town of York,	1	"	"
1, south side of Lot street, in		Town of York,	1	"	"
Town plot in village of Dundas, as described by the deed thereof, bearing date the first day of August, 1812, and made by William Hare and wife to Quetton Saint George, being part of 16, in	1	Flamborough West,	1	"	8
Part of lot number 32, as the same is described in a certain mortgage, dated 14th day of July, 1812, made by Henry Widdifield to Quetton Saint George, in	3	Whitchurch,	178	"	"
Part of lot number 7, and the whole of lot number 8, on the Humber, as described in a certain mortgage, dated 10th day of July, 1815, made by John Scarlet to Quetton Saint George, in	3	York,	310	"	"
Part of lot number 1, as described in a certain mortgage, dated 3d day of January, 1818, made by William Bird to Quetton Saint George, in	6	Woodhouse,	6	"	"
Part of lot number 13, in Woodhouse gore, being lot number 7, west side of Nichol street, in the village of Theresaville, as described in a certain mortgage, dated 30th day of January, 1821, made by William Bird to Quetton Saint George, containing sixty-four square rods, in		Gore of Woodhouse.			
Broken lot 46, on the river Thames, and the northerly part of No. 46, in the 1st concession of Westminster, as described in a certain mortgage, dated 30th January, 1821, made by William Bird to Quetton Saint George, in	1	Westminster,	200	"	"

SCHEDULE *B.*

Schedule B.

Number of Lots and Parcels.	Concession.	Township.	Acres.	R.	P.
West half of 30, in	5	Beverly,	100	"	"
Rear or southeast half of 15, south on Talbot road east, in		Southwold,	100	"	"
Town plot in village of Dundas, being part of number 15, in the first concession, and described as town lots Nos. 9, 10, 11, in the deed thereof, dated the 13th day of August, 1819, and made by William Hare to John Baldwin, in	1	West Flamborough,	3	"	"
Nos. 5, 6, 7, 8, and 10, northern division,	2	Dorchester,	1000	"	"
22, broken front concession B, in		Haldimand, Newcastle,	100	"	"
2, 4, 6, in	6	Aldborough,	600	"	"
24, in	9	North Crosby,	200	"	"
16, in	6	North Crosby,	200	"	"
41, and east half of 42, bay side, in	1	Marysburgh,	150	"	"
25 and 26, in	6	Markham,	400	"	"
26, in	3	Scott,	200	"	"
21, in	6	Scott,	200	"	"
13, in	7	Pittsburgh,	200	"	"
16, town lot east side of Pinnacle street, in the town of Belleville, in		Midland district,	"	2	"
336, town lot, new survey, in		Kingston,	1-5	"	"

NUMBER OF LOTS AND PARCELS.	CONCESSION.	TOWNSHIP.	ACRES.	R.	P.
Water lot number 3, inner bay, in		Kingston,	1-5	"	"
18, in	3	Pittsburgh,	200	"	"
North half of lot number 22, in	1	Percy,	100	"	"
Northwest corner of east half of lot number 19, as described in the deed thereof, from Hugh Christopher Thomson and George Hill Deltor, to John Spread Baldwin, dated 17th January, 1822, in	3	Adolphustown,	1	"	"
The front or northerly three quarters of numbers 11 and 12, as the same are described in the deed thereof, made by Thomas Smith to William Warren Baldwin, dated 12th March, 1823, in	6	Aldborough,	300	"	"
No. 18, in	10	Caradoc,	200	"	"
The northwest half of lot number 3, in	3	Aldborough,	100	"	"
East halves of 29 and 30, in	1	Mono,	200	"	"
That part of number 25, west of Hurontario street, mentioned in certain letters patent to be granted to Allan Robinet, in	2	Mono,	160	"	"
That part of number 7, east of Hurontario street, mentioned in certain letters patent, to be granted to Allan Robinet, in	2	Mulmur,	172	"	"
No. 18, in	1	Amaranth,	200	"	"
27, in	3	Amaranth,	200	"	"
West half of 23, in	3	Amaranth,	100	"	"
11 and 13, in	6	Pittsburgh,	400	"	"
10, in	13	Pittsburgh,	200	"	"
15, in	9	Pittsburgh,	200	"	"
18, and the westerly half of 17, in	11	Rawdon,	300	"	"
21, in	8	Richmond,	200	"	"
19, in	10	Manvers,	200	"	"
24 and 33, in	1	Albion,	400	"	"
14 and 18, in	3	Albion,	400	"	"
32, in	5	Albion,	200	"	"
25, in	6	Albion,	200	"	"
26, in	9	Albion,	200	"	"
29, in	1	Caledon,	200	"	"
21, in	6	Caledon,	200	"	"
15, in	3	Medonte,	200	"	"
12, and the west half of 2, in	4	Medonte,	300	"	"
15 and 17, in	5	Medonte,	400	"	"
7 and 16, in	6	Medonte,	400	"	"
20, in	7	Medonte,	200	"	"
18, in	8	Medonte,	200	"	"
7, 8, 9, and 11, in	10	Medonte,	800	"	"
18, in	1	Orillia South,	200	"	"
5, in	2	Orillia South,	200	"	"
10, in	4	Orillia South,	200	"	"
3, in	5	Orillia South,	200	"	"
1 and 3, in	1	Orillia North,	400	"	"
5, in	4	Orillia North,	200	"	"
2 and 5, in	6	Orillia North,	400	"	"
1 and 13, in	8	Orillia North,	400	"	"
14, in	10	Orillia North,	200	"	"
8, 10, and west half of 13, in	12	Orillia North,	500	"	"
11, in	16	Orillia North,	200	"	"
17, in	7	Kingston,	200	"	"
North half of the east half of number 3, in	2	Fredericksburgh, (additional,)	50	"	"
23 and 24, in	12	Rawdon,	400	"	"
North half of 61, east side of Yonge street, in	1	Whitchurch,	95	"	"
No. 22, in	1	Plantagenet,	200	"	"
West half of 24, east of Yonge street, in	1	York,	97	"	"

Number of Lots and Parcels.	Concession.	Township.	R.	P.
The easterly half of number 2, on the north side of Duke street, extending from the southeast angle of said lot, 64 feet in front, on said street, and being the whole depth of said lot, in		Town of York,	1	9 1-10
The westerly part of lot number 1, on the north side of Duke street, extending one hundred and thirty-six feet in front on the said street, reckoned from the southwest angle of the said lot, and the depth of the said lot in a northerly direction, in		Town of York,	1	9 1-10

An Act,

Relative to the right of tythes within this province.

[The royal assent to this bill was promulgated by proclamation, bearing date the 20th day of February, 1823.]

Preamble.

Whereas notwithstanding his Majesty has been graciously pleased to reserve for the support of a protestant clergy in this province, one seventh of all lands granted therein, doubts have been suggested that the tythe of the produce of land might still be legally demanded by the incumbent duly instituted, or rector, of any parish; which doubt it is important to the well doing of this colony to remove; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and by the authority of the same, That no tithes shall be claimed, demanded, or received by any ecclesiastical parson, rector, or vicar, of the protestant church within this province, any law, custom, or usage, to the contrary notwithstanding.

BRITISH STATUTES.

PASSED IN THE FIFTY-SECOND YEAR OF GEORGE III.

CHAPTER LV.

An act to prevent foreign goods of certain descriptions being brought from the United States of America into Canada; and to allow a greater quantity of worsted yarn to be exported from Great Britain to Canada.

[Repealed by 6th Geo. IV, Ch. 105.]

PASSED IN THE THIRD YEAR OF GEORGE IV.

CHAPTER XLIV.

An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies.

[Repealed by 6th Geo. IV, Ch. 105.]

PASSED IN THE THIRD YEAR OF GEORGE IV.

CHAPTER XLV.

An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other parts of the world.

[Repealed by 6th Geo. IV, Ch. 105.]

PASSED IN THE THIRD YEAR OF GEORGE IV.

CHAPTER CXIX.

An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces.

[Passed August 5, 1822.]

(So much of this act as relates to the trade between Upper and Lower Canada with the United States, repealed by 6th Geo. IV, c 105.)

Whereas it is expedient to make further regulation respecting the trade of the provinces of Upper and Lower Canada, in North America; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, it shall be lawful to import by land or inland navigation, in any British or American vessel or vessels, boat or boats, carriage or carriages, the goods, wares, and commodities, the growth, produce, or manufacture of the United States of America, enumerated in the schedule or table annexed to this act marked *A*, from any port or place in the United States of America, into any port or place of entry at which a custom house now is or hereafter may be lawfully established, in either of the provinces of Upper and Lower Canada: Provided always, nevertheless, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of either of the said provinces respectively, by and with the advice and consent of the executive council thereof, for the time being, from time to time to diminish or increase by proclamation, the number of ports or places which are or hereafter may be appointed in such province for the entry of goods, wares, and commodities, imported from the United States of America.

Goods of the produce of the United States enumerated in schedule *A.* may be imported into either of the provinces of Upper and Lower Canada.

Power to the governor to diminish or increase the ports of entry.

Duties to be paid on the goods enumerated in schedule *B*.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, for and upon such of the goods, wares, and commodities which shall be so imported, as are enumerated in the schedule or table annexed to this act marked *B*, the several duties of customs as the same are respectively inserted or described and set forth in figures in the said schedule.

Where any article is liable to a colonial duty equal to the one imposed, such article shall not be charged with the duty.

If duty be less, the difference only shall be paid.

III. Provided always, and be it further enacted by the authority aforesaid, That if upon the importation of any article charged with duty by this act, the said article shall also be liable to the payment of duty under the authority of any colonial law, equal to or exceeding in amount the duty charged by this act, then and in such case the duty charged upon such article by this act shall not be demanded or paid upon the importation of such article: Provided also, That if the duty payable under such colonial law shall be less in amount than the duty payable by this act, then and in such case the difference only between the amount of the duty payable by this act, and the duty payable under the authority of such colonial laws, shall be deemed to be the duty payable by this act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like uses, as the duties specified in the said schedule annexed to this act, marked *B*, are directed to be collected, paid, appropriated, and applied.

Tonnage duties for American vessels to be the same as United States impose on British vessels.

IV. And be it further enacted by the authority aforesaid, That the same tonnage duties shall be paid upon all American vessels or boats, importing any goods into either of the said provinces, as are or may be for the time being payable in the United States of America, on British vessels or boats entering the harbors of the state from whence such goods shall have been imported.

Value of goods to be ascertained in the mode prescribed by 3d Geo. IV, c 44.

V. And be it further enacted by the authority aforesaid, That in all cases in which the duties imposed by this act upon the importation of articles into the said provinces, or either of them, are charged, not according to the weight, gauge, or measure, but according to the value thereof, such value shall be ascertained in the mode prescribed by an act passed in this present session of parliament, entitled, "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies."

If payment of duties be refused, collector may secure the goods, and sell the same within twenty days.

VI. And be it further enacted by the authority aforesaid, That if the importer or proprietor of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the collector or other chief officer of the customs, where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days, at the most, after such refusal made, and at such time and place as such officer shall, by four or more days' public notice, appoint for that purpose; which articles shall be sold to the highest bidder; and the money arising from the sale thereof shall be applied to the payment of the said duties, together with the charges which shall have been occasioned by the said sale, and the overplus (if any) shall be paid to such importer, proprietor, or any other person authorized to receive the same.

After payment of duty, overplus to be paid to the importer.

28th Geo. III, c 39.

VII. And whereas a certain act made and passed in the twenty-eighth year of the reign of his late Majesty, King George the Third, entitled, "An act to allow the importation of rum and other spirits from his Majesty's colonies or plantations in the West Indies into the province of Quebec, without payment of duty, under certain conditions and restrictions," has been repealed during the present session of parliament; and whereas doubts may be entertained whether a certain other act passed in the forty-ninth year of his said late Majesty's reign, entitled, "An act to allow the importation of rum and other spirits from the island of Bermudă into the province of Lower Canada, without payment of duty, on the same terms and conditions as such importation may be made directly from his Majesty's sugar colonies in the West Indies," might not still remain in force, notwithstanding the repeal of the said first mentioned act; be it therefore enacted and declared by the authority aforesaid, That the said last mentioned act shall be, and the same is, hereby repealed.

49th Geo. III, c 16, allowing the importation of rum, repealed.

Additional duty of 6d. per gallon on West India rum imported into Lower Canada from this kingdom, &c.

VIII. And whereas it is expedient to afford protection to the trade between the said colonies and plantations and the province of Lower Canada, by imposing the same duty upon rum or other spirits, the produce or manufacture of the said colonies, imported from Great Britain into the said province, as is now payable upon the same articles when imported from his Majesty's said colonies or plantations in the West Indies; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, for and upon every gallon of rum or other spirits, the produce or manufacture of any of his Majesty's islands, colonies, or plantations in the West Indies, which shall be imported or brought into any part of the province of Lower Canada, from Great Britain or Ireland, or any of the British dominions in Europe, the sum of six pence, over and above all other duties now or hereafter to be made payable thereon in the said province.

Value of duties, and application of the money arising thereby.

IX. And be it further enacted by the authority aforesaid, That the rates and duties chargeable by this act shall be deemed, and are hereby declared to be, sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in Great Britain; and that such sums may be received and taken according to the proportion and value of five shillings and six pence to the ounce in silver; and that the said duties hereinbefore granted shall be received, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as any other duties payable to his Majesty upon goods imported into the said provinces of Upper and Lower Canada, or into either of them respectively, are or shall be raised, levied, collected, paid, and recovered, by any act or acts of parliament, as fully and effectually to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repealed and again enacted in the body of this act; and that all the monies which shall arise by the said duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same,) shall be paid by the collector of his Majesty's customs into the hands of his Majesty's receiver general in the said provinces, respectively, for the time being, and shall be applied to and for the use of the provinces of Upper and Lower Canada respectively, in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the legislative council and assembly of each of the said provinces respectively.

Goods, the produce of his Majesty's dominions may be exported to any port in the United States; but no arms or naval stores to be exported without a license.

X. And be it further enacted by the authority aforesaid, That it shall be lawful to export in any British or American vessel or vessels, boat or boats, carriage or carriages, from any of the ports or places of entry now or hereafter to be established in the said provinces, to any port or place in the United States of America, any article of the growth, produce, or manufacture of any of his Majesty's dominions, or any other article legally imported into the said provinces: Provided always, That nothing herein contained shall be construed to permit or allow the exportation of any arms or naval stores, unless a license shall have been obtained for that purpose from his Majesty's secretary of state; and in case any such articles shall be shipped or water borne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

Not to affect inland navigation of the provinces.

7th and 8th Wil. III, c 22.

XI. And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to interfere with or repeal, as respects the inland navigation of the said provinces, any of the provisions contained in a certain act passed in the seventh and eighth years of the reign of King William, entitled, "An act for preventing frauds, and regulating abuses in the plantation trade," except in so far as the same are altered or repealed by this act.

Recovery and application of penalties.

XII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures incurred in either of the said provinces under this act, (except where it is otherwise provided,) shall and may be sued for and prosecuted in any court having competent jurisdiction within such province respectively; and the same shall and may be recovered, divided, and accounted for in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the laws relating to the customs and trade of the said provinces respectively, shall or may by any act or acts of the legislatures of such provinces be directed to be sued for, prosecuted, recovered, divided, and accounted for, within the same respectively.

Drawback on the exportation of rum and spirits from Newfoundland, &c. to Canada.

XIII. And whereas it is expedient to encourage the trade between Canada and his Majesty's colonies of Newfoundland, Nova Scotia, New Brunswick, and Prince Edward's island, by enabling the merchants and traders of Newfoundland to export from thence into Canada, rum and other spirits, the produce of the British West India islands, or any of his Majesty's colonies on the continent of South America, free of any duty which may have been imposed upon its importation from any of the places last aforesaid, and for which purpose to allow, upon the export of such rum or other spirits, a drawback of the full duties paid upon the importation thereof; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, there shall be paid and allowed, upon the exportation from any or either of the said colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's island, into Canada, of rum or other spirits, being the produce of the British West India islands, or any of his Majesty's colonies on the continent of South America, a drawback of the full duties of customs which may have been paid upon the importation thereof from any of the places last aforesaid, into any or either of the said colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's island, upon a certificate being produced, under the hands and seals of the collector and comptroller of his Majesty's customs at Quebec, certifying that the said rum or other spirits have been duly landed in Canada.

Conditions on which the drawback shall be paid.

XIV. And be it further enacted by the authority aforesaid, That no entry shall pass, nor any drawback be paid or allowed, upon the exportation of rum or other spirits from any or either of the said colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's island, into Canada, unless such entry be made in the name of the real owner or owners, proprietor or proprietors of the said goods; and that before such owner or owners, proprietor or proprietors, shall receive the said drawback, so allowed as aforesaid, one or more of them shall verify upon oath, upon the debenture to be made out for the payment of such drawback, that he or they is or are the real owner or owners of the said goods; nor unless proof on oath shall be made to the satisfaction of the collector and comptroller of his Majesty's customs, at the port from whence the said goods shall be so imported into Canada, that the full duties due upon the importation of the said goods at the said port had been paid and discharged: Provided always, That in case where the owners of the said goods are resident in any other part of the British dominions, it shall be lawful for their known and established agents in the colonies from whence the said goods shall be so imported into Canada, to take the necessary oaths on behalf of the said owners.

Drawback how payable.

XV. And be it further enacted by the authority aforesaid, That the said drawback shall be paid by the collector of his Majesty's customs at the port from whence the said goods shall be so imported into Canada, with the consent of the comptroller there, out of any monies in his hands arising from the duties of customs.

Rum to be exported from Newfoundland within one year after first importation.

XVI. And be it further enacted by the authority aforesaid, That no drawback shall be paid and allowed as aforesaid, unless the said rum or other spirits shall be duly entered for exportation with the proper officers of the customs, and actually shipped on board the ship or vessel in which the said goods are intended to be exported, within the space of one year from the time such rum or other spirits were originally imported into the colony from whence it is intended to export them to Canada, nor unless such drawback shall be claimed within one year after the goods are so shipped for exportation.

Regulations as to settling the proportions of duties and drawbacks between the provinces by arbitrators.

XVII. And whereas, since the division of the province of Quebec into the provinces of Lower and Upper Canada, divers regulations have from time to time been made, by agreements concluded under the authority of acts passed by the legislatures of the said two provinces respectively, concerning the imposing of duties upon articles imported into the province of Lower Canada, and the payment of drawbacks of such duties to the province of Upper Canada, on account of the proportion of goods so imported into Lower Canada, and passing from thence into the said province of Upper Canada, and consumed therein, the last of which agreements expired on the first day of July, one thousand eight hundred and nineteen; and whereas it appears by the report of the commissioners last appointed for the purposes aforesaid, that the province of Upper Canada claims certain arrearages from the province of Lower Canada, on account of such drawbacks, which claims are not admitted on the part of Lower Canada; and it further appears by the report of the said commissioners, appointed on behalf of both provinces for the purposes aforesaid, that they have failed to establish any regulation for the period beyond the first day of July, one thousand eight hundred and nineteen, by reason that they could not agree upon the proportion of duties to be paid to Upper Canada by way of drawbacks; for remedy of the inconvenience occasioned by the suspension of the said agreement, and for the satisfactory investigation and adjustment of the said claims, be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of each of the said provinces of Upper and Lower Canada, so soon as conveniently may be after the passing of this act, to appoint, by commission under the great seal of his respective province, one arbitrator; and that the said arbitrators so appointed shall have power, by an instrument under their hands and seals, to appoint a third arbitrator; and in case of their not agreeing in such appointment, within one month from the date of the appointment of the arbitrators so directed to be made on the part of the respective provinces, or the last thereof, if the said appointments shall not be made on the same day, his Majesty, his heirs or successors, shall have power, by an instrument under his sign manual, to appoint such third arbitrator, who (if appointed in manner last mentioned) shall not be an inhabitant of either of the said provinces; and that the three arbitrators, so appointed as aforesaid, shall have power to hear and determine all claims of the province of Upper Canada upon the province of Lower Canada, on account of drawbacks or proportion of duties under agreements made and ratified by the authority of the legislatures of the said two provinces, according to the fair understanding and construction of the said agreements; and also to hear any claim which may be advanced on the part of the province of Upper Canada to a proportion of duties heretofore levied in Lower Canada, under British acts of parliament, the division of which duties shall not have been embraced within the terms of any provisional agreement, and to report the particulars of any such claim, with the evidence thereupon, to the lords commissioners of his Majesty's treasury for the time being; and if it shall appear to the commissioners of his Majesty's

treasury, that any sum is justly due from the province of Lower Canada to the province of Upper Canada, on account of such last mentioned claim, they shall signify the same, together with the amount, to the governor, or person administering the government of the province of Lower Canada, for the time being, who shall thereupon issue his warrant upon the receiver general of Lower Canada, to pay such amount to the receiver general of Upper Canada, in full discharge of any such duties.

Power of arbitrators to send for persons and records.

XVIII. And be it further enacted by the authority aforesaid, That the said arbitrators shall have power to send for and examine such persons, papers, and records, as they shall judge necessary for their information in the matters referred to them; and that if any person or persons shall refuse or neglect to attend said arbitrators, or to produce before them any papers or documents, having been duly served in either province with reasonable notice in writing for that purpose, he, she, or they shall forfeit and pay the sum of fifty pounds, to be recovered by bill, plaint, or information, in any court having competent jurisdiction within the province in which such person usually resides, to be applied towards the support of the civil government of the said province, and to be accounted for to his Majesty, through the lords commissioners of his Majesty's treasury for the time being, in such manner and form as it shall please his Majesty to direct.

Penalty on persons refusing, £50.

Witnesses to be sworn.

XIX. And be it further enacted by the authority aforesaid, That the witnesses to be produced before the said arbitrators, if it is desired by either of the said arbitrators, shall and may be sworn before any of his Majesty's justices of the peace within either of the said provinces, or before any one of the said arbitrators, who are hereby empowered jointly and severally to administer such oath; and that if any person shall in any such oath, so taken as aforesaid, wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury.

Penalty for false swearing.

Appointing arbitrators on vacancies.

XX. And be it further enacted by the authority aforesaid, That in case of the death, removal, or incapacity, of either of the said arbitrators, before making an award, or in case the third arbitrator chosen or appointed as aforesaid, shall refuse to act, another shall be appointed in his stead, in the same manner as such arbitrator so dead, removed, or become incapable, or refusing to act, as aforesaid, was originally appointed; and that in case a third arbitrator shall be appointed by his Majesty, as hereinbefore mentioned, it shall and may be lawful for the governor in chief in and over the said provinces, to determine the amount of remuneration to be paid to such arbitrator, which amount shall be defrayed in equal proportions by each province, and shall be paid by warrants, to be issued for that purpose by the governor, lieutenant governor, or person administering the government of each province, upon the receiver general thereof respectively.

Award of arbitrators to be final.

XXI. And be it further enacted by the authority aforesaid, That the award of the majority of the arbitrators, so far as the same shall be authorized by this act, shall be final and conclusive as to all matters therein contained; and that if either of the arbitrators nominated by the governor, lieutenant governor, or person administering the government of either of the said provinces, shall refuse or neglect to attend, on due notice being given, the two remaining arbitrators may proceed to hear and determine the matters referred to them, in the same manner as if he were present.

Award to be certified to the treasury and the governor, &c. of the provinces.

XXII. And be it further enacted by the authority aforesaid, That the said arbitrators, or a majority of them, as hereinbefore mentioned, shall certify the award to be made by them in the premises, under their hands and seals, to the commissioners of his Majesty's treasury of the united kingdom of Great Britain and Ireland, and to the governor, lieutenant governor, or person administering the government of each of the said provinces; and that if any sum be directed by the said award to be paid to the province of Upper Canada by the province of Lower Canada, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of the said province of Lower Canada, and he is hereby required to issue his warrant upon the receiver general of the province of Lower Canada, in favor of the receiver general of the province of Upper Canada, for the sum so awarded; which sum shall be accordingly paid by the receiver general of Lower Canada, in discharge of such warrant, and shall be accounted for by him to the lords commissioners of his Majesty's treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Payment of sum awarded.

Power to arbitrators to determine claims advanced by Lower Canada on Upper Canada.

XXIII. And be it further enacted by the authority aforesaid, That the arbitrators to be appointed under this act shall have power to hear and determine any claim which may be advanced on the part of the province of Lower Canada, upon the province of Upper Canada, being of the same description as those which by this act may be preferred to the same arbitrators on the part of Upper Canada; and that their award thereupon shall be final and conclusive, and shall be carried into effect, if the same be made in favor of the province of Lower Canada, in the same manner as is herein directed with respect to any award which may be made in favor of the province of Upper Canada.

Proportion of duties arising in Lower Canada shall be one fifth to Upper Canada

XXIV. And be it further enacted by the authority aforesaid, That of all duties which have been levied in the province of Lower Canada since the first day of July, one thousand eight hundred and nineteen, under any act passed in the said province, upon any goods, wares, merchandize, or commodities imported by sea into the province of Lower Canada, and also of all duties which, after the passing of this act, and before the first day of July, one thousand eight hundred and twenty-four, shall be levied in the province of Lower Canada, under any act passed in the said province, upon any goods, wares, merchandize, or commodities, imported by sea into the said province of Lower Canada, the province of Upper Canada shall be entitled to have and receive one fifth part, as the proportion of duties arising and due to the said province of Upper Canada, upon such importations; and that the governor, lieutenant governor, or person administering the government of the province of Lower Canada, shall and may issue his warrant forthwith upon the receiver general of Lower Canada, in favor of the receiver general of the province of Upper Canada, for such proportion of the duties as shall have been received in the province of Lower Canada before the passing of this act, and shall and may, on the first day of January and the first day of July, in each and every year thereafter, issue his warrant upon the receiver general of Lower Canada in like manner, for the payment to the receiver general of Upper Canada, of such sum as may be then ascertained to be due on account of the said proportion, according to the provisions of this act.

After July 1, 1824, divisions of duties shall be awarded by arbitrators as hereinbefore mentioned.

Award to be made every four years.

XXV. And be it further enacted by the authority aforesaid, That immediately after the said first day of July, one thousand eight hundred and twenty-four, the proportion to be paid to Upper Canada for the four years next succeeding, of duties levied in the province of Lower Canada, under the authority of any act or acts passed or to be passed therein upon goods, wares, and commodities, imported therein by sea, shall and may be ascertained by the award of arbitrators, to be appointed in the same manner and with the same powers as hereinbefore provided with respect to the arbitrators to whom the question of arrears is to be referred, and that arbitrators shall in like manner be appointed, and an award made once after every four years thereafter, for the purpose of establishing such proportion from time to time; and all and every the provisions contained in this act, respecting the appointment, powers, and remuneration of the arbitrators to be first appointed after the passing thereof, and regarding the execution of their duty, shall apply and extend to the arbitrators to be appointed for the purposes last herein mentioned.

Proportion hereby established to be paid, until a new one is made.

XXVI. And be it further enacted by the authority aforesaid, That after the said first day of July, one thousand eight hundred and twenty-four, and until a new proportion of duties, to be paid to Upper Canada, shall be established, as hereinbefore provided, and also at all times hereafter, in default of any such proportion being appointed, the proportion of duties last assigned to be paid to Upper Canada, under the authority of this act, shall continue to be paid by the province of Lower Canada, and warrants shall issue for the payment of the same, in the same manner as for the period before the same first day of July, one thousand eight hundred and twenty-four: Provided always, That it shall be in the power of the arbitrators, nevertheless, by their subsequent award, to alter such proportion from the period for which it was last established, if it shall appear to them just so to do.

Proportion of duties how to be allotted between the two provinces.

14th Geo. III, c 88.

XXVII. And whereas by a certain act of the parliament of Great Britain, passed in the fourteenth year of his late Majesty's reign, entitled, "An act to establish a fund towards farther defraying the charges of the administration of justice and support of the civil government within the province of Quebec, in America," certain duties were imposed upon goods and commodities imported into the said province, which duties are by the said act directed to be applied, under the authority of the lord high treasurer, or commissioners of his Majesty's treasury, in making a more certain and adequate provision towards defraying the expense of the administration of justice, and the support of the civil government, in the said province of Quebec; and since the division of the said province of Quebec into the provinces of Upper and Lower Canada, it has been contended, on behalf of the said provinces, that the proceeds of such duties should be distributed between the said two provinces in proportion to the amount of expenses defrayed by each respectively towards the administration of justice and the support of its civil government, and not in proportion to the estimated consumption within either province of the articles upon which such duties shall have been paid; be it therefore enacted by the authority aforesaid, That it shall be lawful for the arbitrators to be appointed, from time to time, for the purpose of establishing the proportion which shall be paid to Upper Canada of such duties as now are, or hereafter may be imposed, by acts passed in the province of Lower Canada, to receive the claims in behalf of each province with respect to its proportion of duties levied under the said act passed in the fourteenth year of his said late Majesty's reign, since the expiration of the last provisional agreement heretofore ratified between the said two provinces, or which may hereafter be levied under the authority of the said

act, upon goods and commodities imported into Lower Canada, and to report the same, with the evidence thereon, to the lords commissioners of his Majesty's treasury, for the united kingdom of Great Britain and Ireland, for the time being, in order that they may make such order respecting the proportion in which the same shall be expended within each of the said provinces respectively, for the purposes mentioned in the said act, as to them shall seem meet: Provided always, nevertheless, That until such order shall be made by the lords commissioners of his Majesty's treasury as aforesaid, the proceeds of such duties shall be distributed in the same proportion between the said two provinces, as the duties levied under the provincial acts of the province of Lower Canada within the same period, subject nevertheless to be increased or diminished, as respects either of the said provinces, by any subsequent order of the said lords commissioners, extending to the period for which no such order had before been made.

Duties imposed by Lower Canada to remain in force till repealed or altered by a legislative act of that province.

XXVIII. And whereas the division of the province of Quebec, into the two provinces of Upper and Lower Canada, was intended for the common benefit of his Majesty's subjects residing within both of the newly constituted provinces, and not in any manner to obstruct the intercourse or prejudice the trade to be carried on by the inhabitants of any part of the said late province of Quebec with Great Britain, or with other countries; and it has accordingly been made a subject of mutual stipulation between the said two provinces, in the several agreements which have heretofore subsisted, that the province of Upper Canada should not impose any duties upon articles imported from Lower Canada, but would permit and allow the province of Lower Canada to impose such duties as they might think fit, upon articles imported into the said province of Lower Canada; of which duties a certain proportion was by the said agreements appointed to be paid to the province of Upper Canada; and whereas, in consequence of the inconveniences arising from the cessation of such agreements as above recited, it has been found expedient to remedy the evils now experienced in the province of Upper Canada, and to guard against such as might in future arise from the exercise of an exclusive control, by the legislature of Lower Canada, over the imports and exports into and out of the port of Quebec; and it is further expedient, in order to enable the said province of Upper Canada to meet the necessary charges upon its ordinary revenue, and to provide with sufficient certainty for the support of its civil government, to establish such control as may prevent the evils which have arisen or may arise from the legislature of Lower Canada suffering to expire unexpectedly, or repealing suddenly, and without affording to Upper Canada an opportunity of remonstrance, existing duties, upon which the principal part of its revenue, and the necessary maintenance of its government, may depend; be it therefore enacted by the authority aforesaid, That all and every the duties which, at the time of the expiration of the last agreement between the said provinces of Upper and Lower Canada, were payable under any act or acts of the province of Lower Canada, on the importation of any goods, wares, or commodities, into the said province of Lower Canada, (except such as may have been imposed for the regulation of the trade by land or inland navigation, between the said province and the United States of America,) shall be payable and shall be levied according to the provisions contained in any such acts, until any act or acts for repealing or altering the said duties, or any part thereof respectively, shall be passed by the legislative council and assembly of the said province of Lower Canada, and until such act or acts, repealing or altering such duties, shall, after a copy thereof has been transmitted to the governor, lieutenant governor, or person administering the government of the province of Upper Canada, be laid before both houses of the imperial parliament, according to the forms and provisions contained in a certain act of the parliament of Great Britain, passed in the thirty-first year of the reign of his said late Majesty, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" and the royal assent thereto proclaimed within the province of Lower Canada, according to the provisions of the said last mentioned act.

No act of legislature imposing duties, whereby the province of Upper Canada may be affected, to be valid, until laid before parliament.

XXIX. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no act of the legislature of the province of Lower Canada, whereby any additional or other duties shall or may be imposed on articles imported by sea into the said province of Lower Canada, and whereby the province of Upper Canada shall or may in any respect be directly or indirectly affected, shall have the force of law until the same shall have been laid before the imperial parliament, as provided in certain cases by the said act passed in the thirty-first year of his said late Majesty's reign, and the royal assent thereto published by proclamation in the said province of Lower Canada, a copy of such act having, within one month from the time of presenting the same for the royal assent in the said province, been transmitted by the governor, lieutenant governor, or person administering the government of the province of Lower Canada, to the governor, lieu-

tenant governor, or person administering the government of the province of Upper Canada: Provided always, nevertheless, That it shall not be necessary to transmit any such act, to be laid before the imperial parliament, if, before the same shall have been presented for the royal assent within the said province of Lower Canada, the legislative council and house of assembly of the said province of Upper Canada shall, by address to the governor, lieutenant governor, or person administering the government of the said province of Upper Canada, pray, that their concurrence in the imposition of the duties intended to be imposed by such act may be signified to the governor, lieutenant governor, or person administering the government of the said province of Lower Canada.

Boats and other craft belonging to his Majesty's subjects may go from Upper Canada into Lower Canada, not laden with foreign productions, without being subject to any duty.

XXX. And whereas it is expedient that the productions of the province of Upper Canada should be permitted to be exported without being made subject by any act of the province of Lower Canada, either directly or indirectly, to duties or impositions, on their arrival in that province, or in passing through the waters thereof; be it enacted by the authority aforesaid, That from and after the passing of this act, all and every the boats, scows, rafts, cribs, and other craft belonging to any of his Majesty's subjects, and coming from the province of Upper Canada into the province of Lower Canada, not laden with the productions of any foreign country, shall be allowed freely to pass into and through the said province, and shall not be subject to any rate, tax, duty, or imposition, other than any charge which may now exist for pilotage, or which may now be established for toll at any lock or other work now actually erected on the navigable waters thereof, any law, statute, or usage of the province of Lower Canada to the contrary notwithstanding; and

How expenses of improving the navigation shall be paid.

(See provincial act of Upper Canada, 4th Geo. IV, c 22.)

that the expense of improving the navigation of the waters of the river Saint Lawrence shall in future be defrayed by such measures and in such proportions as the arbitrators to be appointed under the provisions of this act shall determine, upon the prayer of either province: Provided always, That no such determination shall be carried into effect, until sanctioned and enacted by the legislatures of both of the said provinces.

Lands held in fief and seignory may, on petition of the owners to his Majesty, &c. be changed to the tenure of free and common soccage.

XXXI. And whereas doubts have been entertained whether the tenures of lands within the said provinces of Upper and Lower Canada holden in fief and seignory can legally be changed; and whereas it may materially tend to the improvement of such lands, and to the general advantage of the said provinces, that such tenures may henceforth be changed in manner hereinafter mentioned; be it therefore further enacted and declared by the authority aforesaid, That if any person or persons holding any lands in the said provinces of Upper and Lower Canada, or either of them, in fief and seignory, and having legal power and authority to alienate the same, shall at any time from and after the commencement of this act, surrender the same into the hands of his Majesty, his heirs or successors, and shall by petition to his Majesty, or to the governor, lieutenant governor, or person administering the government of the province, in which the lands so holden shall be situated, set forth that he, she, or they is or are desirous of holding the same in free and common soccage, such governor, lieutenant governor, or person administering the government of such province, as aforesaid, in pursuance of his Majesty's instructions, transmitted through his principal secretary of state for colonial affairs, and by and with the advice and consent of the executive council of such province, shall cause a fresh grant to be made to such person or persons of such lands to be holden in free and common soccage, in like manner as lands are now holden in free and common soccage in that part of Great Britain called England; subject nevertheless to payment to his Majesty, by such grantee or grantees, of such sum or sums of money as and for a commutation for the fines and other dues which would have been payable to his Majesty under the original tenures, and to such condition as to his Majesty, or to the said governor, lieutenant governor, or person administering the government, as aforesaid, shall seem just and reasonable: Provided always, That on any such fresh grant being made as aforesaid, no allotment or appropriation of lands for the support and maintenance of a protestant clergy shall be necessary; but every such fresh grant shall be valid and effectual without any specification of lands for the purpose aforesaid; any law or statute to the contrary thereof in any wise notwithstanding.

His Majesty may commute with persons holding lands at cens et rentes.

XXXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, to commute with any person holding lands at cens et rentes in any censive or fief of his Majesty within either of the said provinces; and such person may obtain a release from his Majesty of all feudal rights arising by reason of such tenure, and receive a grant from his Majesty, his heirs or successors, in free and common soccage, upon payment to his Majesty of such sum of money as his Majesty, his heirs or successors, may deem to be just and reasonable, by reason of the release and grant aforesaid; and all such sums of money as shall be paid upon any commutation made by virtue of this act shall be applied towards the administration of justice and the support of the civil government of the said province.

General issue.

XXXIII. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for any thing done or to be done in pursuance of this

act, such person or persons may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff or plaintiffs, prosecutor or prosecutors, shall become non-suit, or forbear the prosecution, or discontinue his, her, or their action, or if a verdict shall pass against him, her, or them, the defendants shall have treble costs, and shall have the like remedy for the same as in cases where costs are by law given to defendants. Treble costs.

SCHEDULE *A.*

Asses. Barley, Beans, Biscuit, Bread, Beaver, and all sorts of fur, Bowsprits. Calavances, Cocoa, Cattle, Cochineal, Coin and Bullion, Cotton wool. Drugs of all sorts, Diamonds and precious stones. Flax, Fruit and vegetables, Fustick, and all sorts of wood for dyers' use, Flour. Grain of any sort, Garden seeds. Hemp, Heading Boards, Horses, Hogs, Hides, Hay, Hoops, Hardwood, or mill timber. Indigo. Live stock of any sort, Lumber, Logwood. Mahogany, and other wood for cabinet wares, Masts, Mules. Neat Cattle. Oats. Peas, Potatoes, Poultry, Pitch. Rye, Rice. Staves, Skins, Shingles, Sheep. Tar, Tallow, Tobacco, Turpentine, Timber, Tortoise-shell. Wool, Wheat. Yards.

SCHEDULE *B.*

	£	*s.*	*d.*
	Sterling.		
Barrel of wheat flour, not weighing more than 196 lbs. nett weight,	0	5	0
Barrel of biscuit, not weighing more than 196 lbs. nett weight,	0	2	6
For every cwt. of biscuit,	0	1	6
For every 100 lbs. of bread, made from wheat or other grain, imported in bags or packages,	0	2	6
For every barrel of flour, not weighing more than 196 lbs. made from rye, peas, or beans,	0	2	6
For every bushel of peas, beans, rye, or calavances,	0	0	7
Rice, for every 100 lbs. nett weight,	0	2	6
For every 1,000 shingles, called Boston chips, not more than 12 inches in length,	0	7	0
For every 1,000 shingles, being more than 12 inches in length,	0	14	0
For every 1,000 red oak staves,	1	1	0
For every 1,000 white oak staves, or headings,	0	15	0
For every 1,000 feet of white or yellow pine lumber, of one inch thick,	1	1	0
For every 1,000 feet of pitch pine lumber,	1	1	0
Other kinds of wood and lumber, per 1,000 feet,	1	8	0
For every 1,000 wood hoops,	0	5	3
Horses, for every £100, of the value thereof,	10	0	0
Neat cattle, for every £100, of the value thereof,	10	0	0
All other live stock, for every £100, of the value thereof,	10	0	0

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER LXIV.

An act to alter for one year, and until the end of the then next session of parliament, the duty on wheat, the produce of the British possessions in North America.

[TEMPORARY.]

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER LXVIII.

An act to regulate the conveyance of printed votes and proceedings in parliament, and printed newspapers, by packet boats between Great Britain and Ireland, and the British colonies, and also in the United Kingdom.

[Passed June 22, 1825.]

WHEREAS it is expedient to regulate the conveyance of printed votes and proceedings in parliament, and printed newspapers, by packet boats, between Great Britain and Ireland, and the British colonies; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of October, one thousand eight hundred and twenty-five, it shall and may be lawful for his Majesty's postmaster general, and his deputy and deputies, by him thereunto authorized, to receive printed votes and proceedings in parliament, and also printed newspapers, or other printed papers liable to the stamp duties, and duly stamped for conveyance by packet boats from Great Britain and Ireland to any of his Majesty's colonies and possessions beyond the seas; and for his Majesty's postmaster general and his deputy and deputies, to and for the use of his Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every such printed vote, proceeding, or paper, as aforesaid, the sum of one penny half-penny; and the said sum of one penny half-penny to be paid when the said printed votes, proceedings, and printed papers, shall be put into the post office, provided the same be sent without a cover, or in covers open at the sides; and provided every printed newspaper, or other printed paper liable to the stamp duty, be put into the post

From Oct. 10, 1825, votes and other parliamentary proceedings, and newspapers, to be conveyed to the British colonies, on payment of 1½d. when put into the post office.

office in any town or place in Great Britain or Ireland, on the day on which the same shall be published, such day to be ascertained by the date of the same.

Newspapers printed in the colonies may be conveyed to Great Britain and Ireland, on payment of 3d. by the person to whom addressed.

II. And be it further enacted, That from and after the said tenth day of October, one thousand eight hundred and twenty-five, it shall and may be lawful for his Majesty's postmaster general, and his deputy and deputies in his Majesty's colonies and possessions beyond the seas, to receive newspapers printed within such colonies or possessions for conveyance by packet boats to Great Britain and Ireland; and for his Majesty's postmaster general and his deputy and deputies in Great Britain and Ireland, to and for the use of his Majesty, his heirs and successors, to demand, have, receive, and take, for the conveyance of every such paper, as aforesaid, the sum of three pence, to be paid on the delivery thereof to the person or persons to whom the same shall be addressed, provided every such paper be sent without a cover, or in a cover open at the sides.

In case any writing or other thing shall be found enclosed in such papers, the packet shall be charged treble postage of a letter.

III. And be it further enacted, That it shall be lawful for his Majesty's postmaster general, or any of the officers employed under him respectively, to examine and search any packet sent without a cover, or in a cover open at the sides, in order to discover whether any other paper or thing whatsoever be enclosed or concealed in or with such printed papers as is hereby permitted to be sent at the rates aforesaid, and in order to discover whether the printed newspapers or other printed papers sent from Great Britain or Ireland, and liable to the stamp duties, shall have been duly stamped; and in case any such other paper or thing whatsoever shall be found to be enclosed or concealed in or with such printed paper as aforesaid, or in case there shall be any writing, other than the superscription upon such printed paper, or upon the cover containing the same, the whole of such packet shall be charged with treble the postage of a letter; and in case any newspaper or other printed paper sent from Great Britain or Ireland, and liable to the stamp duties, shall not have been put into a post office on the day on which it shall appear by the date thereof to have been published, it shall be charged with a rate of postage equal to that of a single letter sent by the post to the place to which such printed newspaper shall be addressed; and in case any such newspaper shall appear not to have been duly stamped, every such officer is hereby required to stop the same, and send it to the commissioners of the stamp duties, either at London or Dublin, as the case may be.

Newspapers not put into the post office on the day of publication, to be charged with the postage of a letter.

Newspapers published on a Sunday may be put into the post office on the ensuing day.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend to charge with a greater rate of postage than one penny half-penny any newspaper which shall be published in Great Britain or Ireland on a Sunday, provided such newspaper shall be put into the post office, or into any receiving office appointed by the postmaster general, in the course of the ensuing day.

Postmaster general to make regulations as to the time of delivery.

V. And be it further enacted, That all printed papers to be conveyed under the provisions of this act shall be delivered to the postmaster general or his deputy or deputies at such hours in the day and under all such regulations as the postmaster general, for the time being, shall in his discretion from time to time appoint.

Persons not obliged to send such papers thro' the post office; but in any way they think fit.

VI. And be it further enacted, That nothing herein contained shall be construed to oblige any person or persons to send any printed votes, proceedings in parliament, or printed newspapers, to or from the British colonies or possessions through his Majesty's post office; but that it shall and may be lawful for all persons to send printed votes, proceedings, and printed newspapers, to and from such colonies and possessions in any manner they may find practicable and convenient.

Powers of acts relating to the post office extended to this act.

VII. And be it further enacted, That all the powers, provisions, privileges, advantages, disabilities, penalties, forfeitures, and distribution thereof, and all clauses and other matters and things contained in any act or acts of parliament in force at the time of the passing of this act, relating to the post office; or any rates or duties payable on the port or conveyance of letters or packets, and not repealed or altered by this act, shall, so far as the same are applicable, continue in force and be applied and extended, and shall be construed to apply and extend, to this present act, and to the rates and duties hereby granted, as fully and effectually, to all intents and purposes, as if the same had been particularly repeated and re-enacted in the body of this act.

Monies arising by the postage to be carried to the consolidated fund.

VIII. And be it further enacted, That the monies to arise by the several rates and duties as aforesaid, except the monies which shall be necessary to defray such expense as shall be incurred in the management and collection of the same, shall be paid into the receipt of the exchequer at Westminster, and carried to and made part of the consolidated fund of the united kingdom of Great Britain and Ireland.

4th Geo. III, c 21.

IX. And whereas by an act made in the fourth year of the reign of his late Majesty King George the Third, entitled, "An act for preventing frauds and abuses in relation to the sending and receiving letters and packets free from the duty of postage," reciting that forasmuch as it had been usual for the clerks in the offices of his Majesty's principal secretaries of state, and also for certain officers in the office of his Majesty's postmaster general, to frank printed votes and proceedings in parliament, and printed newspapers, to be sent by the post, it was enacted, that it should be lawful for such clerks and officers as

aforesaid, being thereunto licensed by his Majesty's principal secretaries of state, or his Majesty's postmaster general respectively, to continue to frank such printed votes and proceedings in parliament, and printed newspapers, in such manner as they had heretofore been accustomed to frank the same; and whereas the emoluments arising from the privilege of franking newspapers to the colonies, now enjoyed by certain officers in the office of his Majesty's postmaster general, by virtue of the said in part recited act of the fourth year of the reign of his late Majesty, King George the Third, and the powers therein contained, will be reduced by the operation and effect of this act; and whereas it is just and reasonable that a compensation should be made to the said officers as a recompense for the loss of such privileges; be it therefore further enacted, That it shall and may be lawful for the commissioners of his Majesty's treasury of the united kingdom of Great Britain and Ireland, or any three of them, by warrant under their hands, to authorize and direct the postmaster general to make such compensation to the said officers as the said commissioners shall think reasonable, which compensation shall be charged upon and payable out of the revenue of the general post office.

Compensation to be made to the officers in the post office having the privilege of franking papers to the colonies, for reduction of their emoluments.

X. And whereas by an act passed in the forty-second year of the reign of his late Majesty, King George the Third, entitled, "An act to authorize the sending and receiving of letters and packets, votes, proceedings in parliament, and printed newspapers by the post, free from the duty of postage, by the members of the two houses of parliament of the United Kingdom, and by certain public officers therein named; and for reducing the postage on such votes, proceedings, and newspapers, when sent by any other persons;" it was amongst other things enacted, that it should be lawful for every member of both houses of parliament of the United Kingdom, and certain clerks of the two houses of parliament therein particularly mentioned, to send by the post within the said United Kingdom any printed votes, proceedings in parliament, or printed newspapers, free from the duty of postage, so as the same be sent without covers, or in covers open at the sides, which should be signed on the outside thereof by the hand of any member of parliament, or either of the said respective clerks, in such manner as had been theretofore practised; and also, that it should be lawful to and for each and every member of both the said two houses of parliament, and for each and every of the said respective clerks, to authorize printed votes, proceedings in parliament, and printed newspapers, to be sent by the post free from the duty of postage, addressed to him at such place and places within the said United Kingdom, as he should have previously given notice in writing to the postmaster general either at London or Dublin; and whereas it is expedient that certain parts of the said last mentioned act should be repealed; be it therefore further enacted, That from and after the passing of this act, so much of the said last mentioned act as requires that newspapers, to be sent by post free from the duty of postage, should be signed on the outside thereof by the hand of any member of parliament, or the respective clerks of the two houses of parliament, and that newspapers should be addressed to any such member or any such clerk at such place and places within the said United Kingdom, as he shall have previously given notice in writing to the postmaster general, either at London or Dublin, shall be, and the same is, hereby repealed.

So much of 42d Geo. III, c 63, as requires that newspapers, sent by the post free, should be signed on the outside by the member of parliament, &c. repealed.

XI. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the same shall be commenced within twelve months after the fact committed, and not afterwards; and the defendant or defendants in such action shall and may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or that such action or suit shall be commenced after the time before limited for bringing the same, that then the jury shall find for the defendant or defendants; and upon a verdict for the defendant, or if the plaintiff or plaintiffs shall be non-suited, or discontinue his, her, or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in any other cases by law.

Limitation of actions.

General issue may be pleaded.

Treble costs.

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER LXXIII.

An act for further regulating the trade of his Majesty's possessions in America and the West Indies, and for the warehousing of goods therein.

[Passed June 27, 1825.]

WHEREAS an act was passed in the third year of the reign of his present Majesty, entitled, "An act to regulate the trade between his Majesty's possessions in America and other places in America and the West Indies," whereby it is enacted, that it shall be lawful

3d Geo. IV, c 44. Intercourse with America.

to import into any of the ports in his Majesty's said possessions, enumerated in a schedule to the said act annexed, marked *A*, and therein denominated "free ports," from any foreign country on the continent of North or South America, or from any foreign island in the West Indies, the articles enumerated in another schedule to the said act annexed, marked *B*, subject nevertheless to the several duties of customs set forth in another schedule to the said act annexed, marked *C*, and that it shall be lawful so to import the same in certain foreign ships or vessels therein mentioned, as well as in British ships or vessels; and whereas another act was passed in the third year of the reign of his present Majesty, entitled, "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other parts of the world," whereby it is enacted, that it shall be lawful to import in any British ship or vessel, owned or navigated according to law, from any port in Europe or Africa, or from Gibraltar, the island of Malta, or the dependencies thereof, or the islands of Guernsey, Jersey, Alderney, or Sark, into any of his Majesty's colonies, plantations, or islands in America or the West Indies, the articles enumerated or described in a schedule thereunto annexed, marked *A*, subject nevertheless, on importation, to certain duties of customs set forth in another schedule thereunto annexed, marked *B*; and whereas it is expedient to permit all goods (except as hereinafter excepted) to be imported from any of the said places into any of the said free ports, and to charge the same with the like duties from whichever of the said places the same may be imported; and also to permit any of such goods to be so imported in ships of the country of which the goods are the produce, as well as in British ships, but to confine all such importations to the said free ports; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several schedules (marked *B*, and *C*, respectively) to the first recited act annexed, and the several schedules (marked *A*, and *B*, respectively) to the second recited act annexed, and also that all duties imposed by either of the said acts, or by an act passed in the fourth year of his said Majesty's reign, entitled, "An act to amend an act of the last session of the parliament, for regulating the trade between his Majesty's possessions in America and the West Indies, and other parts of the world," shall, from and after the fifth day of January, one thousand eight hundred and twenty-six, be repealed, and the same are hereby repealed accordingly, except so far as the same relate in any way to the island of Newfoundland.

3d Geo. IV, c 45. Intercourse with Europe.

Certain schedules of goods and duties imposed by recited acts, or by 4th Geo. IV, c 2, repealed;

except as to Newfoundland.

II. And be it further enacted, That from and after the fifth day of January, one thousand eight hundred and twenty-six, it shall be lawful to import into any of the said free ports, except in Newfoundland, any goods (except as hereinafter excepted) from any foreign place in America, or in Europe, or in Asia, within the Mediterranean sea, and from any place in Africa, and from Gibraltar, and from the islands of Malta, Guernsey, Jersey, Alderney, and Sark, provided such importations be made in British ships, or in ships of the country of which the goods are the produce; subject nevertheless to the powers given to his Majesty by an act passed in the fourth year of his reign, entitled, "An act to authorize his Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage," and by another act passed in the fifth year of his reign, to amend the same: Provided always, That nothing in this act contained shall extend to permit the importation of gunpowder, arms, ammunition, or utensils of war, dried or salted fish, salted beef, pork or bacon, whale oil, blubber or fins, books which are prohibited to be imported into the United Kingdom, base or counterfeit coin, or any goods the produce or manufacture of any place within the limits of the East India company's charter, into any of his Majesty's possessions in America or the West Indies, nor coffee, cocoa nuts, sugar, molasses, or rum of foreign production, into any of the said possessions in South America or the West Indies, or into Newfoundland.

All goods may be imported from America, Europe, or Africa, &c.;

subject to powers in acts 4th Geo. IV, c 77, and 5th Geo. IV, c 1.

Articles prohibited.

III. And be it further enacted, That it shall be lawful to import any coffee, cocoa nuts, sugar, molasses, and rum of foreign production, into any of the British possessions in North America, except Newfoundland, any thing in any act or acts to the contrary notwithstanding: Provided always, That all coffee, cocoa nuts, sugar, molasses, and rum, (although the same may be of the British plantations,) having been imported into any of the British possessions in North America, except Newfoundland, shall, upon subsequent importation from thence into any of the British possessions in South America or the West Indies, or into Newfoundland, or into the United Kingdom, be deemed to be of foreign production, and shall be liable on such importations respectively to the same duties or the same forfeitures as articles of the like description, being of foreign production, would be liable to, unless the same shall have been warehoused under the provisions of this act, and exported from the warehouse direct to such other British possession, or to Newfoundland, or to the United Kingdom, as the case may be.

Foreign coffee, &c. may be imported into North America.

New duties according to the schedule.

IV. And be it further enacted, That from and after the fifth day of January, one thousand eight hundred and twenty-six, in lieu of the duties hereby made to cease and determine, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, upon importation of the several articles enumerated or described in the schedule of duties to this act annexed, into any of the said possessions in America or the West Indies, except Newfoundland, from any foreign place in America, or from Europe, or from Asia, within the Mediterranean sea, or from any place in Africa, the several duties of customs as the same are respectively set forth in figures in the said schedule: Provided always, That no greater proportion of such duties shall be charged upon any article subject also to duty under any other act heretofore and still in force, or under any colonial law, than the amount, if any, by which the duty charged by this act shall exceed such other duty or duties.

Abating the amount of any previous duties.

Duties to be levied under powers of former acts.

V. And be it further enacted, That the duties imposed by this act shall be levied, raised, applied, and abated under the same management, and in the same manner, and by the same powers, and under the like penalties and forfeitures, as the duties imposed by the two acts hereinbefore first mentioned would be levied, raised, applied, and abated under the provisions of those acts respectively, except so far as the same may be altered by this act.

Exportation to Europe, &c. in ships of the place of destination.

VI. And be it further enacted, That it shall be lawful to export from any of the said free ports, except in Newfoundland, to any foreign country in Europe or Africa, or in Asia, within the Mediterranean sea, in any ship belonging to such country, any goods, being of the growth, production, or manufacture of such possessions, and any goods which have been legally imported into the same.

Power to prohibit trade with countries not granting similar privileges.

VII. And be it further enacted, That it shall be lawful for his Majesty, his heirs and successors, by order in council, from time to time, when and as often as it shall be judged expedient, to prohibit the trade and intercourse authorized by this act with any country in Europe having possessions in America or the West Indies, if it shall appear that the privileges granted by this act to foreign ships or vessels are not allowed by such country to British ships or vessels in trade or intercourse with the possessions of such country in America or the West Indies.

4th Geo. IV, c 24, as relates to goods in schedule *B*, warehoused, and exported to British posesssions in America, repealed.

VIII. And be it further enacted, That so much of an act passed in the fourth year of the reign of his present Majesty, entitled, "An act to make more effectual provision for permitting goods imported, to be secured in warehouses or other places, without payment of duty on the first entry thereof," as enacts that certain goods and merchandize, mentioned in a schedule marked *B*, to that act annexed, warehoused under the provisions of that act, shall not be exported from the warehouse to any British colony, plantation, territory, or dominion, in America or the West Indies, nor be imported into any such British colony or plantation, unless and until all duties, as well of customs as excise, payable in Great Britain or Ireland respectively, on such goods and merchandize for home consumption, shall have been paid, shall be repealed, and the same is hereby repealed accordingly.

Kingston, Halifax, and Quebec, &c. to be free warehousing ports; and such other ports as his Majesty shall appoint.

IX. And whereas it is expedient to constitute and appoint some of the free ports in America and the West Indies to be free warehousing ports for all goods which may be legally imported into the said ports respectively; and it is also expedient to empower his Majesty to constitute and appoint from time to time any other ports in any of the said British possessions in America or the West Indies, to be in like manner free warehousing ports for such goods as may be legally imported into such ports respectively; and it is therefore necessary to make regulations for the appointing of proper warehouses at such ports, and for the lodging and securing of goods therein; be it therefore enacted, That the several ports hereinafter mentioned, (that is to say,) Kingston, in the island of Jamaica, Halifax, in Nova Scotia, Quebec, in Canada, Saint John's, in New Brunswick, and Bridgetown, in the island of Barbadoes, shall be free warehousing ports for the purposes of this act; and that it shall be lawful for the several collectors and controllers of the said ports respectively, by notice in writing under their hands, to appoint from time to time such warehouses at such ports respectively, as shall be approved of by them, for the free warehousing and securing of goods therein for the purposes of this act, and also in such notice to declare what sorts of goods may be so warehoused, and also, by like notice, to revoke or alter any such appointment or declaration: Provided always, That every such notice shall be transmitted to the governor of the place, and shall be published in such manner as he shall direct.

Collectors and controllers to appoint warehouses.

Goods may be warehoused without payment of duty.

X. And be it further enacted, That it shall be lawful for the importer of any such goods into the said ports, to warehouse the same in the warehouses so appointed, without payment of any duty on the first entry thereof, subject, nevertheless, to the rules, regulations, restrictions, and conditions, hereinafter contained.

Stowage of goods in warehouse. Locking and opening warehouse

XI. And be it further enacted, That all goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the collector and controller shall direct; and that the warehouse shall be locked and secured in such manner, and

shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the collector and controller shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the collector and controller shall direct.

Carrying goods to and from warehouse.

Bond upon entry of goods to be warehoused

XII. And be it further enacted, That upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with two sufficient sureties, to be approved of by the collector or controller, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, according to the first account taken of such goods, upon the landing of the same; and with further condition, that no part thereof shall be taken out of such warehouse until cleared from thence, upon due entry and payment of duty, or upon due entry for exportation; and with further condition, that the whole of such goods shall be so cleared from such warehouse, and the duties upon any deficiency of the quantity, according to such first account, shall be paid within two years from the date of the first entry thereof; and if after such bond shall have been given, the goods or any part thereof shall be sold or disposed of, so that the original bonder shall be no longer interested in or have control over the same, it shall be lawful for the collector and controller to admit fresh security to be given, by the bond of the new proprietor, or other person having control over such goods, with his sufficient sureties, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the fresh security so given.

Purchaser of goods may give bond in lieu of original bond.

Goods entered to be warehoused and not deposited, &c. to be forfeited.

XIII. And be it further enacted, That if any goods which have been entered to be warehoused shall not be duly carried and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with permission of the proper officer of the customs, such goods shall be forfeited.

Account of goods to be taken on landing.

XIV. And be it further enacted, That upon the entry and landing of any goods to be warehoused, the proper officer of the customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been warehoused shall be taken or delivered from the warehouse, except upon due entry, and under care of the proper officers for exportation, or upon due entry and payment of duty for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for the duties, and if upon such account there shall in either case appear to be any deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

No goods to be taken out of warehouse except on entry, &c.

Duties to be paid upon deficiencies.

Samples may be taken.

XV. And be it further enacted, That it shall be lawful for the collector and controller, under such regulations as they shall see fit, to permit moderate samples to be taken of any goods so warehoused, without entry and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

Goods may be sorted and repacked.

XVI. And be it further enacted, That it shall be lawful for the collector and controller, under such regulations as they shall see fit, to permit the proprietor, or other person having control over any goods so warehoused, to sort, separate, and pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: Provided always, That it shall be lawful for any person to abandon any whole packages to the officers of the customs for the duties, without being liable for any duty upon the same.

Whole packages may be abandoned for duty.

All goods to be cleared within two years, or sold.

XVII. And be it further enacted, That all goods which have been so warehoused, shall be duly cleared, either for exportation or for home consumption, within two years from the day of the first entry thereof; and if any such goods be not so cleared, it shall be lawful for the collector and controller to cause the same to be sold, and the produce shall be applied, first to the payment of the duties, next of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor: Provided always, That it shall be lawful for the collector and controller to grant further time for any such goods to remain warehoused, if they shall see fit so to do.

Further time may be granted.

XVIII. And be it further enacted, That upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond, in treble the duties of importation on the quantity of such goods, with two sufficient sureties, to be approved by the collector or controller, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the collector and controller. Bond on entry for exportation.

XIX. And be it further enacted, That it shall be lawful for his Majesty, in council, from time to time to appoint any port in his Majesty's possessions in America or the West Indies to be a free warehousing port, for the purposes of this act, and every such port so appointed by his Majesty shall be a free warehousing port under this act, as if appointed by the same, in as full and ample a manner in all respects as any of the ports hereinbefore mentioned are free warehousing ports appointed by this act. Power to appoint other free ports.

XX. And be it further enacted, That nothing in this act shall extend to alter or affect in any manner the regulations of the trade or fisheries of Newfoundland, or the duties or drawbacks payable or allowable therein under any act or acts in force at the time of the commencement of this act. Not to affect the trade or fisheries of Newfoundland.

XXI. And be it further enacted, That this act may be amended, altered, or repealed by any act to be passed in the present session of parliament. Act may be amended this session.

SCHEDULE OF DUTIES,

Payable upon Goods, Wares, and Merchandize, not being of the growth, production, or manufacture, of the United Kingdom, or of any of the British possessions in America or the West Indies, or within the limits of the East India Company's charter, imported into any of the British possessions in America or the West Indies.

	£	s.	d.
Barrel of wheat flour, not weighing more than 196 lbs. nett weight,	0	5	0
For every hundred weight of biscuit or bread,	0	1	6
For every barrel of flour or meal, not weighing more than 196 lbs., not made from wheat,	0	2	6
For every bushel of wheat,	0	1	0
For every bushel of pease, beans, rye, calavances, oats, barley, or indian corn,	0	0	7
Rice, for every 100 lbs. nett weight,	0	2	6
For every one thousand shingles, not more than twelve inches in length,	0	7	0
For every one thousand shingles, being more than twelve inches in length,	0	14	0
For every one thousand red oak staves,	0	15	0
For every one thousand white oak staves, or headings,	0	12	6
For every one thousand feet of white, yellow, or pitch pine lumber, of one inch thick,	1	1	0
Other kinds of wood and lumber, per one thousand feet,	1	8	0
For every one thousand wood hoops,	0	5	3
Horses, mules, asses, neat cattle, and all other live stock, for every £100 of the value,	10	0	0
Spirits, videlicet: brandy, geneva, or cordials, for every gallon,	0	1	0
and further, the amount of any duty payable for the time being, on spirits, the manufacture of the United Kingdom.			
Wine, imported in bottles, the tun, containing two hundred and fifty-two gallons,	7	7	0
and further, for every £100 of the true and real value thereof,	7	10	0
and for every dozen of foreign quart bottles in which such wine may be imported,	0	1	0
not in bottles, for every £100 of the true and real value thereof,	7	10	0
Coffee, cocoa, sugar, molasses, and rum, imported into any of the British possessions in North America, videlicet:			
coffee, for every one hundred weight,	0	5	0
cocoa, for every one hundred weight,	0	5	0
sugar, for every one hundred weight,	0	5	0
molasses, for every one hundred weight,	0	3	0
rum, for every gallon,	0	0	6
and further, the amount of any duty payable for the time being on coffee, cocoa, sugar, molasses, and rum respectively, being the produce of any of the British possessions in South America or the West Indies.			
Alabaster, anchovies, argol, anniseed, amber, almonds, brimstone, botargo, boxwood, currants, capers, cascasoo, cantharides, cummin seed, coral, cork, cinnabar, dates, essences of bergamot, of lemon, of roses, of citron, of orange, of lavender, of rosemary, emery stone, flax, fruit, viz: dry, preserved in sugar, wet, preserved in brandy, figs, gums arabic, mastic, myrrh, sicily, ammoniac, hemp, honey, jalap, juniper berries, incense of frankincense, lava and malta stone for building, lentils, manna, marble, rough and worked, mosaic work, medals, musks, macaroni, nuts of all kinds, oil of olives, of almonds, opium, orris root, ostrich feathers, ochres, orange buds and peel, olives, pickles, in jars and bottles, paintings, pozzolana, pitch, pumice stone, punk, parmesan cheese, pickles, prints, pearls, precious stones, (except diamonds,) quicksilver, raisins, rhubarb, rice, sausages, senna, scammony, sarsaparilla, saffron, safflower, sponges, tar, turpentine, vermilion, vermiceli, whetstones: For every £100 of the true and real value thereof,	7	10	0
Clocks and watches, leather manufactures, linens, musical instruments, wires of all sorts, books and papers: For every £100 of the true and real value thereof,	30	0	0
Glass manufactures, soap, refined sugar, sugar candy, tobacco manufactured: For every £100 of the true and real value thereof,	20	0	0
Coin and bullion; diamonds; salt; fruit and vegetables, fresh; herrings, taken and caught by the inhabitants of the isle of Man, and imported direct from thence; any sort of craft, food, and victuals, except spirits, and any sort of clothing and implements, or materials fit and necessary for the British fisheries in America, imported into the place at or from which such fishery is carried on, direct from the islands of Guernsey, Jersey, Alderney, Sark, or Man, being the produce or manufacture of such islands, or of the United Kingdom; rice and indian corn, and lumber, the produce of any British possession on the west coast of Africa, and imported direct from thence,	*Duty free.*		
Goods, wares, or merchandize, not being enumerated or described, nor otherwise charged with duty by this act: For every £100 of the true and real value thereof,	15	0	0

And if any of the goods hereinbefore mentioned shall be imported through the United Kingdom, (having been warehoused therein and exported from the warehouse, or the duties thereon, if there paid, having been drawn back,) one tenth of the duties herein imposed shall be remitted in respect of such goods.

And if any of the goods hereinbefore mentioned shall be imported through the United Kingdom, (not from the warehouse,) but after all duties of importation for home use therein shall have been paid thereon in the said United Kingdom, and not drawn back, such goods shall be free of all duties herein imposed.

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER LXXV.

An act to enable his Majesty to grant to a company, to be incorporated by charter, to be called "The Canada Company," certain lands in the province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto.

[Passed June 27, 1825.]

31st Geo. III, c 31.

WHEREAS by an act passed in the thirty-first year of the reign of his late Majesty, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" it was enacted, that it should and might be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the said provinces of Upper and Lower Canada respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such province, such allotment and appropriation of lands for the support and maintenance of a protestant clergy within the same, as might bear a due proportion to the amount of such lands within the same, as had at any time been granted by or under the authority of his Majesty; and that whenever any grant of lands within either of the said provinces should thereafter be made, by or under the authority of his Majesty, his heirs or successors, there should at any time be made in respect of the same a proportionable allotment and appropriation of lands for the above mentioned purpose, within the township or parish to which the lands so to be granted should appertain or be annexed, equal in value to the seventh part of the lands so granted; and whereas in pursuance of the said act, such proportionable allotments and appropriations of lands as aforesaid, have from time to time been reserved for the purposes therein mentioned, which lands are known by the name of "the clergy reserves;" and whereas the greater part of the said clergy reserves in the said province of Upper Canada have ever since continued, and are now, waste and unproductive; and it is expedient that means should be adopted for clearing and cultivating the said lands, and for that purpose his Majesty should be authorized to sell and dispose of certain parts thereof to the company to be established as here mentioned; and whereas certain other lands in the said province of Upper Canada have been reserved for the use of his Majesty, and are known in the said province by the name of "the crown reserves;" and whereas divers persons have united together to establish a company for purchasing, improving, settling, and disposing of lands in Upper Canada, and especially for purchasing and settling the whole of the before mentioned lands known by the name of "the crown reserves," and such parts of the said lands known by the name of "the clergy reserves," as his Majesty may be so authorized to sell and convey to them, and for such other lawful purposes as to his Majesty shall seem meet; and the said persons have, in order to carry such purposes into effect, subscribed a capital of one million pounds sterling, upon which the sum of ten pounds per centum has been paid by the several subscribers; and they have humbly besought his Majesty to grant to them a charter of incorporation; be it therefore enacted, and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That

If his Majesty shall grant a charter, the Canada company may hold land, &c.

in case his Majesty shall, within three years after the passing of this act, be pleased by charter of incorporation, under the great seal of Great Britain and Ireland, to declare and grant that such and so many persons as shall be named therein, and all and every such other person or persons as from time to time shall be duly admitted members into their corporation, shall be a body politic and corporate, by the name of "The Canada Company," and to declare that the said corporation, so to be made and created shall be established for the purpose hereinbefore mentioned, and for such other lawful purposes as to his Majesty may seem meet, then, and in that case, it shall and may be lawful for the said corporation to hold to them and their successors such lands, tenements, and hereditaments, within the said provinces, as shall or may be granted by his Majesty to them and their successors within the said provinces, or as subject to the restrictions hereinafter mentioned, shall be contracted for and purchased or acquired by them therein; and to hold, alienate, sell, and dispose of all such lands, tenements, and hereditaments, upon, under, and subject to such conditions, provisoes, limitations, and restrictions, as his Majesty, by such his charter, may impose, direct, or prescribe.

His Majesty may sell to company the land called clergy reserves.

II. And be it further enacted, That his Majesty shall be, and he is hereby empowered to sell and convey to the said company and their successors, in fee simple, for such valuable considerations as shall be agreed upon between his Majesty and the said company, as he shall deem expedient, and upon such conditions, and with and subject to such restrictions, limitations, and provisoes, as his Majesty may be pleased to impose, one equal half, part,

and no more, of the said reserved lands in the province of Upper Canada, called "the clergy reserves," lying in those townships of the said province, which on or before the first day of March, one thousand eight hundred and twenty-four, were actually laid out in any of the several districts thereof: Provided always, That the several portions of the said clergy reserves which have been granted or demised to any person or persons by any lawful authority, or which have been occupied under any license or promise made or given by any lawful authority, or which have been specially appropriated or set apart for any public purposes, or which have been occupied by any person or persons without disturbance for a period of ten years, shall not, for the purposes of any such grant or conveyance, be considered as forming any part of the clergy reserves, whereof one moiety may be sold and conveyed to the said company as aforesaid: Provided also, That the purchase money which shall be paid by the said company, for the lands so to be granted to them, in whatever securities the same may be vested, shall be appropriated exclusively to the support and maintenance of a protestant clergy, and shall be in the place of, and remain to the same uses, and for the same purposes, to and for which the said clergy reserves have by virtue of the above recited act been allotted and appropriated: Provided also, That nothing herein contained shall be deemed or taken to limit or restrict any other grant by his Majesty to the said company, which, by his Majesty's royal prerogative, he is authorized and empowered to make, or to restrict or prevent the said company from taking, accepting, and enjoying the same, in as full, ample, and beneficial a manner as his Majesty may be pleased to direct.

His Majesty may substitute other land for the lands called clergy reserves.

III. And be it further enacted, That in case his Majesty shall see fit to set apart and appropriate in the said province of Upper Canada other waste lands of and belonging to his Majesty, of equal value with that part of the said clergy reserves which his Majesty is so empowered as aforesaid to sell and convey to the said company, it shall and may be lawful for his Majesty, and he is hereby empowered by any order to be by him for that purpose made, by and with the advice of his privy council, to declare, that the lands so set apart and appropriated shall thenceforward be substituted and exchanged for such last mentioned part of the said clergy reserves; and then, and in that case, such substituted lands shall, from and after the issuing of any such order, be held, set apart, and appropriated upon, for, and to such and the same uses, trusts, intents, and purposes, upon, for, and to which the said clergy reserves are now held, set apart, and appropriated.

Shares to be personal estate.

IV. And whereas it may be necessary for the purpose of raising the capital for the proposed undertaking, with a view to the accomplishment of the beneficial objects aforesaid, to vest in the said company such powers and privileges as cannot be granted without the aid of parliament; be it therefore enacted, That the shares in the said undertaking, and in the profits and advantages thereof, shall be and be deemed personal estate, and as such personal estate, shall be transmissible accordingly.

Subscribers to forfeit their shares in default of payment of calls

V. And be it further enacted, That if any subscriber, or any proprietor or proprietors of any share or shares in the said company, his or their executors, administrators, successors, or assigns, shall neglect or refuse to pay his or their part or portion of the money to be called for, in such manner as may be directed by letters patent, to be granted as aforesaid, during the space of six calendar months next after the time appointed for payment thereof, together with lawful interest from the appointed time of payment, then, and in every such case, such person or persons, bodies politic or corporate, so neglecting or refusing, shall absolutely forfeit all his or their share or shares in the said company, and all profits and advantages thereof, and all money theretofore advanced by him, her, or them, on account thereof, to and for the use and benefit of the said company; and all shares which shall or may be forfeited, shall or may at any time or times thereafter be sold at a public sale, for the most money that can be gotten for the same, and the produce thereof shall go to and make part of the capital stock of the said company; and such share or shares, forfeited and sold, shall be assigned and transferred to the purchaser, by an instrument under the common seal of the said company, in the manner required upon other transfers; but no advantage shall be taken of such forfeiture of any share or shares, until the same shall be declared to be forfeited at some general or special meeting of all the said proprietors, which shall be held not earlier than six calendar months next after the said forfeiture shall happen, and that every such forfeiture, so to be declared, shall be an absolute indemnification and discharge to and for the proprietor or proprietors, or his, her, or their executors, administrators, successors, and assigns, from all liability in respect thereof.

Shares not to be sold till calls paid.

VI. And be it further enacted, That after any call for money shall have been made, and become due and payable, by virtue of the provisions which may be introduced for that purpose in any charter or letters patent, to be granted as aforesaid, no person or persons, bodies politic or corporate, shall sell or transfer any share or shares which he, she, or they shall possess in the said stock of the said company, until the money so called for in respect of his, her, or their share or shares intended to be sold shall be paid, and until

such money so called for shall be paid, any such sale or transfer of any share or shares shall be void; and all and every person and persons, body politic and corporate, making default thereon, shall be subject and liable to forfeit such his, her, or their shares in the said company, to and for the general benefit of the said company, unless he, she, or they, shall, at the time of such sale or transfer, pay to the banker of the said company, or such other person or persons as the court of directors, for the time being, shall appoint to receive the same, the full sum of money called for upon every share so to be sold or transferred; such forfeiture to be first notified and declared in such manner as may be directed with respect to the forfeiture of shares for not answering the calls to be made thereon as aforesaid.

Company may hold lands in any part of his Majesty's dominions.

VII. And be it further enacted, That the said company may be and are hereby authorized to purchase, take, hold, and sell, all lands, tenements, and hereditaments, situate in Great Britain and Ireland, or the said provinces of Upper Canada and Lower Canada, which it may be necessary or convenient for the said company to acquire, in order to carry the purposes aforesaid into more complete effect; provided that such lands, tenements, and hereditaments, as may be purchased in Great Britain or Ireland, be not altogether of more than the value of five hundred pounds per annum at the time of the purchase; and also provided, that any such purchase as aforesaid, in the said provinces of Upper Canada and Lower Canada, be of such annual value only as his Majesty, by such his charter or letters patent, or by any order or orders to be by him issued with the advice of his privy council may from time to time authorize and direct, and to be made in conformity with the local laws and statutes in force in those parts of his Majesty's dominions in which the land so to be purchased may be situate; and the said company may do all other acts and things in relation to the premises, in all respects as beneficially as any other body politic or corporate, or any subject of this realm, is by law entitled to do.

Limitation of the value of the lands to be purchased.

Conveyances of land to be in the following

VIII. And be it further enacted, That all conveyances which shall be made by the said Canada company to any individual or individuals, of any part of the lands to be granted to, or purchased, or held by the said company, in the manner and subject to the restrictions aforesaid, shall and may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say:)

Form.

"We, the Canada company, incorporated under and by virtue of an act made and passed in the sixth year of the reign of his Majesty, King George the Fourth, entitled, "An act to enable his Majesty to grant to a company, to be incorporated by charter, to be called 'The Canada Company,' certain lands in the province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto," in consideration of the sum of to us paid, do hereby grant and release to all and all our right, title, and interest, to and in the same, and every part thereof; to have and to hold unto the said and his heirs forever."

And every such conveyance shall be valid and effectual in law, to all intents and purposes whatsoever.

Charter to be verified and registered.

IX. And be it further enacted, That a copy of his Majesty's charter of incorporation, being duly verified on oath before one of the masters in ordinary of the high court of chancery at Westminster, shall be transmitted to the governor or lieutenant governor of the said province of Upper Canada and the said province of Lower Canada, and registered in the office of the chief secretary of each of the said provinces; and such registry, or copy thereof, shall within the said provinces, respectively, be, and be deemed and taken to be, good and sufficient evidence of the contents of such charter of incorporation, to all intents and purposes.

Public act.

X. And be it further enacted, That this act shall be deemed and taken to be a public act, and shall extend to and be in force in the said provinces of Upper Canada and Lower Canada, and shall be judicially taken notice of as such by all judges, justices, and others, in the United Kingdom aforesaid, and in the said province, without being specially pleaded.

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER CV.

An act to repeal the several laws relating to the customs.

[Those clauses that do not apply to this colony are omitted.—Passed July 5, 1825.]

12th Car. II, c 18.

XVI. So much of an act made in the twelfth year of the reign of King Charles the Second, entitled, "An act for the encouraging and increasing of shipping and navigation," as remains unrepealed; and also,

22d & 23d Car. II, c 26.

XXIV. So much of an act passed in the twenty-second and twenty-third years of the reign of King Charles the Second, entitled, "An act to prevent the planting of tobacco in

England, and for regulating the plantation trade," as in any way relates to the plantation trade in his Majesty's dominions; and also,

XXXIV. So much of an act passed in the seventh and eighth years of the reign of King William the Third, entitled, "An act for preventing frauds and regulating abuses in the plantation trade," as relates to the revenue of customs; and also, 7th and 8th Wil. III, c 22.

LXIX. So much of an act passed in the seventh year of the reign of King George the First, entitled, "An act for the further preventing his Majesty's subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto, and for further regulating the pilots of Dover, Deal, and the isle of Thanet," as prohibits the importation into Jersey, Guernsey, Alderney, Sark, or Man, or into any land, island, plantation, colony, territory, or place, to his Majesty, or to the crown of Great Britain belonging, or which shall hereafter belong to his Majesty, his heirs or successors, in Africa or America, of any commodity of the growth, product, or manufacture of the East Indies, and other places beyond the cape of Good Hope, but such only as shall bona fide, and without fraud, be laden and shipped in Great Britain, in ships navigated according to the laws then in being; and also so much of the said act as allows merchants and traders exporting foreign goods for drawbacks to have three years' time from the importation of such goods for that purpose, accounting such importation from the master's report of his ship; and also, 7th Geo. I, st 1, c 21.

LXXIX. So much of an act passed in the fifth year of the reign of King George the Second, entitled, "An act to prevent the exportation of hats out of any of his Majesty's colonies or plantations in America, and to restrain the number of apprentices taken by the hatmakers in the said colonies or plantations, and for the better encouraging the making of hats in Great Britain," as relates to the transportation of hats or felts from any of the plantations in America; and also, 5th Geo. II, c 22.

XCIX. So much of an act passed in the twenty-fourth year of the reign of King George the Second, entitled, "An act for encouraging the making of pot ashes and pearl ashes in the British plantations in America," as imposes a penalty upon persons making an entry of any foreign pot ashes or pearl ashes under the name or description of pot ashes or pearl ashes of the production of any of the British colonies or plantations in America, or of mixing the same; and also, 24th Geo. II, c 51.

CXXIX. An act passed in the eighth year of the reign of King George the Third, entitled, "An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to the trade or revenue of the British colonies and plantations in America;" and also, 8th Geo. III, c 22.

CCLXXIII. An act passed in the forty-ninth year of the reign of King George the Third, entitled, "An act for the more effectual recovery of penalties and forfeitures incurred in the British colonies and plantations in America;" and also, 49th Geo. III, c 107.

CCXCII. An act passed in the fifty-second year of the reign of King George the Third, entitled, "An act to prevent foreign goods of certain descriptions being brought from the United States of America into Canada, and to allow a greater quantity of worsted yarn to be exported from Great Britain to Canada;" and also, 52d Geo. III, c 55.

CCCLIX. An act passed in the third year of the reign of his present Majesty, entitled, "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies;" and also, 3d Geo. IV, c 44.

CCCLX. An act passed in the third year of the reign of his present Majesty, entitled, "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other parts of the world;" and also, 3d Geo. IV, c 45.

CCCLXIII. So much of an act passed in the third year of the reign of his present Majesty, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," as relates to the trade between those provinces and the United States of America; and also, 3d Geo. IV, c 119.

CCCLXIV. An act passed in the fourth year of the reign of his present Majesty, entitled, "An act to amend an act of the last session of parliament, for regulating the trade between his Majesty's possessions in America and the West India islands, and other parts of the world." 4th Geo. IV, c 2.

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER CIX.

An act for the encouragement of British shipping and navigation.

[Passed July 5, 1825.]

WHEREAS an act was passed in the present session of parliament, entitled, "An act to repeal the several laws relating to the customs," in which it is declared, that the laws of the customs have become intricate by reason of the great number of acts relating thereto, 6th Geo. IV, c 105.

which have been passed through a long series of years; and that it is therefore highly expedient for the interest of commerce and the ends of justice, and also for affording convenience and facility to all persons who may be subject to the operation of those laws, or who may be authorized to act in the execution thereof, that all the statutes now in force relating to the customs should be repealed, and that the purposes for which they have from time to time been made should be secured by new enactments, exhibiting more perspicuously and compendiously the various provisions contained in them; and whereas the laws relating to the encouragement of British navigation will thereby be repealed, and it is expedient to make provisions in lieu thereof, for the due encouragement of British shipping and British seamen, after such repeal shall have effect; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of January, one thousand eight hundred and twenty-six, this act shall come into, and be, and continue in full force and operation, and shall constitute and be the law of navigation of the British empire.

Commencement of act.

Europe, enumerated goods for home uses.

II. And be it further enacted, That the several sorts of goods hereinafter enumerated, being the produce of Europe; (that is to say,) masts, timber, boards, salt, pitch, tar, tallow, rosin, hemp, flax, currants, raisins, figs, prunes, olive oil, corn or grain, pot ashes, wine, sugar, vinegar, brandy, and tobacco, shall not be imported into the United Kingdom, to be used therein, except in British ships, or in ships of the country of which the goods are the produce, or in ships of the country from which the goods are imported.

In British ships, or ships of place, or ships of produce.

Goods the produce of Asia, Africa, or America, may not be imported from Europe except in certain cases.

III. And be it further enacted, That goods, the produce of Asia, Africa, or America, shall not be imported from Europe into the United Kingdom, to be used therein, except the goods hereinafter mentioned; (that is to say;) goods, the produce of places in Asia or Africa, within the straits of Gibraltar, or of the dominions of the emperor of Morocco, imported from places in Europe within the straits of Gibraltar; goods, the produce of places within the limits of the East India company's charter, which (having been imported into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta; goods taken by way of reprisal by British ships; bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones.

Goods the produce of Asia, Africa, or America, may not be imported in foreign ships, except in certain cases.

IV. And be it further enacted, That goods, the produce of Asia, Africa, or America, shall not be imported into the United Kingdom, to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America, of which the goods are the produce, and from which they are imported, except the goods hereinafter mentioned; (that is to say;) goods, the produce of the dominions of the Grand Seignor, in Asia or Africa, which may be imported from his dominions in Europe, in ships of his dominions; raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignor in the Levant seas, in ships of his dominions; bullion.

Goods to be deemed produce of the country where manufactured.

V. Provided always, and be it further enacted, That all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture.

From Guernsey, &c. in British ships.

VI. And be it further enacted, That no goods shall be imported into the United Kingdom, from the islands of Guernsey, Jersey, Alderney, Sark, or Man, except in British ships.

Exports to Asia, &c. and to Guernsey, &c. in British ships.

VII. And be it further enacted, That no goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, Sark, or Man, except in British ships.

Coastwise, British ships.

VIII. And be it further enacted, That no goods shall be carried coastwise, from one part of the United Kingdom to another, except in British ships.

Between Guernsey, Jersey, &c. in British ships.

IX. And be it further enacted, That no goods shall be carried from any of the islands of Guernsey, Jersey, Alderney, Sark, or Man, to any other of such islands, nor from one part of any such islands to another part of the same island, except in British ships.

Between British possessions in Asia, Africa, or America, in British ships.

X. And be it further enacted, That no goods shall be carried from any British possession in Asia, Africa, or America, to any other of such possessions, nor from any one part of any of such possessions to another part of the same, except in British ships.

Between British possessions in America, and other places in America.

XI. And be it further enacted, That no goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported.

No ship British, unless registered, and navigated as such.

XII. And be it further enacted, That no ship shall be admitted to be a British ship unless duly registered and navigated as such; and that every British registered ship (so long as the registry of such ship shall be in force, or the certificate of such registry retained for the use of such ship) shall be navigated during the whole of every voyage, (whether with a cargo or in ballast,) in every part of the world by a master who is a British subject, and by a crew, whereof three fourths at least are British seamen; and if such ship be employed in a coasting voyage from any one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of

To be navigated by British master and three fourths British seamen.

If coasting trade, or Guernsey, &c. or British coasts' fisheries, all to be British seamen.

either of them to another of the same, or be employed in fishing on the coasts of the United Kingdom, or of any of the said islands, then the whole of the crew shall be British seamen.

All vessels under fifteen tons' burthen admitted in navigation upon rivers, &c.

XIII. Provided always, and be it further enacted, That all British built boats or vessels under fifteen tons burthen, wholly owned and navigated by British subjects, although not registered as British ships, shall be admitted to be British vessels, in all navigation in the rivers and upon the coasts of the United Kingdom, or of the British possessions abroad, and not proceeding over sea, except within the limits of the respective colonial governments within which the managing owners of such vessels respectively reside; and that all British built boats or vessels, wholly owned and navigated by British subjects, not exceeding the burthen of thirty tons, and not having a whole or a fixed deck, and being employed solely in fishing on the banks and shores of Newfoundland, and of the parts adjacent, or on the banks and shores of the provinces of Canada, Nova Scotia, or New Brunswick, adjacent to the gulf of St. Lawrence, or on the north of cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be admitted to be British boats or vessels, although not registered, so long as such boats or vessels shall be solely so employed.

Honduras ships to be as British, in trade with United Kingdom.

XIV. Provided also, and be it further enacted, That all ships built in the British settlements at Honduras, and owned and navigated as British ships, shall be entitled to the privileges of British registered ships in all direct trade between the United Kingdom and the said settlements; provided the master shall produce a certificate, under the hand of the superintendent of those settlements, that satisfactory proof has been made before him that such ship (describing the same) was built in the said settlements, and is wholly owned by British subjects: Provided also, That the time of the clearance of such ship from the said settlements for every voyage shall be endorsed upon such certificate by such superintendent.

Ship of any foreign country to be of the built of, or prize to such country; or British built and navigated by master and seamen (three fourths) of the country, and owned by subjects of the country.

XV. And be it further enacted, That no ship shall be admitted to be a ship of any particular country, unless she be of the built of such country; or have been made prize of war to such country; or have been forfeited to such country under any law of the same, made for the prevention of the slave trade, and condemned as such prize or forfeiture by a competent court of such country; or be British built (not having been a prize of war from British subjects to any other foreign country;) nor unless she be navigated by a master who is a subject of such foreign country, and a crew of whom three fourths at least are subjects of such country; nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: Provided always, That the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs.

Master and seamen not British, unless natural born, or naturalized, or denizens, or subjects by conquest or cession, or served in his Majesty's ships of war.

XVI. And be it further enacted, That no person shall be qualified to be a master of a British ship, or to be a British seaman within the meaning of this act, except the natural born subjects of his Majesty, or persons naturalized by any act of parliament, or made denizens by letters of denization; or except persons who have become British subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to his Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly acquired country came into his Majesty's possessions; or persons who shall have served on board any of his Majesty's ships of war in time of war for the space of three years: Provided always, That the natives of places within the limits of the East India company's charter, although under British dominion, shall not, upon the ground of being such natives, be deemed to be British seamen: Provided always, That every ship (except ships required to be wholly navigated by British seamen) which shall be navigated by one British seaman, if a British ship, or one seaman of the country of such ship, if a foreign ship, for every twenty tons of the burthen of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one fourth of the whole crew.

Foreigners having served two years on board his Majesty's ships, during war, to be considered British seamen.

XVII. Provided always, and be it further enacted, That it shall be lawful for his Majesty, by his royal proclamation during war, to declare that foreigners, having served two years on board any of his Majesty's ships of war, in time of such war, shall be British seamen within the meaning of this act.

British ship not to depart British port without British crew, except British negroes in America, or lascars in India.

XVIII. And be it further enacted, That no British registered ship shall be suffered to depart any port in the United Kingdom, or any British possession in any part of the world, (whether with a cargo or in ballast,) unless duly navigated: Provided always, That any British ships, trading between places in America, may be navigated by British negroes; and that ships trading eastward of the cape of Good Hope, within the limits of the East India company's charter, may be navigated by lascars, or other natives of countries within those limits.

If excess of foreign seamen, penalty £10, for each; except British seamen cannot be procured in foreign ports, or in India; or proportion destroyed unavoidably; and certificate produced, or proof made.

XIX. And be it further enacted, That if any British registered ship shall at any time have, as part of the crew, in any part of the world, any foreign seamen not allowed by law, the master or owner of such ship shall for every such foreign seaman forfeit the sum of ten pounds: Provided always, That if a due proportion of British seamen cannot be procured in any foreign port, or in any place within the limits of the East India company's charter, for the navigation of any British ship; or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship produce a certificate of such facts under the hand of any British consul, or of two known British merchants, if there be no consul at the place where such facts can be ascertained, or from the British governor of any place within the limits of the East India company's charter; or in the want of such certificate, shall make proof of the truth of such facts, to the satisfaction of the collector and controller of the customs of any British port, or of any person authorized in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

Proportion of seamen may be altered by proclamation.

XX. And be it further enacted, That if his Majesty shall, at any time by his royal proclamation, declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this act, every British ship navigated with the proportion of British seamen required by such proclamation, shall be deemed to be duly navigated, so long as such proclamation shall remain in force.

Goods prohibited only by navigation law may be imported for exportation.

XXI. Provided always, and be it further enacted, That goods of any sort or the produce of any place, not otherwise prohibited than by the law of navigation hereinbefore contained, may be imported into the United Kingdom from any place, in a British ship, and from any place not being a British possession, in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time being, made for the warehousing of goods, without payment of duty upon the first entry thereof.

Goods imported, &c. contrary to law of navigation, to be forfeited.

XXII. And be it further enacted, That if any goods be imported, exported, or carried coastwise, contrary to the law of navigation hereinbefore contained, all such goods shall be forfeited, and the master of such ship shall forfeit the sum of one hundred pounds.

Act may be altered this session.

XXIII. And be it further enacted, That this act may be altered, varied, or repealed, by any act or acts to be passed in this present session of parliament.

PASSED IN THE SIXTH YEAR OF GEORGE IV.

CHAPTER CXIV.

An act to regulate the trade of the British possessions abroad.

[Passed July 5, 1825.]

6th Geo. IV, c 105.

WHEREAS an act was passed in the present session of parliament, entitled, "An act to repeal the several laws relating to the customs;" in which it is declared that the laws of the customs have become intricate by reason of the great number of acts relating thereto, which have been passed through a long series of years; and it is therefore highly expedient, for the interests of commerce and the ends of justice, and also for affording convenience and facility to all persons who may be subject to the operation of those laws, or who may be authorized to act in the execution thereof, that all the statutes now in force relating to the customs should be repealed, and that the purposes for which they have from time to time been made should be secured by new enactments, exhibiting more perspicuously and compendiously the various provisions contained in them; and whereas by the said act all laws of the customs relating to the trade of the British possessions abroad will be repealed; and it is expedient to make provisions for the future regulation of the trade of those possessions, after such repeal shall have effect; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of January, one thousand eight hundred and twenty-six, this act shall come into, and be, and continue in full force and operation, for the regulating of the trade of the British possessions abroad.

Commencement of this act.

Importation and exportation of goods confined to free ports.

(And if imported contrary to such prohibition, to be forfeited. See 7th Geo. IV, c 48, s 43.)

II. And be it further enacted, That no goods shall be imported into, nor shall any goods, except the produce of the fisheries in British ships, be exported from, any of the British possessions in America by sea, from or to any place other than the United Kingdom, or some other of such possessions, except into or from the several ports in such possessions, called "free ports," enumerated or described in the table following; (that is to say:)

TABLE OF FREE PORTS.

Kingston, Savannah le Mar, Montego bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant bay, Annotto bay,	Jamaica.
Saint George,	Grenada.
Roseau,	Dominica.
Saint John's,	Antigua.
San Josef,	Trinidad.
Scarborough,	Tobaga.
Road Harbor,	Tortola.
Nassau,	New Providence.
Pitt's Town,	Crooked Island.
Kingston,	Saint Vincent.
Port Saint George and Port Hamilton,	Bermuda.
Any port where there is a custom house,	Bahamas.
Bridgetown,	Barbadoes.
Saint John's, Saint Andrew's,	New Brunswick.
Halifax,	Nova Scotia.
Quebec,	Canada.
Saint John's,	Newfoundland.
Georgetown,	Demerara.
New Amsterdam,	Berbice.
Castries,	Saint Lucia.
Basseterre,	Saint Kitt's.
Charlestown,	Nevis.
Plymouth,	Montserrat.

His Majesty may extend the privileges of this act to other ports not herein enumerated.

III. Provided always, That if his Majesty shall deem it expedient to extend the provisions of this act to any port or ports not enumerated in the said table, it shall be lawful for his Majesty, by order in council, to extend the provisions of this act to such port or ports; and from and after the day mentioned in such order in council, all the privileges and advantages of this act, and all the provisions, penalties, and forfeitures, therein contained, shall extend, and be deemed and construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said table at the time of passing this act: Provided also, That nothing hereinbefore contained shall extend to prohibit the exportation of the produce of the fisheries from any ports or places in any of the said possessions in British ships, nor to prohibit the importation or exportation of goods, into or from any ports or places in Newfoundland or Labrador, in British ships.

Privileges granted to foreign ships limited to the ships of those countries which having colonial possessions shall grant the like privileges to British ships, &c.

IV. And whereas by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods, the produce of those countries, and to export goods from such possessions, to be carried to any foreign country whatever; and whereas it is expedient that such permission should be subject to certain conditions; be it therefore enacted, That the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privileges of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country, and of its possessions abroad, upon the footing of the most favored nation, unless his Majesty, by his order in council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country.

This act not to affect 4th Geo. IV, c 77, and 5th Geo. IV, c 1.

V. And be it further enacted, That nothing contained in this act, or any other act passed in the present session of parliament, shall extend to repeal, or in any way alter or affect, an act passed in the fourth year of the reign of his present Majesty, entitled, "An act to authorize his Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage;" nor to repeal, or in any way alter or affect, an act passed in the fifth year of the reign of his present Majesty, among other things, to amend the last mentioned act, and that all trade and intercourse between the British possessions and all foreign countries shall be subject to the powers granted to his Majesty by those acts.

Foreign ships trading between British possessions and other places in America, to be deemed ships of the place to which they belong, until 24th June, 1832.

VI. Provided always, and be it further enacted, That until the expiration of ten years, to be computed from the twenty-fourth day of June, one thousand eight hundred and twenty-two, every foreign ship which, previous to that day, had been engaged in trade between any of the British possessions in America, and other places in America, shall, for the purposes of this act, be deemed to be a ship of the country or place to which she had then belonged, if still belonging thereto; any thing in the law of navigation to the contrary notwithstanding.

Goods prohibited or restricted to be imported into colonies.

VII. And be it further enacted, That the several sorts of goods enumerated or described in the table following, denominated "a table of prohibitions and restrictions," are hereby prohibited to be imported or brought, either by sea or by inland carriage or navigation, into the British possessions in America, or into the island of Mauritius, or shall be so imported or brought, only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; (that is to say:)

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

(The prohibition as respects *beef* and pork, repealed by 7th and 8th Geo. IV, entitled, "An act to amend the laws relating to the customs," section 28, passed July 2, 1827. See the table of duties in said act.)

Gunpowder; arms; ammunitions or utensils of war; beef, fresh or salted, and pork, (except into Newfoundland)—Prohibited to be imported, except from the United Kingdom, or from some other British possession.

Tea—Prohibited to be imported, except from the United Kingdom, or from some other British possession in America, unless by the East India company, or with their license.

Fish, dried or salted; train oil, blubber, fins, or skins, the produce of creatures living in the sea—Prohibited to be imported, except from the United Kingdom, or from some other British possession, or unless taken by British ships fitted out from the United Kingdom, or from some British possession, and brought in from the fishery, and except herrings from the isle of Man, taken and cured by the inhabitants thereof.

(The prohibition as respects cocoa nuts, coffee, sugar, molasses, or rum, repealed, as above.)

Coffee; cocoa nuts; sugar; molasses; rum—Being of foreign production, or the production of any place within the limits of the East India company's charter, except the island of Mauritius, prohibited to be imported into any of the British possessions on the continent of South America or in the West Indies, except the Bahama and Bermuda islands, or into the island of Mauritius, and may also be prohibited to be imported into the Bahama or the Bermuda islands, by his Majesty's order in council.

Base or counterfeit coin; books, such as are prohibited to be imported into the United Kingdom—Prohibited to be imported.

Goods imported contrary hereto, forfeited.

And if any goods shall be imported or brought into any of the British possessions in America, or into the island of Mauritius, contrary to any of the prohibitions or restrictions mentioned in such table, in respect of such goods, the same shall be forfeited.

Coffee, &c. though British, deemed foreign in certain cases.

VIII. And be it further enacted, That all coffee, cocoa nuts, sugar, molasses, and rum, (although the same may be of the British plantations,) imported into any of the British possessions in America, into which the like goods of foreign production can be legally imported, shall upon subsequent importation from thence into any of the British possessions in America, into which such goods, being of foreign production, cannot be legally imported, or into the island of Mauritius, or into the United Kingdom, be deemed to be of foreign production, and shall be liable, on such importation respectively, to the same duties or the same forfeitures, as articles of the like description, being of foreign production, would be liable to, unless the same shall have been warehoused under the provisions of this act, and exported from the warehouse direct to such other British possession, or to the island of Mauritius, or to the United Kingdom, as the case may be.

Duties of importation in America.

IX. And be it further enacted, That there shall be raised, levied, collected, and paid unto his Majesty, the several duties of customs, as the same are respectively set forth in figures in the table of duties hereinafter contained, upon goods, wares, and merchandize, imported or brought into any of his Majesty's possessions in America; (that is to say:)

TABLE OF DUTIES.

Duties payable upon Spirits, being of the growth, production, or manufacture of the United Kingdom, or of any of the British possessions in America or the West Indies, imported into Newfoundland or Canada.

	£	s.	d.
Spirits, videlicet:			
imported into Newfoundland, videlicet:			
the produce of any of the British possessions in South America or the West Indies, videlicet:			
imported from any of the British possessions in South America or the West Indies, the gallon,	0	0	6
imported from the United Kingdom, the gallon,	0	1	6
imported from any other place, to be deemed foreign, and to be charged with duty as such.			
the produce of any British possession in North America, or of the United Kingdom, and imported from the United Kingdom, or from any British possession in America or the West Indies, the gallon,	0	1	6
imported from any other place, to be deemed foreign, and to be charged with duty as such.			
imported into Canada, videlicet:			
the produce of any British possession in South America or the West Indies, and imported from the United Kingdom, the gallon,	0	0	6
imported from any other place, to be deemed foreign, and to be charged with duty as such.			

(Spirits, not otherwise charged with duty, one shilling per gallon. See table of duties, 1827; 7th & 8th Geo. IV. See also, 14th Geo. III.)

Duties payable upon Goods, Wares, and Merchandize, not being of the growth, production, or manufacture of the United Kingdom, or of any of the British possessions in America, or the island of Mauritius, imported or brought into any of the British possessions in America, or the island of Mauritius, by sea or by inland carriage or navigation.

	£	s.	d.
For every barrel of wheat flour, not weighing more than 196 lbs. nett weight,	0	5	0
For every hundred weight of biscuit or bread,	0	1	6
For every barrel of flour or meal, not weighing more than 196 lbs., not made from wheat,	0	2	6
For every bushel of wheat,	0	1	0
For every bushel of pease, beans, rye, calavances, oats, barley, or indian corn,	0	0	7
Rice, for every 100 lbs. nett weight,	0	2	6
For every one thousand shingles, not more than twelve inches in length,	0	7	0
For every one thousand shingles, being more than twelve inches in length,	0	14	0
For every one thousand red oak staves, or headings,	0	15	0
For every one thousand white oak staves, or headings,	0	12	6
For every one thousand feet of white, yellow, or pitch pine lumber, of one inch thick,	1	1	0
For every one thousand feet of other kinds of wood and lumber,	1	8	0
For every one thousand wood hoops,	0	5	3
Horses, mules, asses, neat cattle, and all other live stock, for every £100 of the value,	10	0	0
Spirits, videlicet: brandy, geneva, or cordials, for every gallon,	0	1	0
and further, the amount of any duty payable for the time being, on spirits, the manufacture of the United Kingdom.			
Wine, imported in bottles, the tun, containing two hundred and fifty-two gallons,	7	7	0
and further, for every £100 of the true and real value thereof,	7	10	0
and for every dozen of foreign quart bottles in which such wine may be imported,	0	1	0
not in bottles, for every £100 of the true and real value thereof,	7	10	0
Coffee, for every one hundred weight,	0	5	0
Cocoa, for every one hundred weight,	0	5	0
Sugar, for every one hundred weight,	0	5	0
Molasses, for every one hundred weight,	0	3	0
Rum, for every gallon,	0	0	6
and further, the amount of any duty payable for the time being on coffee, cocoa, sugar, molasses, and rum respectively, being the produce of any of the British possessions in South America or the West Indies.			
Alabaster, anchovies, argol, anniseed, amber, almonds, brimstone, botargo, boxwood, currants, capers, cassasoe, cantharides, cummin seed, coral, cork, cinnabar, dates, essences of bergamot, of lemon, of roses, of citron, of orange, of lavender, of rosemary, emery stone, flax, fruit, viz: dry, preserved in sugar, wet, preserved in brandy, figs, gums arabic, mastic, myrrh, sicily, ammoniac, hemp, honey, iron in bars unwrought, and pig iron, jalap, juniper berries, incense of frankincense, lava and malta stone for building, lentils, manna, marble, rough and worked, mosaic work, medals, musks, macaroni, nuts of all kinds, oil of olives, of almonds, opium, orris root, ostrich feathers, ochres, orange buds and peel, olives, pitch, pickles, in jars and bottles, paintings, pozzolana, pitch, pumice			

(Wheat flour that has been warehoused at any free port in the British possessions in North America, and *exported* direct from thence to any British possession in the West Indies or South America, to pay a duty of *one shilling* per barrel only, instead of five shillings. See 7th Geo. IV, c 68, s 46.)

(As to wheat delivered in the colonies to be ground which may be warehoused, under bond, under certain conditions, see 9th Geo. IV, c 76.)

(After April 15, 1831, all duties on the importation of corn or grain unground; of meal or flour not made of wheat; bread, biscuit, rice, live stock, wheat flour, beef, pork, hams, bacon, wood or lumber, repealed.—See 1st Wil. IV, c 24.)

(Masts, timber, staves, wood hoops, shingles, lath wood, cord wood for fuel, raw hides, tal-

stone, punk, parmesan cheese, pickles, prints, pearls, precious stones, (except diamonds,) quicksilver, raisins, rhubarb, sausages, senna, scammony, sarsaparilla, saffron, safflower, sponges, tar, tow, turpentine, vermilion, vermiceli, whetstones: For every £100 of the true and real value thereof, 7 10 0

Clocks and watches, leather manufactures, linen, musical instruments, wires of all sorts, books and papers: For every £100 of the true and real value thereof, 30 0 0

Glass manufactures, soap, refined sugar, sugar candy, tobacco manufactured: For every £100 of the true and real value thereof, 20 0 0

Hay and straw, coin and bullion; diamonds; salt; fruit and vegetables, fresh; cotton wool; goods the produce of places within the limits of the East India company's charter; horses of persons travelling in or through the province of Upper Canada, and necessarily used in removing themselves, their families and baggage; cord wood for fuel and saw logs, brought into Upper Canada; herrings, taken and cured by the inhabitants of the isle of Man, and imported direct from thence; any sort of craft, food, and victuals, except spirits, and any sort of clothing and implements, or materials fit and necessary for the British fisheries in America, imported into the place at or from whence such fishery is carried on in British ships; rice and indian corn, and lumber, the produce of any British possession on the west coast of Africa, and imported direct from thence, *Duty free.*

Goods, wares, or merchandize, not being enumerated or described, nor otherwise charged with duty by this act: For every £100 of the true and real value thereof, 15 0 0

And if any of the goods hereinbefore mentioned shall be imported through the United Kingdom, (having been warehoused therein and exported from the warehouse, or the duties thereon, if then paid, having been drawn back,) one tenth part of the duties herein imposed shall be remitted in respect of such goods.

And if any of the goods hereinbefore mentioned shall be imported through the United Kingdom, (not from the warehouse, but after all duties of importation for home use thereon shall have been paid thereon in the said United Kingdom, and not drawn back,) such goods shall be free of all duties herein imposed.

low, ashes, fresh meat, fresh fish, and the horses, carriages and equipages of travellers, to be free of duty. See table of new duties, 7th and 8th Geo. IV, 1827.)

(Silk manufactures, every £100 value, £30 duty; cotton manufactures, £20. See 7th & 8th Geo. IV, as above.)

Abatement of duty, and remission of duty in certain cases.

(See 9th Geo. IV, c 76, passed 25th July, 1828.)

X. And be it further enacted, That nothing in this act, or in any other act passed in the present session of parliament, shall extend to repeal or abrogate, or in any way to alter or affect an act passed in the eighteenth year of the reign of his late Majesty, King George the Third, entitled, "An act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain, in any of the colonies, provinces, and plantations in North America and the West Indies, and for repealing so much of an act made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, as relates thereto," nor to repeal or in any way alter or affect any act now in force, which was passed prior to the last mentioned act, and by which any duties in any of the British possessions in America were granted, and still continue payable to the crown; nor to repeal, or in any way alter or affect, an act passed in the thirty-first year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province.'"

Not to repeal act 18th Geo. III, c 12;

nor to repeal duties granted prior to that act;

nor to repeal 31st Geo. III, c 31.

XI. And be it further enacted, That the duties imposed by any of the acts hereinbefore mentioned or referred to, passed prior to the said act of the eighteenth year of his late Majesty's reign, shall be received, accounted for, and applied for the purposes of those acts: Provided always, That no greater proportion of the duties imposed by this act, shall be charged upon any article which is subject also to duty under any (of the said acts, or subject also to duty under any) colonial law, than the amount, if any, by which the duty charged by this act shall exceed such other duty or duties: Provided, nevertheless, That the full amount of the duties mentioned in this act, whether on account of such former acts, or on account of such colonial law, or on account of this act, shall be levied and recovered and received under the regulations, and by the means and powers of this act.

Duties imposed by acts prior to act 18th Geo. III, to be applied to purposes of those acts.

XII. And be it further enacted, That all sums of money granted or imposed by this act, either as duties, penalties, or forfeitures, in the British possessions in America, shall be deemed and are hereby declared to be sterling money of Great Britain, and shall be collected, recovered, and paid to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver; and that all duties shall be paid and received in every part of the British possessions in America, according to British weights and measures in use at the time of passing of this act, and that in all cases where such duties are imposed according to any specific quantity, or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value; and that all such duties shall be under the management of the commissioners of the customs.

Currency; weights and measures.

XIII. And be it further enacted, That the produce of duties so received by the means and powers of this act, except such duties as are payable to his Majesty under any act passed prior to the eighteenth year of his late Majesty as aforesaid, shall be paid by the collector of the customs, into the hands of the treasurer or receiver general of the colony, or other proper officer authorized to receive the same, in the colony in which the same shall be levied, to be applied to such uses as shall be directed by the local legislatures of such colonies respectively; and that the produce of such duties, so received as aforesaid, in the colonies which have no local legislature, shall and may be applied in such manner as shall be directed by the commissioners of his Majesty's treasury.

Duties paid by collector of customs to treasurer of colony in which levied.

XIV. And be it further enacted, That there shall be allowed, upon the exportation from Newfoundland to Canada, of rum or other spirits, being the produce of the British possessions in South America or the West Indies, a drawback of the full duties of customs which shall have been paid upon the importation thereof from any of the said places into

Drawback on rum, &c. of British possessions, exported from Newfoundland to Canada, &c.

Newfoundland, provided proof on oath be made to the satisfaction of the collector and controller of the customs at the port from whence such rum or other spirits shall be so exported, that the full duties on the importation of such rum or other spirits at the said port had been paid; and that a certificate be produced under the hands and seals of the collector and controller of the customs at Quebec, that such rum or other spirits had been duly landed in Canada: Provided always, That no drawback shall be allowed upon any such rum or other spirits unless the same shall be shipped within one year from the day of the importation of the same, nor unless such drawback shall be duly claimed within one year from the day of such shipment.

Limitation as to drawback.

Ship and cargo to be reported on arrival.

XV. And be it further enacted, That the master of every ship arriving in any of the British possessions in America, or the island of Mauritius, or the islands of Guernsey, Jersey, Alderney, or Sark, whether laden or in ballast, shall come directly, and before bulk be broken, to the custom house for the port or district where he arrives, and there make a report upon oath, in writing, to the collector or controller, or other proper officer, of the arrival and voyage of such ship, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast, and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage, as far as any of such particulars can be known to him; and the master shall further answer upon oath all such questions concerning the ship, and the cargo and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds; and if any goods be not reported, such goods shall be forfeited.

Particulars of report.

Penalty for false report.

Entry outwards of ship for cargo.

Particulars of entry.

Penalty, £50.

Content of the cargo to be delivered before departure.

XVI. And be it further enacted, That the master of every ship bound from any British possession in America, or the island of Mauritius, or the islands of Guernsey, Jersey, Alderney, or Sark, shall, before any goods be laden therein, deliver to the collector or controller, or other proper officer, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship before such entry be made, the master of such ship shall forfeit the sum of fifty pounds; and before such ship depart, the master shall bring and deliver to the collector or controller, or other proper officer, a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make oath to the truth of such content, as far as any of such particulars can be known to him; and the master of every ship bound from any British possession in America, or from the island of Mauritius, or from the islands of Guernsey, Jersey, Alderney, or Sark, (whether in ballast or laden,) shall, before departure, come before the collector or controller, or other proper officer, and answer upon oath all such questions concerning the ship and the cargo, if any, and the crew and the voyage, as shall be demanded of him by such officer; and thereupon, the collector and controller, or other proper officer, if such ship be laden, shall make out and give to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content or shall not truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds.

Clearance of ship for the voyage.

Penalty for not clearing, £100.

Newfoundland fishing certificates in lieu of clearance, during the fishing season.

XVII. Provided always, and be it further enacted, That whenever any ship shall be cleared out from any port in Newfoundland, or in any other part of his Majesty's dominions, for the fisheries on the banks or coasts of Newfoundland or Labrador, or the dependencies thereof, without having on board any article of traffic, (except only such provisions, nets, tackle, and other things, as are usually employed in and about the said fishery, and for the conducting and carrying on of the same,) the master of any such ship shall be entitled to demand, from the collector, or other principal officer of the customs at such port, a certificate, under his hand, that such ship hath been specially cleared out for the Newfoundland fishery, and such certificate shall be in force for the fishing season of the year in which the same may be granted, and no longer; and upon the first arrival in any port in the said colony of Newfoundland, or its dependencies, of any ship having on board any such certificate as aforesaid, a report thereof shall be made by the master of such ship to the principal officer of the customs at such port; and all ships having such certificate, which has been so reported, and being actually engaged in the said fishery, or

in carrying coastwise, to be landed or put on board any other ships engaged in the said fishery, any fish, oil, salt, provisions, or other necessaries, for the use and purposes thereof, shall be exempt from all obligation to make any entry at, or obtain any clearance from, any custom house at Newfoundland, upon arrival at, or departure from, any of the ports or harbors of the said colony, or its dependencies, during the continuance of the fishing season for which such certificate may have been granted; and previously to obtaining a clearance at the end of such season for any other voyage at any of such ports, the master of such ship shall deliver up the before mentioned certificate to the principal officer of the customs of such port: Provided always, That in case any such ship shall have on board, during the time the same may be engaged in the said fishery, any goods or merchandize whatsoever, other than fish, seals, oil made of fish or seals, salt, provisions, and other things, being the produce of or usually employed in the said fishery, such ship shall forfeit the said fishing certificate, and shall thenceforth become and be subject and liable to all such and the same rules, restrictions, and regulations, as ships in general are subject or liable to.

At the end of the season, the certificate to be delivered up.

Ships trading to forfeit their certificate.

XVIII. And be it further enacted, That no goods shall be laden, or water-borne to be laden, on board any ship, or unladen from any ship in any of the British possessions in America, or the island of Mauritius, or the islands of Guernsey, Jersey, Alderney, or Sark, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same; and that no goods shall be so laden or water-borne, or so unladen, except at some place at which an officer of the customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the collector and controller for the lading and unlading of such goods; and that no goods shall be so laden or unladen except in the presence or with the permission in writing of the proper officer: Provided always, That it shall be lawful for the commissioners of his Majesty's customs to make and appoint such other regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment, as to them shall appear expedient; and that all goods laden, water-borne, or unladen, contrary to the regulations of this act, or contrary to any regulations, so made and appointed, shall be forfeited.

Entry of goods to be laden or unladen.

Regulations inwards and outwards.

Regulations coastwise.

Forfeiture.

XIX. And be it further enacted, That the person entering any such goods shall deliver to the collector or controller, or other proper officer, a bill of the entry thereof, fairly written in words at length, containing the name of the exporter or importer, and of the ship, and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be laden or unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and such person shall at the same time pay down all duties due upon the goods, and the collector and controller, or other proper officer, shall thereupon grant their warrant for the lading or unlading of such goods.

Particulars of entry of goods inwards and outwards.

XX. And be it further enacted, That if the importer of any goods shall declare upon oath before the collector or controller, or other proper officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the collector and controller to receive an entry by bill of sight, for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the officer of the customs, and at the expense of the importer, and may be seen and examined by such importer, in the presence of the proper officers; and within three days after the goods shall have been so landed, the importer shall make a perfect entry thereof, and pay down all duties due thereon; and in default of such entry, such goods shall be taken to the King's warehouse, and if the importer shall not, within one month after such landing, make perfect entry of such goods, and pay the duties due thereon, together with charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus, if any, shall be paid to the proprietor of the goods.

Entry inwards by bill of sight.

Within three days after landing of goods, entry to be made and duties paid.

XXI. And be it further enacted, That in all cases where the duties imposed by this act upon the importation of articles into his Majesty's possessions in America, or the island of Mauritius, are charged, not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles, or his known agent, in manner and form following; (that is to say:)

Goods subject to ad valorem duty.

Value to be declared on entry.

"I, A. B., do hereby declare, that the articles mentioned in the entry and contained in the packages [here specifying the several packages, and describing the several marks and numbers, as the case may be] are of the value of Witness my hand, the day of A. B.

"The above declaration, signed the day of in the presence of C. D. collector, [or other principal officer.]"

Which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the collector or other principal officer of the customs at the port of importation; provided,

Mode of proceeding, if goods be undervalued.

that if upon view and examination of such articles by the proper officer of the customs, it shall appear to him that the said articles are not valued according to the true price or value thereof, and according to the true intent and meaning of this act, then, and in such case, the importer, or his known agent, shall be required to declare on oath before the collector or controller what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of ten pounds per

Proof of invoice price.

centum thereon, shall be deemed to be the value of the articles, in lieu of the value so declared by the importer, or his known agent, and upon which the duties imposed by this act shall be charged and paid: Provided also, That if it shall appear to the collector and controller, or other proper officer, that such articles have been invoiced below the real and true value thereof, at the place from whence the same were imported, or if the invoice price is not known, the articles shall in such case be examined by two competent

If necessary, two persons may be nominated to fix the price.

persons, to be nominated and appointed by the governor or commander in chief of the colony, plantation, or island, into which the said articles are imported, and such person shall declare on oath before the collector or controller, or other proper officer, what is the true and real value of such articles in such colony, plantation, or island, and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties imposed by this act shall be charged and paid.

If importer refuse to pay such duty, the goods may be sold.

XXII. And be it further enacted, That if the importer of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the collector, or other chief officer of the customs, where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold within the space of twenty days, at the most, after such refusal made, and at such time and place as such officer shall, by four or more days' public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

If goods be not entered in twenty days, the officer may land and secure them.

XXIII. And be it further enacted, That every importer of any goods shall, within twenty days after the arrival of the importing ship, make due entry inwards of such goods and land the same; and in default of such entry and landing, it shall be lawful for the officers of the customs to convey such goods to the King's warehouse; and if the duties

If duties be not paid within three months, goods to be sold.

due upon such goods be not paid within three months after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first to the payment of freight and charges, next of duties, and the overplus, if any, shall be paid to the proprietor of the goods.

Goods imported from United Kingdom or British possessions, must appear in cocket, &c.

XXIV. And be it further enacted, That no goods shall be imported into any British possession as being imported from the United Kingdom, or from any other British possession, (if any advantage attach to such distinction,) unless such goods appear upon the cockets, or other proper documents, for the same to have been duly cleared outwards at the port of exportation in the United Kingdom, or in such other British possession, nor unless the ground upon which such advantage be claimed be stated in such cocket or document.

Entry not to be valid, if goods be not properly described in it.

XXV. And be it further enacted, That no entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship, or in the certificate or other document, where any is required, by which the importation or entry of such goods is authorized, nor unless the goods shall have been properly described, in such entry, by the denominations, and with the characters and circumstances, according to which such goods are charged with duty, or may be imported; and any goods taken or delivered out of any ship or out of any warehouse by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

Certificate of production for sugar, coffee, cocoa nuts, spirits, or mahogany.

XXVI. And be it further enacted, That before any sugar, coffee, cocoa nuts, spirits, or mahogany, shall be shipped for exportation in any British possession in America, or the island of Mauritius, as being the produce of such possession, or of such island, the proprietor of the estate on which such goods were produced, or his known agent, shall make

Oath of the grower.

and sign an affidavit, in writing, before the collector or controller at the port of exportation, or before one of his Majesty's justices of the peace, or other officer duly authorized to

administer such oath, residing in or near the place where such estate is situated, declaring that such goods are the produce of such estate; and such affidavit shall set forth the name of the estate, and the description and quantity of the goods, and the packages containing the same, with the marks and numbers thereon, and the name of the person to whose charge at the place of shipment they are to be sent; and if any justice of the peace, or other officer aforesaid, shall subscribe his name to any writing, purporting to be such affidavit, unless the person purporting to make such affidavit shall actually appear before him, and be sworn to the truth of the same, such justice of the peace, or officer aforesaid, shall forfeit and pay for any such offence the sum of fifty pounds; and the person entering and shipping such goods shall deliver such affidavit to the collector or controller, or other proper officer, and shall make oath before him that the goods which are to be shipped by virtue of such entry are the same as are mentioned in such affidavit; and the master of the ship in which such goods shall be laden shall, before clearance, make oath before the collector or controller, that the goods shipped by virtue of such entry are the same as are mentioned and intended in such affidavit, to the best of his knowledge and belief; and thereupon the collector and controller, or other proper officer, shall sign and give to the master a certificate of production, stating that proof has been made, in manner required by law, that such goods, (describing the same,) are the produce of such British possession, or of such island, and setting forth in such certificate the name of the exporter, and of the exporting ship, and of the master thereof, and the destination of the goods; and if any sugar, coffee, cocoa nuts, or spirits, be imported into any British possession in America, or into the island of Mauritius, as being the produce of some other such possession, or of such island, without such certificate of production, the same shall be forfeited; and if any mahogany be so imported, the same shall be deemed to be of foreign production.

Oath of exporter.

Oath of the master.

XXVII. And be it further enacted, That before any sugar, coffee, cocoa nuts, spirits, or mahogany, shall be shipped for exportation in any British possession in America, as being the produce of some other such possession, or of the island of Mauritius, or shall be so shipped in the said island as being the produce of some British possession in America, the person exporting the same shall in the entry outwards state the place of the production, and refer to the entry inwards and landing of such goods, and shall make oath before the collector or controller to the identity of the same; and thereupon, if such goods shall have been duly imported with a certificate of production, within twelve months prior to the shipping for exportation, the collector and controller shall sign and give to the master a certificate of production, founded upon and referring to the certificate of production under which such goods had been so imported, and containing the like particulars, together with the date of such importation.

Certificate of production on re-exportation from another colony.

XXVIII. And whereas it is expedient to make regulation respecting the inland trade of the British possessions in America; be it therefore enacted, That it shall be lawful to bring or import by land, or by inland navigation, into any of the British possessions in America, from any adjoining foreign country, any goods which might be lawfully imported by sea into such possession from such country, and so to bring or import such goods in the vessels, boats, or carriages of such country, as well as in British vessels, boats, or carriages.

Goods brought over land, or by inland navigation.

XXIX. And be it further enacted, That no vessel or boat shall be admitted to be a British vessel or boat on any of the inland waters or lakes in America, except such as shall have been built at some place within the British dominions, and shall be wholly owned by British subjects, and shall not have been repaired at any foreign place to a greater extent than in the proportion of ten shillings for every ton of such vessel or boat, at any one time: Provided always, That nothing hereinbefore contained shall extend to prevent the employment of any vessel or boat as a British vessel or boat, on such inland waters or lakes, which shall have wholly belonged to British subjects before the passing of this act, and which shall not be repaired as aforesaid in any foreign place after the passing of this act.

What vessels shall be deemed British on the lakes in America.

XXX. Provided always, and be it further enacted, That it shall be lawful so to bring or import any goods, except into some port or place of entry at which a custom house now is or hereafter may be lawfully established: Provided also, That it shall be lawful for the governor, lieutenant governor, or person administering the government of any of the said possessions respectively, by and with the advice and consent of the executive council thereof, for the time being, if any executive council be there established, from time to time to diminish or increase, by proclamation, the number of ports or places of entry, which are or hereafter may be appointed in such province, for the entry of goods brought or imported as aforesaid.

Goods must be brought to a place where there is a custom house.

Governor may appoint custom houses.

XXXI. And be it further enacted, That the duties imposed by this act shall be ascertained, levied, and recovered, for and upon all goods so brought or imported, in the same manner, and by the same means, and under the same rules, regulations, restrictions,

Duties to be collected in same manner as on goods imported by sea.

penalties, and forfeitures, as the duties on the like goods imported by sea may and can be ascertained, levied, or recovered, as far as the same are applicable; and if any goods shall be brought or imported contrary hereto, or if any goods, so brought or imported, shall be removed from the station or place appointed for the examination of such goods, by the officers of the customs, before all duties payable thereon shall have been paid or satisfied, such goods shall be forfeited, together with the vessel, boat, or carriage, and the horses or other cattle, in or by which such goods shall have been so imported or brought, or so removed.

Duties in Canada on American boats, as in America on British boats.

XXXII. And be it further enacted, That the same tonnage duties shall be paid upon all vessels or boats of the United States of America, importing any goods into either of the provinces of Upper or Lower Canada, as are or may be, for the time being, payable in the United States of America, on British vessels or boats entering the harbors of the state from whence such goods shall have been imported.

Ports herein mentioned to be free warehousing ports.

XXXIII. And whereas it is expedient to continue and appoint some of the free ports in America to be free warehousing ports for all goods which may be legally imported into the said ports respectively; and it is also expedient to empower his Majesty to constitute and appoint from time to time any other ports in any of the said British possessions in America to be in like manner free warehousing ports for such goods as may be legally imported into such ports respectively; and it is therefore necessary to make regulations for the appointing of proper warehouses at such ports, and for the lodging and securing of goods therein; be it therefore enacted, That the several ports hereinafter mentioned, (that is to say,) Kingston, in the island of Jamaica, Halifax, in Nova Scotia, Quebec, in Canada, Saint John's, in New Brunswick, and Bridgetown, in the island of Barbadoes, shall be free warehousing ports for the purposes of this act; and that it shall be lawful for the several collectors and controllers of the said ports respectively, by notice in writing under their hand, to appoint from time to time such warehouses at such ports respectively, as shall be approved of by them, for the free warehousing and securing of goods therein for the purposes of this act, and also in such notice to declare what sorts of goods may be so warehoused, and also, by like notice, to revoke or alter any such appointment or declaration: Provided always, That every such notice shall be transmitted to the governor of the place, and shall be published in such manner as he shall direct.

(Kingston, in Upper Canada, and Montreal, in Lower Canada, declared to be warehousing ports, by 7th and 8th Geo. IV, passed 2d July, 1827, entitled, "An act to amend the laws relating to the customs.")

Goods may be warehoused without payment of duty.

XXXIV. And be it further enacted, That it shall be lawful for the importer of any such goods into the said ports, to warehouse the same in the warehouses so appointed, without payment of any duty on the first entry thereof, subject, nevertheless, to the rules, regulations, restrictions, and conditions, hereinafter contained.

Stowage of goods in warehouse. Locking and opening warehouse

XXXV. And be it further enacted, That all goods so warehoused shall be stowed in such parts or divisions of the warehouse, and in such manner as the collector and controller shall direct; and that the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such time, and in the presence of such officers, and under such rules and regulations, as the collector and controller shall direct; and that all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the collector and controller shall direct.

Carrying goods to and from warehouse.

Bond upon entry of goods to be warehoused

XXXVI. And be it further enacted, That upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with two sufficient sureties, to be approved of by the collector or controller, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, according to the first account taken of such goods, upon the landing of the same; and with further condition, that no part thereof shall be taken out of such warehouse until cleared from thence, upon due entry and payment of duty, or upon due entry for exportation; and with further condition, that the whole of such goods shall be so cleared from such warehouse, and the duties upon any deficiency of the quantity, according to such first account, shall be paid within two years from the date of the first entry thereof; and if after such bond shall have been given, the goods or any part thereof shall be sold or disposed of, so that the original bonder shall be no longer interested in or have control over the same, it shall be lawful for the collector and controller to admit fresh security to be given, by the bond of the new proprietor, or other person having control over such goods, with his sufficient sureties, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the fresh security so given.

Purchaser of goods may give bond in lieu of original bond.

Goods not duly warehoused, &c. to be forfeited.

XXXVII. And be it further enacted, That if any goods which have been entered to be warehoused shall not be duly carried and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or

shall afterwards be relanded, except with permission of the proper officer of the customs, such goods shall be forfeited.

Account of goods to be taken on landing.

XXXVIII. And be it further enacted, That upon the entry and landing of any goods to be warehoused, the proper officer of the customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry, and under care of the proper officers for exportation, or upon due entry and payment of duty for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for the duties, and if upon such account there shall in either case appear to be any deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

No goods to be taken out without entry.

Deficiencies to be ascertained.

Duties to be paid upon deficiencies.

Samples may be taken.

XXXIX. And be it further enacted, That it shall be lawful for the collector and controller, under such regulations as they shall see fit, to permit moderate samples to be taken of any goods so warehoused, without entry and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

Goods may be sorted and repacked.

XL. And be it further enacted, That it shall be lawful for the collector and controller, under such regulations as they shall see fit, to permit the proprietor, or other person having control over any goods so warehoused, to sort, separate, and pack, and repack any such goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: Provided always, That it shall be lawful for any person to abandon any whole packages to the officers of the customs for the duties, without being liable to any duty upon the same.

Duty due on first quantity.

Whole packages may be abandoned for duty.

All goods to be cleared within two years, or sold.

XLI. And be it further enacted, That all goods which have been so warehoused, shall be duly cleared, either for exportation or for home consumption, within two years from the day of the first entry thereof; and if any such goods be not so cleared, it shall be lawful for the collector and controller to cause the same to be sold, and the produce shall be applied, first to the payment of the duties, next of warehouse rent and other charges, and the overplus (if any) shall be paid to the proprietor: Provided always, That it shall be lawful for the collector and controller to grant further time for any such goods to remain warehoused, if they shall see fit so to do.

Further time may be granted.

Bond on entry for exportation.

XLII. And be it further enacted, That upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond, in treble the duties of the importation on the quantity of such goods, with two sufficient sureties, to be approved by the collector or controller, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the collector and controller.

Power to appoint other ports.

XLIII. And be it further enacted, That it shall be lawful for his Majesty, in council, from time to time to appoint any port in his Majesty's possessions in America to be a free warehousing port, for the purposes of this act, and every such port so appointed by his Majesty shall be a free warehousing port under this act, as if appointed by the same, in as full and ample a manner in all respects as any of the ports hereinbefore mentioned are free warehousing ports appointed by this act.

Goods from Mauritius liable to same duties and regulations as West India goods.

XLIV. And whereas it is expedient that all duties and regulations, relating to importation and exportation into and from his Majesty's islands in the West Indies, should be extended to the island of Mauritius; be it therefore enacted, That all goods, wares, and merchandize, the growth, produce, or manufacture of the island of Mauritius, and all goods, wares, and merchandize, which shall have been imported into the said island of Mauritius, and which shall be imported into any part of the united kingdom of Great Britain and Ireland, or into any possessions of his Majesty, his heirs or successors, shall be liable, upon such importation into the United Kingdom, or into any such possessions respectively, to the payment of the same duties, and shall be subject to the same regulations as the like goods, wares, and merchandize, being of the growth, produce, or manufacture of his Majesty's islands in the West Indies, and imported into the said United Kingdom, or into any such possessions respectively, would on such importation be liable to the payment of or would be subject unto; and that upon the exportation of any goods, wares, or merchandize, from the United Kingdom to the island of Mauritius, such goods, wares, or merchandize, shall be liable to the same duties, and shall be entitled to the like drawbacks respectively, as would or ought by law to be charged or allowed upon the like

goods exported from the United Kingdom to any of his Majesty's islands in the West Indies; and that all goods, wares, and merchandize, which shall be imported into or exported from the said island of Mauritius, from or to any place whatever, other than the united kingdom of Great Britain and Ireland, shall, upon such importation or exportation respectively, be liable to the payment of the same duties, and shall be subject to the same regulations, so far as any such regulations can or may be applied, as the like goods, wares, and merchandize, would be liable to the payment of, or would be subject to, upon importation or exportation into or from any of his Majesty's islands in the West Indies; and that all ships and vessels whatever, which shall arrive at or depart from the said island of Mauritius, shall be liable to the payment of the same duties, and shall be subject to the same regulations, as such ships or vessels would be liable to the payment of, or would be subject to, if arriving at or departing from any of his Majesty's islands in the West Indies.

Dutch proprietors in Demerara, Essequibo, and Berbice, may supply their estates from Holland.

XLV. And be it further enacted, That it shall be lawful for any of the subjects of the King of the Netherlands, being Dutch proprietors, in the colonies of Demerara and Essequibo, and of Berbice, to import in Dutch ships, from the Netherlands, into the said colonies, all the usual articles of supply for their estates therein; and also wine imported for the purposes of medicine only, and which shall be liable to a duty of ten shillings per ton, and no more; and in case seizure be made of any articles, so imported, upon the ground that they are not such supplies, or are for the purpose of trade, the proof to the contrary shall lie on the Dutch proprietor importing the same, and not on the seizing officer: Provided always, That if sufficient security by bond be given in court to abide the decision of the commissioners of customs upon such seizure, the goods so seized shall be admitted to entry and released.

Dutch proprietors may not export to United Kingdom or colonies.

XLVI. And be it further enacted, That it shall not be lawful for such Dutch proprietors to export the produce of their estates to the United Kingdom, or to any of his Majesty's sugar colonies in America.

What persons shall be deemed Dutch proprietors.

XLVII. And be it further enacted, That all subjects of his Majesty, the King of the Netherlands, resident in his said Majesty's European dominions, who were at the date of the signature of the convention between his late Majesty, King George the Third, and the King of the Netherlands, dated the twelfth of August, one thousand eight hundred and fifteen, proprietors of estates in the said colonies, and all subjects of his said Majesty who may hereafter become possessed of estates then belonging to Dutch proprietors therein, and all such proprietors as being then resident in the said colonies and being natives of his Majesty's dominions in the Netherlands, may have declared, within three months after the publication of the aforesaid convention in the said colonies, that they wish to continue to be considered as such, and all subjects of his said Majesty, the King of the Netherlands, who may be holders of mortgages of estates in the said colonies, made prior to the date of the convention, and who may under their mortgage deeds have the right of exporting from the said colonies to the Netherlands the produce of such estates, shall be deemed Dutch proprietors under the provisions of this act; provided that where both Dutch and British subjects have mortgages upon the same property in the said colonies, the produce to be consigned to the different mortgages shall be in proportion to the debts respectively due to them.

Proprietors of estates.

Holders of mortgages.

No ship to sail from Jamaica to Saint Domingo, or from Saint Domingo to Jamaica.

XLVIII. And be it further enacted, That no British merchant ship or vessel shall sail from any place in the island of Jamaica to any place in the island of Saint Domingo, nor from any place in the island of Saint Domingo to any place in the island of Jamaica, under the penalty of the forfeiture of such ship or vessel, together with her cargo; and that no foreign ship or vessel which shall have come from, or shall in the course of her voyage have touched at any such place in the island of Saint Domingo, shall come into any port or harbor in the island of Jamaica; and if any such ship or vessel, having come into any such port or harbor, shall continue there for forty-eight hours after notice shall have been given by the officer of the customs to depart therefrom, such ship or vessel shall be forfeited; and if any person shall be landed in the island of Jamaica from on board any ship or vessel which shall have come from or touched at the island of Saint Domingo, except in case of urgent necessity, or unless license shall have been given by the governor of Jamaica to land such person, such ship shall be forfeited, together with her cargo.

Colonial laws repugnant to any act of parliament, to be null and void.

XLIX. And be it further enacted, That all laws, by-laws, usages, or customs, at this time, or which hereafter shall be in practice, or endeavored or pretended to be in force or practice, in any of the British possessions in America, which are in any wise repugnant to this act, or to any act of parliament made or hereafter to be made in the United Kingdom, so far as such act shall relate to and mention the said possessions, are, and shall be, null and void to all intents and purposes whatsoever.

Officers may board ships hovering on the coast.

L. And be it further enacted, That it shall be lawful for the officers of customs to go on board any ship in any port in any British possession in America, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of any of the coasts thereof, and in either case freely to

stay on board such ship so long as she shall remain in such port, or within such distance; and if any such ship be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officer of the customs to bring such ship into port, and to search and examine her cargo, and to examine the master upon oath touching the cargo and voyage, and if there be any goods on board prohibited to be imported into such possession, such ship and her cargo shall be forfeited; and if the master shall not truly answer the questions which shall be demanded of him in such examination, he shall forfeit the sum of one hundred pounds.

Forfeiture of vessels, carriages, &c. removing goods liable to forfeiture.

LI. And be it further enacted, That all vessels, boats, and carriages, and all cattle made use of in the removal of any goods liable to forfeiture under this act, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harboring of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of one hundred pounds, at the election of the officers of the customs; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

Goods, vessels, &c. liable to forfeiture, may be seized by officers.

LII. And be it further enacted, That all goods, and all ships, vessels, and boats, and all carriages, and all cattle liable to forfeiture under this act, shall and may be seized and secured by any officer of the customs or navy, or by any person employed for that purpose, by or with the concurrence of the commissioners of his Majesty's customs; and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the customs or navy, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, shall for every such offence forfeit the sum of two hundred pounds.

Writ of assistance to search for and seize goods liable to forfeiture.

LIII. And be it further enacted, That under authority of a writ of assistance granted by the superior or supreme court of justice, or court of vice admiralty, having jurisdiction in the place, (who are hereby authorized and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of his Majesty's customs,) it shall be lawful for any officer of the customs, taking with him a peace officer, to enter any building or other place in the day time, and to search for and seize and secure any goods liable to forfeiture under this act; and in case of necessity, to break open any doors and any chests or other packages for that purpose; and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

Obstruction of officers by force.

LIV. And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder, or obstruct any officer of the customs or navy, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person, being thereof convicted, shall be adjudged a felon, and shall be proceeded against as such, and punished at the discretion of the court before whom such person shall be tried.

Goods seized to be secured at the next custom house.

LV. And be it further enacted, That all things which shall be seized as being liable to forfeiture under this act, shall be taken forthwith and delivered into the custody of the collector and controller of the customs at the custom house next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the commissioners of his Majesty's customs.

Goods seized to be sold by auction.

LVI. And be it further enacted, That all things which shall have been condemned as forfeited under this act shall, under the direction of the collector and controller, or other principal officer of the customs, at the port where such seizures shall have been secured, be sold by public auction to the best bidder: Provided always, That it shall be lawful for the commissioners of the customs to direct in what manner the produce of such sale shall be applied, or in lieu of such sale, to direct that any of such things shall be destroyed, or shall be reserved for the public service.

Jurisdiction for prosecution of seizures and penalties.

LVII. And be it further enacted, That all penalties and forfeitures which may have been heretofore or may be hereafter incurred, shall and may be prosecuted, sued for, and recovered, in any court of record or vice admiralty, having jurisdiction in the colony or plantation where the cause of prosecution arises, and in cases where there shall happen to be no such courts, then in any court of record or of vice admiralty having jurisdiction in some British colony or plantation near to that where the cause of prosecution arises; provided that in cases where a seizure is made in any other colony than that where the forfeiture accrues, such seizure may be prosecuted in any court of record or of vice admiralty, having jurisdiction either in the colony or plantation where the forfeiture accrues, or in the colony or plantation where the seizure is made, at the election of the seizor or prosecutor; and in cases where there shall happen to be no such courts in either of the last mentioned colonies or plantations, then in the court of record or of vice admiralty, having jurisdiction in some British colony or plantation near to that where the

forfeiture accrues, or to that where the seizure is made, at the election of the seizor or prosecutor.

Bail may be given for goods or ships seized.

LVIII. And be it further enacted, That if any goods or any ship or vessel shall be seized as forfeited under this act, or any act hereafter to be made, and detained in any of the British possessions in America, it shall be lawful for the judge or judges of any court, having jurisdiction, to try and determine such seizures, with the consent of the collector and controller of the customs, to order the delivery thereof on security by bond, with two sufficient sureties, to be first approved by such collector and controller, to answer double the value of the same in case of condemnation; and such bond shall be taken to the use of his Majesty, in the name of the collector of the customs in whose custody the goods, or the ship, or vessel, may be lodged, and such bond shall be delivered and kept in the joint custody of such collector and his controller, and in case the goods, or the ship, or vessel, shall be condemned, the value thereof shall be paid into the hands of such collector, who shall thereupon, with the consent or privity of his controller, cancel such bond.

Suits to be commenced in name of officers of customs, &c.

LIX. And be it further enacted, That no suit shall be commenced for the recovery of any penalty or forfeiture under this act, except in the name of some superior officer of the customs or navy, or other person employed as hereinbefore mentioned, or of his Majesty's advocate or attorney general for the place where such suit shall be commenced; and if a question shall arise whether any person is an officer of the customs or navy, or such other person as aforesaid, viva voce evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

Onus probandi to lie on party.

LX. And be it further enacted, That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize and stop the same.

Claim to thing seized to be entered in name of the owner.

LXI. And be it further enacted, That no claim to any thing seized under this act, and returned into any of his Majesty's courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanor, and shall be liable to the pains and penalties to which persons are liable for a misdemeanor.

No person admitted to enter claim for any thing seized, unless security first given.

LXII. And be it further enacted, That no person shall be admitted to enter a claim to any thing seized in pursuance of this act, and prosecuted in any of the British possessions in America, until sufficient security shall have been given, in the court where such seizure is prosecuted, in a penalty not exceeding sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

A month's notice of action to be given to officers

LXIII. And be it further enacted, That no writ shall be sued out against, nor a copy of any process served upon any officer of the customs or navy, or other person as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends to sue out such writ or process; in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of the cause of such action shall be produced, except of such as shall be contained in such notice, and no verdict shall be given for the plaintiff, unless he shall prove on the trial that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict and costs.

Actions to be brought within three months of the cause of them.

LXIV. And be it further enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a verdict or demurrer, judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Judge may certify probable cause of seizure.

LXV. And be it further enacted, That in case any information or suit shall be brought to trial on account of any seizure made under this act, and a verdict shall be found for the claimant thereof, and the judge or court before whom the cause shall have been tried, shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and if any action, indictment, or other suit or prosecution, shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the thing seized, or the value thereof, shall not be entitled to more than

two pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than one shilling.

Officer may tender amends.

LXVI. And be it further enacted, That it shall be lawful for such officer, within one calendar month after such notice, to tender amends to the party complaining, or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends sufficient, they shall give a verdict for the defendant; and in such case, or in case the plaintiff shall become nonsuited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, That it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before issue joined, to pay money into court as in other actions.

Judge may certify probable cause of action.

LXVII. And be it further enacted, That in any such action, if the judge, or court before whom such action shall be tried, shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than two pence damages, nor to any costs of suit.

Recovery and application of penalties.

LXVIII. And be it further enacted, That all penalties and forfeitures recovered in any of the British possessions in America, under this act, shall be divided, paid, and applied as follows; (that is to say,) after deducting the charges of prosecution from the produce thereof, one third part of the nett produce shall be paid into the hands of the collector of his Majesty's customs at the port or place where such penalties or forfeitures shall be recovered, for the use of his Majesty; one third part to the governor or commander in chief of the said colony or plantation, and the other third part to the person who shall seize, inform, and sue for the same; excepting such seizures as shall be made at sea by the commanders or officers of his Majesty's ships of war, duly authorized to make seizures, one moiety of which seizures and of the penalties and forfeitures recovered thereon, first deducting the charges of prosecution from the gross produce thereof, shall be paid as aforesaid to the collector of his Majesty's customs, to and for the use of his Majesty, and the other moiety to him or them who shall seize, inform, and sue for the same, any law or usage to the contrary notwithstanding; subject, nevertheless, to such distribution of the produce of the seizures so made at sea, as well with regard to the moiety hereinbefore granted to his Majesty, as with regard to the other moiety given to the seizor or prosecutor, as his Majesty shall think fit to order and direct by any order or orders of council, or by any proclamation or proclamations to be made for that purpose.

Limitation of suits.

LXIX. And be it further enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this act, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred; any law, usage, or custom, to the contrary notwithstanding.

Limitation of appeals.

LXX. And be it further enacted, That no appeal shall be prosecuted from any decree or sentence of any of his Majesty's courts in America, touching any penalty or forfeiture imposed by this act, unless the inhibition shall be applied for and decreed within twelve months from the time when such decree or sentence was pronounced.

Persons authorized to make seizures under 5th Geo. IV, c 113, to have the benefit of this act.

LXXI. And be it further enacted, That all persons authorized to make seizures under an act passed in the fifth year of the reign of his present Majesty, entitled, "An act to amend and consolidate the laws relating to the abolition of the slave trade," shall, in making and prosecuting any such seizures, have the benefit of all the provisions granted to persons authorized to make seizures under this act.

Application of penalties under 5th Geo. IV, c 113.

LXXII. And be it further enacted, That all penalties and forfeitures created by the said act passed in the fifth year of his present Majesty, whether pecuniary or specific, shall (except in cases specially provided for by the said act) go and belong to such persons as are authorized by that act to make seizures, in such shares, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like manner, and by the same ways and means, and subject to the same rules and directions, as any penalties and forfeitures incurred in Great Britain and in the British possessions in America respectively now go and belong to, and may be sued, prosecuted, tried, recovered, and distributed respectively in Great Britain, or in the said possessions, under and by virtue of this act.

The King may regulate the trade of the cape of Good Hope, &c.

LXXIII. And be it further enacted, That it shall be lawful for his Majesty, by and with the advice of his privy council, by any order or orders in council, to be issued from time to time, to give such directions and make such regulations touching the trade and commerce to and from any British possessions on or near the continent of Europe, or within the Mediterranean sea, or in Africa, or within the limits of the East India company's charter, (excepting the possessions of the said company,) as to his Majesty in council shall appear most expedient and salutary; and if any goods shall be imported or exported in any manner contrary to any such order of his Majesty in council, the same shall be forfeited, together with the ship importing or exporting the same.

East India company may carry goods from India to colonies.

LXXIV. And be it further enacted, That it shall be lawful for the East India company to trade in and export from any place within the limits of their charter, any goods, for the purpose of being carried to some of his Majesty's possessions in America, and so to carry and to import the same into any of such possessions; and also to carry return cargoes from such possessions to any place within the limits of their charter, or to the United Kingdom; and that it shall be lawful for any of his Majesty's subjects, with the license in writing granted by or under the authority of the said company, to lade in and export from any of the dominions of the emperor of China any goods, and to lade in and export from any place within the limits of the said company's charter, any tea, for the purpose of being carried to some of his Majesty's possessions in America, and also so to carry and to import the same into any of such possessions.

Private persons may trade to China, or in tea, having license from the company, but limited to the supply of the colonies.

Certificate of production of East India sugar.

LXXV. And be it further enacted, That it shall be lawful for any person, being the shipper of any sugar, the produce of some British possession within the limits of the East India company's charter, to be exported from any place in such possession, to go before the collector or controller, or other chief officer of the customs, at such place, or if there be no such officer of the customs, to go before the principal officer of such place, or the judge or commercial resident of the district, and make and sign an affidavit before him, that such sugar was really and bona fide the produce of such British possession, to the best of his knowledge and belief; and such officer, judge, or resident, is hereby authorized and required to administer such affidavit, and to grant a certificate thereof, setting forth in such certificate the name of the ship in which the sugar is to be exported, and the destination of the same.

Not to repeal or alter the act 37th Geo. III. c 117.

LXXVI. And be it further enacted, That nothing in this act, or in any other act passed in this present session of parliament, shall extend to repeal, or in any way alter or affect, an act passed in the thirty-seventh year of the reign of his late Majesty, King George the Third, entitled, "An act for regulating the trade to be carried on with the British possessions in India, by the ships of nations in amity with his Majesty;" nor to revoke, alter, or affect, any regulations formed under the authority of that act, and which were in force at the time of the commencement of this act.

Ships built prior to 1st January, 1816, deemed British ships within certain limits.

LXXVII. And be it further enacted, That all ships built at any place within the limits of the East India company's charter, prior to the first of January, one thousand eight hundred and sixteen, and which then were, and have continued ever since to be, solely the property of his Majesty's subjects, shall be deemed to be British ships for all the purposes of trade within the said limits, including the cape of Good Hope; any thing in this act, or in any other act or acts passed in this present session of parliament, to the contrary notwithstanding.

Certificate of production of Cape wine.

LXXVIII. And be it further enacted, That it shall be lawful for the shipper of any wine, the produce of the cape of Good Hope, or of its dependencies, which is to be exported from thence, to go before the chief officer of the customs, and make and sign an affidavit before him, that such wine was really and bona fide the produce of the cape of Good Hope, or of its dependencies; and such officer is hereby authorized and required to administer such affidavit, and to grant a certificate thereof, setting forth in such certificate the name of the ship in which the wine is to be exported, and the destination of the same.

Certificate of production of goods in Guernsey, &c.

LXXIX. And be it further enacted, That it shall be lawful for any person who is about to export from any of the islands of Guernsey, Jersey, Alderney, or Sark, to the United Kingdom, or to any of the British possessions in America, any goods of the growth or produce of any of those islands, or any goods manufactured from materials which were the growth or produce thereof, or of the United Kingdom, to go before any magistrate of the island from which the goods are to be exported, and make and sign before him an affidavit, that such goods, (describing the same,) are of such growth or produce, or of such manufacture, and such magistrate shall administer and sign such affidavit; and thereupon the governor, lieutenant governor, or commander in chief of the island from which the goods are to be exported, shall, upon the delivery to him of such affidavit, grant a certificate, under his hand, of the proof contained in such affidavit, stating the ship in which, and the port to which, in the United Kingdom, or in any such possession, the goods are to be exported; and such certificate shall be the proper document to be produced at such ports respectively, in proof that the goods mentioned therein are of the growth, produce, or manufacture of such islands respectively.

Tea and tobacco may not be imported into Guernsey, &c. except from United Kingdom.

LXXX. And be it further enacted, That it shall not be lawful to import into any of the islands of Guernsey, Jersey, Alderney, or Sark, any tea, nor any tobacco, except from the United Kingdom; and if any tea or any tobacco shall be brought into any of the said islands, from any other place than from the United Kingdom, or not having been duly entered and cleared in the United Kingdom, to be exported to such island, the same shall be forfeited.

Guernsey, &c. tonnage of ships and package of goods; viz: Spirits, one hundred tons and forty gallons.

LXXXI. And be it further enacted, That no brandy, geneva, or other spirits, except rum, of the British plantations, shall be imported into or exported from the islands of Jersey, Guernsey, Alderney, or Sark, or either of them, or removed from any one to any other of the said islands, or coastwise from any one part to any other part of either of the said islands, or shall be shipped, in order to be so removed or carried, or shall be water-borne, for the purpose of being so shipped in any ship, vessel, or boat, of less burthen than one hundred tons, nor in any cask or package of less size or content than forty gallons; nor any tobacco or snuff, in any ship, vessel, or boat, of less burthen than one hundred tons, nor in any cask or package containing less than four hundred and fifty pounds weight; (save and except any such spirits or loose tobacco as shall be for the use of the seamen belonging to and on board any such ship, vessel, or boat, not exceeding two gallons of the former, and five pounds' weight of the latter, for each seaman; and also except such manufactured tobacco or snuff as shall have been duly exported as merchandize from Great Britain or Ireland;) nor shall any wine be imported into or exported from the said islands of Guernsey, Jersey, Alderney, or Sark, or either of them, or carried from any one of the said islands to any other thereof, or coastwise, from any one part to any other part of the said islands, or be shipped or water-borne, for the purpose of being shipped in any ship, vessel, or boat, of less burthen than sixty tons, or in any cask containing less than twenty gallons, or any package containing less than three dozen reputed quart bottles, or six dozen reputed pint bottles, on pain of forfeiture of all such foreign brandy, geneva, or other spirits, tobacco, snuff, or wine respectively, together with the casks or packages containing the same; and also every such ship, vessel, or boat, together with all the guns, furniture, and ammunition, tackle, and apparel thereof.

Tobacco, one hundred tons and four hundred and fifty pounds.

Wine, sixty tons and twenty gallons.

Not to extend to vessels of ten tons supplying island of Sark, having license so to do.

LXXXII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject to forfeiture or seizure, under any of the provisions of this act, any boat not exceeding the burthen of ten tons, for having on board at any one time any foreign spirits of the quantity of ten gallons or under, in casks or packages of less size or content than forty gallons; or any tobacco, snuff, or tea, not exceeding fifty pounds' weight of each, for the supply of the said island of Sark, such boat having a license from the proper officer of customs at either of the islands of Guernsey or Jersey, and for the purpose of being employed in carrying commodities for the supply of the said island of Sark, which license such officer of customs is hereby required to grant, without taking any fee or reward for the same: Provided always, That every such boat having on board at any one time any greater quantity of spirits than ten gallons, or any greater quantity of tobacco or snuff than fifty pounds' weight of each of the said articles, unless such greater quantity of spirits, tobacco, or snuff, shall be in casks or packages, of the size, content, or weight, hereinbefore required, or having on board at any one time any greater quantity of tea than fifty pounds' weight, shall be forfeited.

Wine may be imported into Guernsey, &c. in cases, &c.

LXXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent the importation into, or exportation from, the said islands of Guernsey, Jersey, Alderney, or Sark, or either of them, of any wine in bottles shipped in cases or casks only, each containing at least three dozen reputed quart bottles, or six dozen reputed pint bottles: Provided always, That before any such wine in bottles shall be shipped for exportation to or for Great Britain or Ireland, the master or other person having the charge or command of the ship, vessel, or boat, in or on board of which such wine shall be so intended to be exported, together with one other sufficient surety, shall give bond in the penalty of forty shillings per gallon, that the wine so shipped shall (the danger of the seas and enemies excepted) be duly entered and landed at the port or place in Great Britain or Ireland to or for which the same shall be declared at the time of giving such bond, (which bond and declaration the proper officer of his Majesty's customs is hereby authorized and empowered to take;) and such officer is required to furnish the master, or other person having the charge or command of the ship, vessel, or boat, in which any such wine may be, with a certificate specifying the number of such packages as aforesaid, and the quantity of wine contained in each, the date of the bond, and the name of the port or place to or for which the same shall be so declared; and such bond, so given as aforesaid, shall not be delivered up or cancelled until a certificate, under the hand of the proper officer of the customs in Great Britain or Ireland, of the due landing of the wine mentioned therein, shall be produced to and left with the officer taking the said bond, within three months after the date of such bond.

On exportation of wine in bottles, bond to be given.

Penalty on persons found on board vessels liable to forfeiture within one league of Guernsey, &c.

LXXXIV. And be it further enacted, That every person who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under any act relating to the revenue of customs, for being found within one league of the islands of Guernsey, Jersey, Alderney, or Sark, having on board or in any manner attached or affixed thereto, or having had on board or in any manner attached or affixed thereto, or conveying, or having conveyed, in any manner, such goods or other things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been on board any vessel

or boat from which any part of the cargo shall have been thrown overboard during chase or staved or destroyed, shall forfeit the sum of one hundred pounds.

British coals not to be re-exported from British possessions.

LXXXV. And be it further enacted, That it shall not be lawful for any person to re-export, from any of his Majesty's possessions abroad to any foreign place, any coals, the produce of the United Kingdom; and that no such coals shall be shipped at any of such possessions, to be exported to any British place, until the exporter or the master of the exporting vessel shall have given bond, with one sufficient surety, in double the value of the coals, that such coals shall not be landed at any foreign place.

Act may be altered this session.

LXXXVI. And be it further enacted, That this act may be amended, altered, or repealed, by any act to be passed in the present session of parliament.

PASSED IN THE SEVENTH YEAR OF GEORGE IV.

CHAPTER XLVIII.

An act to alter and amend the several laws relating to the customs.

[Passed May 26, 1826.]

6th Geo. IV. c 114. Possessions abroad. Free ports.

XLIII. And whereas another act was passed in the last session of parliament, entitled, "An act to regulate the trade of the British possessions abroad;" and it is expedient to alter and amend the same in manner hereinafter provided; and whereas by the said act certain goods are prohibited to be imported into any port or place in the British possessions in America, except into some of the ports in such possessions called free ports, and enumerated or described in a table contained in such act; be it therefore enacted, That if any goods shall be imported into any port or place in the said possessions, contrary to such prohibition, such goods shall be forfeited.

Rum from West Indies to Canada.

XLIV. And be it further enacted, That rum or other spirits, the produce of any British possession in South America or the West Indies, when imported from any British possession in America into Canada, shall not be deemed to be foreign, nor be charged with duty as such; and that the duty of six pence the gallon, imposed by the said act, to regulate the trade of the British possessions abroad, upon such rum or other spirits, when imported into Canada from the United Kingdom, shall be payable over and above any duty thereon there payable under any colonial law, any thing in the said act, or this act, to the contrary notwithstanding.

Certain goods brought inland into Canada for exportation.

XLV. And be it further enacted, That all masts, timber, and ashes, brought by land or inland navigation into Canada, and duly shipped and exported from thence, shall, upon importation into the United Kingdom, be deemed to be and be imported as the produce of some British possession; and that it shall be lawful to bring into Canada, by land or inland navigation, any beef or pork, to be there warehoused for the purpose only of being exported to Newfoundland: Provided always, That security shall be given to the satisfaction of the commissioners of his Majesty's customs, upon the first entry of such beef and pork, that the same shall be duly conveyed to and warehoused in some warehousing port, to be from thence exported direct to Newfoundland.

Duty on wheat flour imported from a warehouse. (Nothing in this act shall be construed to repeal so much of 3d Geo. IV, c 119, as relates to arbitrators. See 9th Geo. IV, c 76.)

XLVI. And be it further enacted, That wheat flour which shall have been warehoused at any free warehousing port in the British possessions in North America, and which shall be imported direct from the warehouse at such port into any British possession in the West Indies or in South America, shall upon such importation be liable only to a duty of one shilling for every barrel of such flour, instead of the duty of five shillings, now payable on the same under the said act for regulating the trade of the British possessions abroad.

PASSED IN THE SEVENTH YEAR OF GEORGE IV.

CHAPTER LXVIII.

An act to amend so much of an act of the thirty-first year of his late Majesty, as relates to the election of members to serve in the legislative assembly of the province of Upper Canada.

[Passed May 26, 1826.]

31st Geo. III, c 31.

WHEREAS by an act passed in the thirty-first year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" it is amongst other things enacted, that no person shall be summoned to the legislative council, in either of the provinces of Upper Canada and Lower Canada, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the

British parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of Canada; and it is thereby further provided, that no person shall be capable of voting at any election of a member to serve in the legislative assembly in either of the said provinces of Upper Canada or Lower Canada, or of being elected at any such election, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by act of the British parliament, or a subject of his Majesty, having become such by the conquest and cession of the province of Canada; and whereas it is expedient that persons naturalized by any act of the legislative council and assembly of the province of Upper Canada, assented to by his Majesty, his heirs or successors, should be enabled to be summoned to the legislative council of the said province of Upper Canada, and of voting at the elections of members to serve in the legislative assembly of the said province, or of being elected at any such election; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons naturalized by any act of the legislative council and assembly of the province of Upper Canada, assented to by his Majesty, his heirs or successors, shall henceforth be and be deemed competent in the law to be summoned to the legislative council of the said province of Upper Canada, and to vote at the elections of members to serve in the legislative assembly of the said province, and to be elected at any such election.

Persons naturalized in Upper Canada may be summoned to the legislative council, and vote at elections.

II. Provided, nevertheless, and be it further enacted, That whenever any bill which has been passed by the legislative council and by the house of assembly in the said province of Upper Canada, for the naturalization of any person or persons, shall be presented for his Majesty's assent to the governor or lieutenant governor of the said province, or to the person administering his Majesty's government therein, such governor or lieutenant governor, or person administering the government, shall, and he is hereby required to, reserve every such bill for the signification of his Majesty's pleasure thereon; and no such bill shall have any force or authority within the said province of Upper Canada until the governor or lieutenant governor, or person administering the government, shall signify, either by speech or message to the legislative council and assembly of the said province, or by proclamation, that such bill has been laid before his Majesty in council, and that his Majesty has been pleased to assent to the same: and no such bill shall have any force or authority within the said province unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the governor, lieutenant governor, or person administering the government.

Naturalization bills not to have effect till they have received his Majesty's assent.

PASSED IN THE SEVENTH AND EIGHTH YEARS OF GEORGE IV.

CHAPTER LXII.

An act to authorize the sale of a part of the clergy reserves in the provinces of Upper and Lower Canada.

[Passed July 2, 1827.]

WHEREAS by an act passed in the thirty-first year of the reign of his late Majesty, King George the Third, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, 'An act for making more effectual provision for the government of the province of Quebec, in North America, and to make further provision for the government of the said province,'" it is among other things enacted, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the governor or lieutenant governor of each of the provinces of Upper Canada and Lower Canada respectively, or the person administering the government therein, to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands as therein mentioned, for the support and maintenance of a protestant clergy within the same; and it was further enacted, that all and every the rents, profits, or emoluments, which might at any time arise from such lands, so allotted and appropriated as aforesaid, should be applicable solely for the maintenance and support of a protestant clergy within the province in which the same should be situated, and to no other purpose whatever; and whereas in pursuance of the said act such allotments and appropriation of land as aforesaid, have from time to time been reserved for the purpose therein mentioned; which lands are known within the said provinces by the name of "the clergy reserves;" and whereas the said clergy reserves have in great part remained waste and unproductive, from the want of capital to be employed in the cultivation thereof; and it is expedient to authorize the sale of certain parts of such clergy reserves, to the intent that the monies arising from such sale may be employed in the improvement of the remaining part of the said clergy reserves, or otherwise, for the purposes for which the

31st Geo. III, c 31.

said lands are so reserved as aforesaid; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the governor and lieutenant governor, or officer administering the government of the said provinces, or either of them, with the consent of the executive council appointed within such province for the affairs thereof, in pursuance of any instructions which may be issued to such governor, lieutenant governor, or other officer, as aforesaid, by his Majesty, through one of his principal secretaries of state, to sell, alienate, and convey, in fee simple, or for any less estate or interest, a part of the said clergy reserves in each of the said provinces, (not exceeding in either province one fourth of the reserves within such province,) upon, under, and subject to such conditions, provisoes, and regulations, as his Majesty, by any such instructions as aforesaid, shall be pleased to direct and appoint: Provided, nevertheless, That the quantity of the said clergy reserves, so to be sold as aforesaid, in any one year, in either of the said provinces, shall not in the whole exceed one hundred thousand acres: Provided also, That the monies to arise by, or to be produced from, any such sale or sales shall be paid over to such officer or officers of his Majesty's revenue within the said provinces respectively as his Majesty shall be pleased to appoint to receive the same, and shall by such officer or officers be invested in the public funds of the United Kingdom of Great Britain and Ireland, in such manner and form as his Majesty shall from time to time be pleased to direct: Provided also, That the dividends and interest accruing from such public funds, so to be purchased, shall be appropriated, applied, and disposed of, for the improvement of the remaining part of the said clergy reserves, or otherwise, for the purposes for which the said lands were so reserved as aforesaid, and for no other purpose whatsoever; save only so far as it may be necessary to apply the same, or any part thereof, in or towards defraying the expenses of, or attendant upon, any such sale or sales as aforesaid; and which appropriations shall be so made in such manner and form, and for such special purposes, as his Majesty from time to time shall approve and direct.

Governor or lieutenant governor, &c. empowered to sell part of clergy reserves in Canada.

Limiting the quantity of land to be sold in one year.

Money to be invested in the funds, and dividends and interest applied in improvement of remaining part.

II. And be it further enacted, That it shall and may be lawful for the governor, lieutenant governor, or officer administering the government of the said provinces, with the consent of such executive council as aforesaid, in pursuance of any instructions which may in manner aforesaid be issued to him, to give and grant in exchange for any part of the said clergy reserves, any lands of and belonging to his Majesty, within the said provinces, of equal value with such clergy reserves, so to be taken in exchange, or to accept in exchange for any such clergy reserves, from any person or persons any lands of equal value; and all lands so taken in exchange for any such clergy reserves, shall be holden by his Majesty, his heirs and successors, in trust for the several purposes to which the said clergy reserves are appropriated by the said act, so passed in the thirty-first year of the reign of his late Majesty, King George the Third, or by this present act.

Governor, &c. may grant or accept lands in exchange for clergy reserves.

PASSED IN THE SEVENTH AND EIGHTH YEARS OF GEORGE IV.

Certain clauses of an act passed in the united parliament of Great Britain and Ireland, entitled, "An act to amend the laws relating to the customs."

[Passed July 2, 1827.]

XXVII. And be it further enacted, That no goods shall, upon importation into any of the British possessions in America, be deemed to be of the growth, production, or manufacture of the United Kingdom, or of any British possession in America, unless imported from the United Kingdom, or from some British possessions in America.

Goods not deemed the produce of the United Kingdom, &c. unless imported direct.

XXVIII. And be it further enacted, That so much of the said last mentioned act as prohibits the importing or bringing into any of the British possessions in America, of beef, pork, or cocoa nuts, and also so much of the said act as prohibits the importation of coffee, sugar, molasses, or rum, into any of the free warehousing ports in any of the said possessions, for the purpose of being warehoused for exportation only, shall be, and the same is, hereby repealed.

Prohibition of beef and pork repealed.

XXIX. And be it further enacted, That instead of the duties imposed by the said last mentioned act, and set forth in a table therein contained, denominated, "table of duties," the several duties set forth in figures in the table hereinafter contained, and denominated, "table of new duties, 1827," shall, in respect of such goods as are therein mentioned, be raised, levied, collected, and paid unto his Majesty, in like manner as if such duties had been imposed in the said last mentioned act, and had been set forth in the said table therein contained.

New duties.

TABLE OF NEW DUTIES, 1827.

Silk manufactures, for every £100 of the value,	£30	0	0
Cotton manufactures, for every £100 of the value,	20	0	0
Salted beef and salted pork, except into Newfoundland, and all salted beef and salted pork imported from Newfoundland, whether of foreign production or not, the one hundred weight,	0	12	0
Spirits, not otherwise charged with duty, for every gallon,	0	1	0

Spirits of the West Indies from one colony in North America to another.

XXX. And be it further enacted, That spirits, the produce of any of the British possessions in South America or the West Indies, imported into any of the British possessions in North America, from some other British possession in North America, shall not be subject to any higher duty than would have been payable if such spirits had been imported from some British possession in South America or the West Indies; and that the wine in casks imported into the British possessions in North America, from Gibraltar or Malta, shall not be subject to any higher duty than would have been payable if such wine had been imported from the United Kingdom; and that wine in bottles, having been bottled in the United Kingdom, imported into any of the British possessions in America, from the United Kingdom, shall not be subject to any higher duty than would have been payable if such wine had been imported in casks; and that no duty shall be charged upon the bottles containing such wine.

Wine in casks from Gibraltar.

Wine in bottles from United Kingdom.

Masts, &c. from Canada deemed produce of Canada.

XXXII. And be it further enacted, That all masts, timber, staves, wood hoops, shingles, lathwood, and cordwood for fuel, imported from the Canadas into any other British possession in America, or into the United Kingdom, shall be deemed to be the produce of the Canadas; and that wood of all sorts which shall have been warehoused at any warehousing port in any of the British possessions in North America, and exported from the warehouse, shall upon importation into any other British possession in America be subject only to one fourth part of such duty as would otherwise be charged thereon.

Masts, &c. brought inland duty free.

XXXIII. And be it further enacted, That masts, timber, staves, wood hoops, shingles, lathwood, cordwood for fuel, raw hides, tallow, ashes, fresh meat, fresh fish, and horses, carriages, and equipages of travellers, being brought by land or inland navigation into the British possessions in America, shall be so brought duty free.

Exemption to extend only to duties by act of parliament.

XXXIV. Provided always, and be it enacted and declared, That no exemption from duty in any of the British possessions abroad, contained in any act of parliament, does or shall extend to any duty not imposed by act of parliament, unless and so far only as any other duty is or shall be expressly mentioned in such exemption.

Kingston and Montreal, in Canada, to be warehousing ports in certain cases.

XXXV. And whereas it is expedient to appoint the ports of Kingston and Montreal, in the Canadas, to be warehousing ports for the warehousing of goods in certain cases; be it therefore enacted, That the said ports of Kingston and Montreal shall be and are hereby appointed warehousing ports for the warehousing of goods brought by land or inland navigation, and of goods imported by sea in British ships, in like manner as if the said ports had been so appointed by the said last mentioned act.

Goods passed on from frontier ports to warehouse ports.

XXXVI. And be it further enacted, That upon the arrival of any goods at any frontier port in the Canadas, such goods may be entered with the proper officer of the customs at such port, to be warehoused at some warehousing port in the Canadas, and may be delivered by such officer to be passed on to such warehousing port, under bond, to the satisfaction of such officer, for the due arrival and warehousing of such goods at such port.

Warehoused goods removed to another port.

XXXVII. And be it further enacted, That goods warehoused at any warehousing port in any of the British possessions in America, being first duly entered, may be delivered under the authority of the proper officer of the customs without payment of any duty, except for any deficiency thereof, for the purpose of removal to another warehousing port in the same possession, under bond, to the satisfaction of such officer, for the due arrival and re-warehousing of such goods at such other port.

Small vessels importing prohibited goods forfeited.

XXXVIII. And be it further enacted, That if any goods which are prohibited to be imported into any port or place in the British possessions in America, shall be imported, contrary to such yrohibition, in any ship or vessel, which is of less burthen than seventy tons, such ship or vessel shall be forfeited; and that the tonnage of such ship or vessel shall be ascertained in the same manner as the tonnage of British registered ships is ascertained.

PASSED IN THE NINTH YEAR OF GEORGE IV.

CHAPTER LI.

An act to alter and amend an act for enabling his Majesty to grant to a company, to be incorporated by charter, to be called "The Canada Company," certain lands in the province of Upper Canada.

[Passed July 15, 1828.]

6th Geo. IV, c 75.

WHEREAS by an act of parliament passed in the sixth year of the reign of his present Majesty, entitled, "An act to enable his Majesty to grant to a company, to be incorporated

by charter, to be called, 'The Canada Company,' certain lands in the province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto," it was enacted, that in case his Majesty shall within three years after the passing of this act, be pleased by charter of incorporation, under the great seal of Great Britain and Ireland, to declare and grant that such and so many persons as shall be named therein, and all and every such other person or persons as from time to time shall be duly admitted members into their corporation, shall be a body politic and corporate, by the name of "The Canada Company," and to declare that the said corporation, so to be made and created, shall be established for the purpose hereinbefore mentioned, and for such other lawful purposes as to his Majesty may seem meet, then and in that case it shall and may be lawful for the said corporation to hold, to them and their successors, such lands, tenements, and hereditaments, within the said provinces, as shall or may be granted by his Majesty to them and their successors within the said provinces, or as subject to the restrictions hereinafter mentioned, shall be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, and dispose of, all such lands, tenements, and hereditaments, upon, under, and subject to such conditions, provisions, limitations, and restrictions, as his Majesty, by such his charter, may impose, direct, or prescribe; and it was thereby enacted, that all conveyances which were made by the said Canada company to any individual or individuals, of any part of the lands to be so granted or to be so purchased or held by the said company, should be made according to a certain form for that purpose provided; and whereas by letters patent, under the great seal, bearing date at Westminster, on the 19th day of August, in the seventh year of his Majesty's reign, his Majesty, in pursuance of the said act, was graciously pleased to give, grant, make, ordain, constitute, declare, and appoint, that Charles Bosanquet, esquire, William Williams, esquire, Robert Biddulph, esquire, Richard Blanchard, esquire, Robert Downie, esquire, John Easthope, esquire, Edward Ellice, esquire, James William Freshfield, esquire, John Fullarton, esquire, John Galt, esquire, Charles David Gordon, esquire, William Hibbert, the younger, esquire, John Hodgson, esquire, John Hullett, esquire, Hart Logan, esquire, Simon McGillivray, esquire, James McKillop, esquire, John Masterman, esquire, Martin Tucker Smith, esquire, and Henry Usborne, esquire, together with such and so many other person or persons, bodies politic or corporate, as had become, or should at any time thereafter become, subscribers or shareholders of or for the capital stock thereinafter mentioned, in manner thereinafter provided, and their respective successors, executors, administrators, and assigns, and such other person or persons, bodies politic or corporate, as should from time to time be possessed of or entitled to such shares as are thereinafter provided, should be one body politic and corporate, in deed and in name, by the name of "The Canada Company," and by that name should and might sue and be sued, implead and be impleaded, in all courts, whether of law or equity, and should have perpetual succession, with a common seal, which might by them be changed or varied at their pleasure; and by the said letters patent provision was made for the government of the said company; and whereas the said letters patent are in all respects in pursuance of and in conformity with the provisions of the said act of parliament; but adequate provision was not made for rendering valid and effectual, within the said province of Upper Canada, the conveyances to be made as aforesaid, by the said company, of the lands to be granted or to be purchased by the said company, whereby the operations of the said company in settling such their lands may be impeded; be it therefore enacted, and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for the said company, by warrant of attorney, or written instrument under their corporate seal, to constitute and appoint two or more persons, being in Upper Canada, to make and execute conveyances in the name and on the behalf of the said company, to any individual or individuals, of any part of the lands to be granted to, or purchased or held by, the said company, in the manner and subject to the restrictions in the said act of parliament contained, and which conveyances shall be made under the signatures of the said attornies, and under such seal as hereinafter mentioned, and according to the form following, or as near thereto as the circumstances of the case will admit; that is to say:

Canada Company, by warrant of attorney, may appoint persons, being in Upper Canada, to execute conveyances in the name of the company.

Form of conveyance.

"We, A. B. and C. D., the attornies of the Canada company, incorporated under and by virtue of an act made and passed in the sixth year of the reign of his Majesty, King George the Fourth, entitled, "An act to enable his Majesty to grant to a company, to be incorporated by charter, to be called 'The Canada Company,' certain lands in the province of Upper Canada, and to invest the said company with certain powers and privileges, and for other purposes relating thereto," being constituted and appointed such attornies, by virtue and in pursuance of an act passed in the ninth year of the reign of his Majesty, King George the Fourth, entitled, [here insert the title of this act,] do hereby, in consideration of the sum of to us, as such attornies as aforesaid, paid, grant and release

to all and all the right, title, and interest of the said Canada company to and in the same and every part thereof, to have and to hold unto the said and his heirs forever. [Signed] A. B.
C. D."

Company may revoke such warrants of attorney, and grant others.

II. And be it further enacted, That it shall and may be lawful for the said company, from time to time, as occasion may require, and as to them may seem meet, to revoke any such warrant of attorney, or instrument, as aforesaid, and again to make and grant any other warrant or warrants of attorney, instrument or instruments, for the like purpose; provided that such warrants of attorney, or instruments, as aforesaid, be not addressed to fewer than two persons, and be made to take effect only when and so long as the persons thereby appointed shall actually be within the said province; and it shall also be lawful for the said company to appoint and commit to the custody of such their attornies, for the time being, a seal, for the purpose of executing such conveyance as aforesaid, and such seal from time to time to break, alter, or renew, as to them may seem meet; and every conveyance to be made and executed in manner aforesaid, by such attornies, for the time being, as aforesaid, of the said company, shall be valid and effectual in law, to all intents and purposes whatsoever.

Conveyances not to be subject to stamp duty.

Seal of the company affixed to any deed to be sufficient evidence of its execution.

III. And be it further enacted, That conveyances to be made by the said company within the United Kingdom, in pursuance of the said act, of lands situate in Upper Canada, shall not be subject to any duty of stamps; and that the seal of the said company affixed to any conveyance, deed, or instrument in writing, or to any memorial or memorials thereof, for the purpose of registration of the said conveyance, deed, or instrument in writing, in the proper office for registering the same in Upper Canada, shall of itself be sufficient evidence of the due execution of such conveyance, deed, or instrument in writing, or the memorial thereof, by the said company, for all purposes respecting the said registration, and no further evidence or verification of such execution, nor any evidence or verification of the signatures of the directors who shall attest the sealing of such conveyance, deed, or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry; any law or custom now in force in the said province of Upper Canada notwithstanding.

Artificers, &c. may bind themselves to serve the company for a certain period.

IV. And be it further enacted, That it shall and may be lawful for any artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other laborer, not being under the age of seventeen years, by indenture duly executed, and without a stamp, to contract with the said Canada company faithfully to serve, or to proceed to and faithfully to serve, the said company in the province of Upper Canada, for any period not exceeding the full term of seven years, to be computed from the day of the date of such indenture; and it shall be lawful for the said company, within any part of his Majesty's dominions, to maintain an action against any person or persons who shall employ, retain, harbor, or conceal any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other laborer, with intent to deprive the said company, or any agent of the said company, of his, her, or their services, or otherwise with intent to defraud or injure the said company or their agents; and in case the said company shall in any such action recover a verdict, they shall, in addition to the damages found by such verdict, or assessed under the same, recover and have treble costs.

Justices may impose fine on ill-behavior of artificers, &c.

V. And be it further enacted, That it shall and may be lawful to and for any two or more justices of the peace in his Majesty's dominions, to punish by fine not exceeding fifty pounds, or by imprisonment not exceeding three calendar months, or both, any wilful violation of such indentures as aforesaid, by any ill-behavior of such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other laborer, in such his or her service or employment as aforesaid; and also to hear and determine all complaints, differences, and disputes, which shall happen and arise between any such artificer, clerk, handicraftsman, mechanic, gardener, servant in husbandry, or other laborer, and the said company, or their agents, and to make such order or award in every such case, as to such justices shall seem just, and every such order or award to enforce by execution against the goods, effects, or other property of the party or parties against whom such order or award shall be made, or by arrest of the person, and imprisonment not exceeding three calendar months.

Act not to prevent his Majesty from altering the letters patent to the company.

VI. And be it further enacted and declared, That nothing in this act or in the said former act of parliament contained shall extend, or be construed to extend, to prevent his Majesty, his heirs and successors, from altering, amending, or adding to the provisions of the said letters patent, by letters patent to be hereafter issued under the great seal, as to his Majesty, his heirs and successors, shall seem meet.

PASSED IN THE NINTH YEAR OF GEORGE IV.

Certain clauses of an act passed in the united parliament of Great Britain and Ireland, (CHAPTER LXXVI,) *entitled,* "*An act to amend the laws relating to the customs.*"

[Passed July 25, 1828.]

Possessions. 6th Geo. IV, c 114.

Entry of goods in colonies for exportation as British plantation or as foreign.

XXII. And whereas one other of the said first mentioned acts was passed to regulate the trade of the British possessions abroad, and it is expedient to amend the said act; be it therefore enacted, That upon the entry outwards of any goods in any of the British possessions in America, to be exported to any other of such possessions or to the United Kingdom, it shall be stated in such entry either that such goods are the produce of the British possessions in America, or that they are of foreign production, as the case may be; and if any goods, not being the produce of any of the British possessions in America, be stated in such entry to be such produce, the same shall be forfeited; and that no goods shall be stated in the certificate of the clearance of any ship from any British possession in America, to be the produce of such possessions, unless such goods shall have been expressly stated so to be in the entry outwards; and that all goods not expressly stated in such certificate of clearance to be the produce of the British possessions in America, shall, at the place of importation in any other such possessions, or in the United Kingdom, be deemed to be of foreign production.

Certain goods imported into colonies from warehouse in the United Kingdom to be duty free.

XXIII. And be it further enacted, That the several sorts of goods hereinafter enumerated, having been warehoused in the United Kingdom, (that is to say,) corn, grain, seeds, meal, flour, bread, biscuit, rice, fruits, pickles, woods of all sorts, hemp, flax, tow, oakum, pitch, tar, rosin, turpentine, ochres, brimstone, saltpetre, gums, drugs, vegetables, oils, burr stones, dog stones, hops, cork, sago, tapioca, spunge, sausages, cheese, cider, wax, spices, tallow, being imported into any of the British possessions in America direct from the warehouse in the United Kingdom, shall be so imported duty free; and that horses, mules, asses, neat cattle, and all other live stock, shall be imported or brought into the said possessions duty free; and that tallow and raw hides brought by land or by inland navigation into any of the said possessions, shall be so brought duty free.

Wheat in colonies delivered to be ground.

XXIV. And be it further enacted, That upon the entry of any wheat to be warehoused in any warehousing port in the British possessions in America, it shall be lawful for the officers of the customs, instead of requiring that such wheat shall be forthwith lodged in the warehouse, to deliver the same to the importer or proprietor thereof, to be first ground into flour, and also to deliver any warehoused wheat to be ground into flour, under condition, by bond to the satisfaction of the said officers, that within three months from the date of the bond there shall be lodged in the warehouse, one barrel of good and merchantable flour, in return for every five bushels of wheat so delivered; and such flour so warehoused shall be held to be flour imported and warehoused under the conditions and regulations of the said last mentioned act.

Nothing in 7th Geo. IV, c 48, shall be construed to repeal so much of 3d Geo. IV, c 119, as relates to arbitrators.

XXVI. And be it enacted and declared, That nothing contained in an act passed in the seventh year of his Majesty's reign, entitled, "An act to alter and amend the several laws relating to the customs," did or doth repeal, or shall be construed to have repealed, so much of an act passed in the third year of his Majesty's reign, entitled, "An act to regulate the trade of the provinces of Lower and Upper Canada, and for other purposes relating to the said provinces," as relates to the appointment of arbitrators to determine the claims of the province of Upper Canada upon the province of Lower Canada, or as relates to the powers and duties of such arbitrators, or to any award to be made by them, or to the payment of any sum by them awarded, or to the payment of duties made payable under any act or acts of the province of Lower Canada, on the importation of any goods, wares, or commodities, into the said province.

PASSED IN THE FIRST YEAR OF WILLIAM IV.

CHAPTER IV.

An act to render valid acts done by the governor of any of his Majesty's plantations after the expiration of his commission by the demise of his late Majesty, and to extend the period within which the patents of governors of colonies shall, on any future demise of the crown, become vacant, and to provide for the longer duration of the patents of governors after the demise of the crown.

[Passed December 23, 1830.]

WHEREAS on the demise of his late Majesty, King George the Fourth, divers persons were in the exercise of offices and employments, civil and military, within his Majesty's plantations, colonies, and possessions abroad, holden under and by virtue of divers patents, commissions, warrants, or other authorities, determinable at his said late Majesty's plea-

sure; and whereas, at the expiration of six calendar months next after the demise of his said Majesty, such offices and employments as aforesaid will by law cease and determine, and such patents, commissions, warrants, and other authorities, as aforesaid, will by law be vacated and become void; and whereas, by reason of the remoteness of divers of such plantations, colonies, and possessions, it hath been found, and is, impracticable to renew such patents, commissions, warrants, and authorities, so that the renewal thereof should within the period aforesaid be signified and take effect within the said plantations, colonies, and possessions, and the governors and officers administering the government thereof, and other his Majesty's officers therein, must, notwithstanding the expiration of such their commissions, continue in the exercise of the powers and authorities thereby in them vested, in the same manner as if such commissions had not determined; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That powers and authorities, whether vested in any governor, lieutenant governor, or officer administering the government of any of his Majesty's plantations, colonies, or possessions abroad, or in any officer or officers within any such plantation, colony, or possession, by any patent, commission, or warrant, which hath determined or will determine by the demise of his said late Majesty, shall continue in full force and virtue until a new patent, commission, or warrant, for the administration of any such government, or for the exercise of any such office, shall be issued by his Majesty, or on his behalf, or under his authority, and until the issuing of any such new patent, commission, or warrant, shall be signified and made known within the plantation, colony, or possession, abroad, to which the same may relate; and that all acts and deeds which shall in the meantime be done, shall be as good, binding, valid, and effectual, as if such patent, commission, or warrant, had not been vacated or made void, and as if such office or employment had not ceased or determined.

All powers vested in governors of colonies, &c. by patent or commission of his late Majesty to continue in force until new patents shall be issued and made known in such colonies.

II. And be it further enacted, That no patent, commission, warrant, or other authority, for the exercise of any office or employment, civil or military, within any of his Majesty's plantations or possessions abroad, determinable at the pleasure of his Majesty, or of any of his Majesty's heirs and successors, shall by reason of any future demise of the crown be vacated or become void until the expiration of eighteen calendar months next after any such demise of the crown as aforesaid.

Extending the period at which patents shall become determinable at any future demise of the crown.

PASSED IN THE FIRST YEAR OF WILLIAM IV.

CHAPTER XXIV.

An act to amend an act of the sixth year of his late Majesty, to regulate the trade of the British possessions abroad.

[Passed April 22, 1831.]

WHEREAS by an act passed in the sixth year of his late Majesty's reign, entitled, "An act to regulate the trade of the British possessions abroad," and by subsequent acts made and passed, to alter and amend the said act, certain duties of customs are imposed on articles of foreign production, when imported or brought into the British possessions in America; and whereas it is expedient to repeal some of the said duties, and to alter or vary others of them; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of April, one thousand eight hundred and thirty-one, so much of the said acts as imposes any duty in any of the British possessions in America, upon the importation or bringing in of corn or grain unground, or of meal or flour not made of wheat, or of bread or biscuit, or of rice, or of live stock, shall be, and the same is, hereby repealed.

6th Geo. IV, c 114

Repeal of duties upon the importation of corn, &c. into British possessions in America;

II. And be it further enacted, That so much of any of the said acts as imposes any duty in the provinces of Upper or Lower Canada upon the importation or bringing in of wheat flour, or of beef, pork, hams, or bacon, or of wood or lumber, shall be, and the same is, hereby repealed.

Of wheat flour, &c. into Canada;

III. And be it further enacted, That so much of any of the said acts as imposes any duty, in New Brunswick, Nova Scotia, or Prince Edward's island, upon wood or lumber, shall be, and the same is, hereby repealed.

Of wood or lumber into Nova Scotia, &c.;

IV. And be it further enacted, That so much of any of the said acts as imposes any duty, in the British possessions on the continent of South America, or in the West Indies, or in the Bahama or Bermuda islands, upon wheat flour, or upon beef, pork, hams, or bacon, or upon wood or lumber, when imported from any of the British possessions in North America, shall be, and the same is, hereby repealed.

And of wheat flour, &c. from the British possessions in North America into the West Indies, &c.

V. And be it further enacted, That upon the importation from any foreign country into the British possessions on the continent of South America, or in the West Indies, or into

Duties of importation from any foreign coun-

try into the West Indies, &c.

the Bahama or Bermuda islands, of the articles mentioned in the following table, there shall be raised, levied, collected, and paid unto his Majesty the several temporary additional duties, as the same are set forth in the said table; (that is to say:)

TABLE OF ADDITIONAL DUTIES.

	£	s.	d.
Staves and heading, until the first day of January, 1834, the one thousand,	0	11	3
on and from the first of January, 1834, to the first day of January, 1836, the one thousand,	0	7	3
White or yellow pine lumber, until the first day of January, 1834, the one thousand feet of one inch thick,	0	7	0
on and from the first day of January, 1834, to the first day of January, 1836, the one thousand feet of one inch thick,	0	5	0

Duties to be levied and collected as if imposed by recited act.

VI. And be it further enacted, That the duties imposed by this act shall be raised, levied, collected, and paid unto his Majesty, in like manner as if such duties had been imposed by the said first mentioned act, and had been set forth in the table of duties therein contained.

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1815, - - -	20,500	0	0	-	-	182
1816, - - -	513	12	6	-	-	202
" - - -	21,000	0	0	-	-	209
1818, - - -	750	0	0	-	-	226
1821, - - -	200	0	0	-	-	235
1823, - - -	1,200	0	0	-	-	427
1827, - - -	100	0	0	-	-	462
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[*The acts of the Imperial Parliament and Proclamations affecting Upper Canada, passed previous to the year* 1792, *are placed at the commencement of this volume, before the acts of the Provincial Parliament; and all others, passed from time to time, are to be found after those acts, at the latter end of the book.*]

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All white persons coming so to reside, to take the oath of allegiance, if upwards of fourteen years old, - - ib.
So much of the 14th Geo. III, c 83, as relates to the appointment of a council for Quebec, or its powers, repealed, - ib.
Province of Quebec to be divided into two provinces, to be called Upper and Lower Canada, - - - - - 13
Within each of the intended provinces a legislative council and assembly to be constituted, by whose advice his Majesty may make laws for the government of the provinces, - ib.
His Majesty may authorize the governor, etc. of each province to summons members to the legislative council, - - ib.
No persons under twenty-one years of age, etc. to be summoned, ib.
Persons naturalized in Upper Canada may be summoned to the legislative council, and vote at elections, - - 611
No naturalization bill to have any effect until it shall have received his Majesty's assent, to be given within two years from the passing of such bill, - - - - - - ib.
Members of the council to hold their seats for life, - 13
His Majesty may annex to hereditary titles of honor the right of being summoned to the legislative council, - - 13
Such descendible right forfeited, and seats in council vacated, in certain cases, - - - - - - - 13, 14

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Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties; but on their deaths, to go to the persons next entitled thereto, - - 14
Seats in council and hereditary rights extinguished for treason, ib.
Questions respecting the right to be summoned to the council, &c. determined as herein mentioned, - - - - ib.
The governor, &c. of the province to appoint and remove the speaker of the council, - - - - - - ib.
His Majesty may authorize the governor, &c. to call together the assembly, - - - - - - - - ib.
And for the purpose of electing members, to issue a proclamation, dividing the province into districts, (*see the proclamations*, p. 23 and 24,) - - - - - - - 15
Power of the governor, &c. to appoint returning officers to continue two years from the commencement of this act, - ib.
No person obliged to serve as returning officer more than once, unless otherwise provided for by an act of the province, ib.
Number of members in each province, - - - - ib.
Regulations for the issuing writs for the election of members to serve in the assemblies; returning officer to execute such writs, - - - - - - - - ib.
By whom the members are to be chosen, - - - ib.
Certain persons not eligible to the assemblies, - - 16
No person under twenty-one years of age to be capable of voting or of being elected, (see 7th Geo. IV, c 68, p. 641,) - ib.
Nor any person attainted of treason or felony, - - ib.
Voters, if required, to take oath; form thereof, - - ib.
And to make oath to certain other particulars, - - ib.
His Majesty may authorize the governor, &c. to fix the time and place for holding the elections; and of holding the sessions of the council and assembly, - - - - - - ib.
Council and assembly to be called together once in twelve months, &c. - - - - - - - - ib.
And all questions therein to be decided by the majority of votes, 17
No member to sit until sworn; form of the oath, - - ib.
Governor, &c. may give or withhold his Majesty's assent to bills passed by the legislative council and assembly, or reserve them for his Majesty's pleasure, - - - - - ib.
Governor, &c. to transmit to the secretary of state, copies of such bills as have been assented to, which his Majesty in council may declare his disallowance of, within two years from the receipt thereof, - - - - - - - - ib.
Bills reserved for his Majesty's pleasure not to have any force till his Majesty's assent be communicated to the council and assembly, etc. - - - - - - - - ib.
Laws in force at the commencement of this act to continue so, except repealed or varied by it, etc. - - - - 17, 18
Establishment of a court of civil jurisdiction in each province, 18
14th Geo. III, c 83: instructions of January 3, 1775, to sir Guy Carleton, and instructions to sir F. Haldimand and lord Dorchester, recited, - - - - - - - - ib.
And the declaration and provisions therein, respecting the clergy of the church of Rome, to continue in force, - ib.
His Majesty's message to parliament, recited, - - ib.
His Majesty may authorize the governor, etc. to make allotments of land for the support of a protestant clergy in each province, and the rents arising from such allotments to be applicable to that purpose only, - - - - - - - 19
His Majesty may authorize the governor, etc. with the advice of the executive council, to erect parsonages or rectories, and endow them, - - - - - - - - ib.
And the governor, etc. to present incumbents to them, who are to enjoy the same as incumbents in England, - - ib.
Presentations to parsonages, etc. and the enjoyment of them, to be subject to the jurisdiction granted to the bishop of Nova Scotia, etc. - - - - - - - - ib.
Provisions respecting the allotment of lands for the support of a protestant clergy, etc. may be varied or repealed by the legislative council and assembly, - - - - - 20
Acts of the legislative council and assembly containing provisions to the effect herein mentioned, to be laid before parliament, previous to receiving his Majesty's assent, etc. - - ib.
Lands in Upper Canada to be granted in free and common soccage, and also in Lower Canada, if desired, - - - ib.
Persons holding lands in Upper Canada may have fresh grants, ib.
Such fresh grants not to bar any right or title to the lands, 21
18th Geo. II, c 12, p. 11, recited, - - - - ib.

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This act not to prevent the operation of any act of parliament establishing prohibitions or imposing duties for the regulation of navigation and commerce, etc. - - - - - 21
Such duties to be applied to the uses of the respective provinces, ib.
His Majesty in council to fix and declare the commencement of this act, - - - - - - - - - ib.
Time for issuing the writs of summons and election not to be later than 31st December, 1792, - - - - - ib.
Between the commencement of this act, and the first meeting of the legislative council and assembly, temporary laws may be made, 22
Offences committed within any of the Indian territories, etc. shall be tried in the same manner as if committed within the provinces of Lower or Upper Canada, - - - - ib.
The governor of Lower Canada may empower persons to act as justices for the Indian territories, etc. for committing offenders, till conveyed to Canada for trial, etc., - - - - ib.
Place and manner of trial of such offenders, - - ib.
Offenders not being subjects of his Majesty, and also within the limits of any European state, shall be acquitted, - - 33
But subjects to his Majesty shall be tried, although offence be committed in another European state, - - - - ib.
Proclamation of lord Dorchester, dividing the province of Quebec into districts, - - - - - - - ib.
Proclamation of governor Simcoe, making a further division of the province of Upper Canada into districts, - - 24
Ordinances of the province of Quebec in force in Upper Canada, 28

ROMAN CATHOLICS.

Inhabitants of Quebec may profess the Romish religion, subject to the King's supremacy, as by the 1st Eliz. and the clergy enjoy their accustomed dues, - - - - - 7
No person professing the Romish religion obliged to take the oath of 1st Eliz. but to take before the governor, etc. the following oath; form thereof, - - - - - ib.
Penalties on persons refusing to take such oath, - - ib.

SLAVES.

As to the importation of slaves, and the sale thereof by settlers from the United States, (see Quebec act,) - - 12

SPIRITS.

Certain duties imposed by his most Christian Majesty upon rum, brandy, etc. imported into the province of Quebec, after 5th April, 1775, to be discontinued, and instead thereof certain other duties to be paid to his Majesty, - - - - - 9

UNITED STATES.

From 1st August, 1790, subjects of the U. S. settling in the province of Quebec, may import negroes, etc. duty free, to the value therein specified, etc., - - - - - - 12
Sale of negroes, etc., so imported within twelve months, to be void, ib.
All white persons, so coming to reside, to take the oath of allegiance, if over fourteen years old, - - - - - ib.
Tonnage duties on American vessels to be the same as the U. S. impose on British vessels, - - - - 604
The same regulation as to boats, - - - - 632
Goods, the produce of his Majesty's dominions, or any article legally imported into the province, may be exported to any place in the United States, (excepting arms or naval stores,) 605
Small vessels, importing prohibited goods, to be forfeited, 643

WHEAT FLOUR.

Imported into Canada, to pay a duty of five shillings per barrel, 626
That has been warehoused at any free port in the British possessions in North America, and exported direct from thence to any British possession in the West Indies or South America, to pay a duty of one shilling per barrel only, - - - - 640
Wheat brought into Canada for the purpose of being warehoused at any warehousing port in the British possessions, or wheat already warehoused, may, instead of being forthwith lodged in such warehouse, be delivered to the importer or proprietor thereof, to be ground into flour, under condition by bond, to the satisfaction of the officers of the customs, to deliver at the warehouse within three months, a barrel of good and merchantable flour, for every five bushels of wheat so delivered; and such flour so warehoused, shall be held to be flour imported and warehoused under the conditions and regulations of the act, 6th Geo. IV, c 114, p. 624, - - - - - - 646
(*See* 1st *Wil. IV*, c 24, p. 64.)

ERRATA.

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138.—Ch. 3: Reference to the act repealed should be 4th Geo. IV, c 6, instead of "6th Geo." etc.
178.—In the marginal note at the end of ch. 9, "1826" should be 1828.
199.—In ch. 17, the word "repeals" should be *repealed by*.
206.—Ch. 36: The first marginal note to this chapter should be divided off into *two* separate notes.
224.—Last line of the page: 11th should be inserted before "Geo. IV."
251.—10th clause: Reference should be 4th Geo. IV, c 9, instead of c "10."
256.—In the marginal note to ch. 18, should be 56th Geo. III, c 21, instead of "c 22."
261.—Ch. 6: Reference should be 45th Geo. III, c 2, instead of "4th Geo."
291.—Marginal note to clause 18: "defendant" should be *deponent*.

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390.—Ch. 36, 2d line: "fifty-eighth" should be *fifty-ninth*.
421.—The marginal note at the end of ch. 19, should be at the beginning of ch. 20.
449.—In the note to the 23d clause: "1827" should be 1829.
474.—Ch. 16, appropriation for map, "£280" should be £180.
477.—Ch. 20: Instead of, "Reserved for his Majesty's consent," etc. read, *Assented to by the lieutenant governor, but disallowed by the King in council within the time limited by law.*
498.—Marginal note to clause 9: "electors" should be *directors*.
541.—First marginal note to ch. 31: "£1,000" should be £100.
542.—Ch. 33, 2d line: "fifty-eighth" should be *fifty-ninth*.
555.—The year of passing ch. 8 and 9, should be 1831, instead of "1830."