



STATUTES,

OF

HIS MAJESTY'S PROVINCE

OF

UPPER CANADA,

PASSED IN

*The Fourth Session of the Ninth Provincial Parliament of
Upper Canada.*



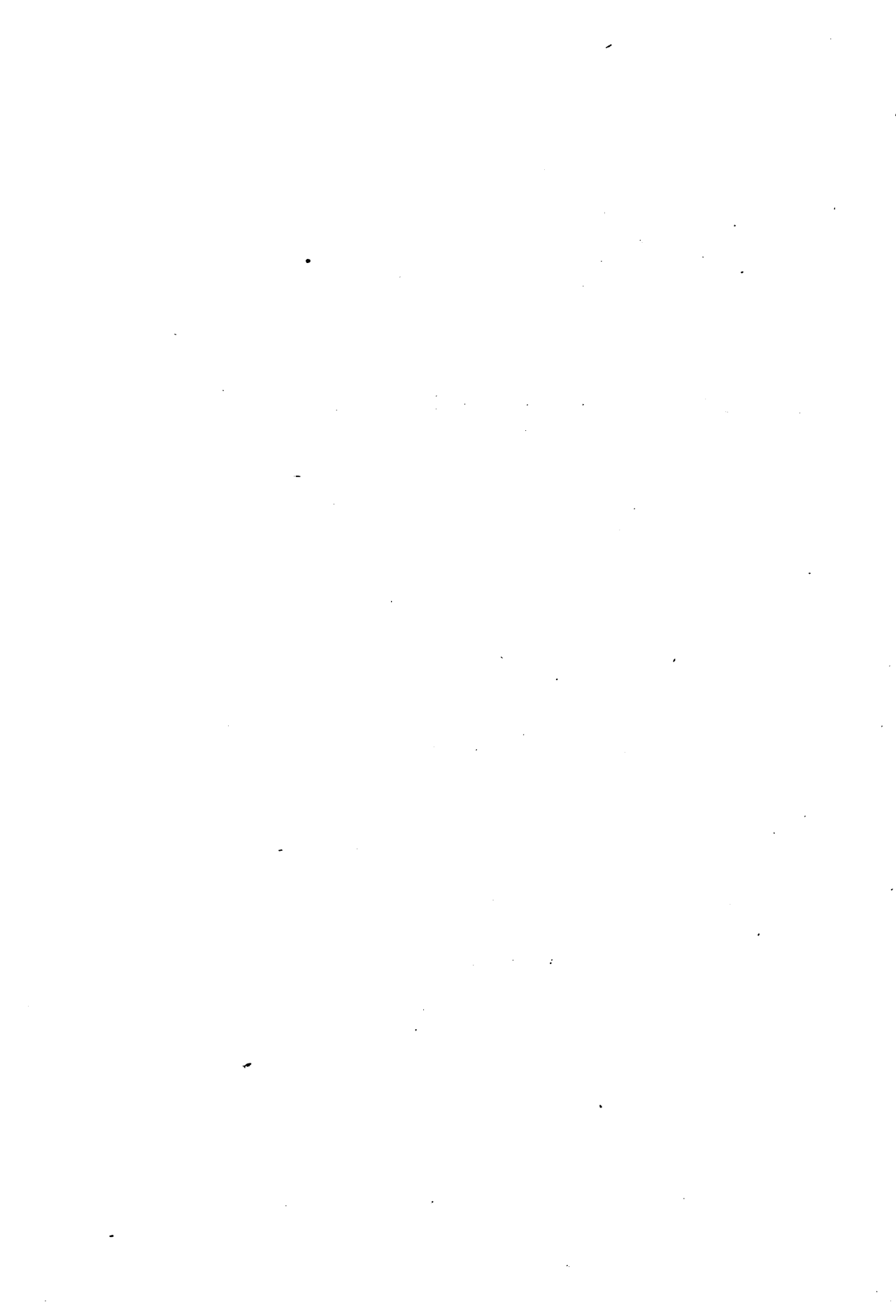
By Authority,

SIR PEREGRINE MAITLAND, K.C.B.

LIEUTENANT GOVERNOR.

YORK, U. C.

Printed by ROBERT STANTON, Printer to the KING'S MOST EXCELLENT MAJESTY.



STATUTES,

OF

Upper Canada,

PASSED IN THE 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.



CHAP. 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 25th March, 1828.]

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.

Enacted

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of

the Province of Upper Canada, Constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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.

55 Commission under 54 Geo. 3, ch. 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.

Purchasers 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 so 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.

CHAP. II.

An Act for the Relief of the Religious Societies therein mentioned.

[*Passed 25th March, 1828.*]

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.

Preamble.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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, Independants, 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.

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.

No one congregation shall hold more than five Acres.

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.

Trust Deeds to be registered.

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 pur-

Conveyances heretofore

fore made for the purposes of this Act made valid.

Registry.

poses 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.

CHAP. III.

AN ACT to Amend the Assessment Laws of this Province.

[*Passed 25th March, 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.

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.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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.

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.

Accounts to be kept by the Treasurers.

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.

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.

The Treasurer receiving Assessments from Treasurers of other Districts, to credit the respective lots,

And transmit receipts to the Treasurers forwarding the money.

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

No greater accumulation than 50 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, 50 per cent, and no more, shall be charged in addition

where the Assessments shall remain in arrear longer than five years.

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.

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.

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.

In such case the Assessments must be paid in the District in which the lands lie.

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.

No partial payment shall be received when more than eight years Assessments are due.

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, 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.

Justices in Quarter Sessions bound to ascertain that he has correctly discharged the duties imposed on him by this Act.

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 required 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.

6 sec. of 6. Geo. 4.
c. 7th, repealed.

Further time given
for performing the
duties mentioned in
that clause.

1st July, 1829.

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.

Relief afforded where
Assessments paid
have not been credit-
ed.

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.

Proofs supplied where
the party who has
made such payment is
dead.

B.

CHAP. IV.

AN ACT to provide for the construction of Aprons to Mill Dams over certain Streams in this Province.

[*Passed 25th March, 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.

Owners or occupiers
of Mills to construct
Aprons to their dams.

Penalties for neglect.

Appropriation.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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.

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.

CHAP.

CHAP. V.

AN ACT to make valid the Acts of Road Surveyors, and to make further provision for the same.

[*Passed 25th March, 1828.*]

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:

Preamble.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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

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.

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.

But this Act shall not confirm any thing done by Road Surveyors after they have been legally removed from office.

Hereafter Road Surveyors having been sworn, may continue to discharge their duty without again taking the oath of 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 anywise notwithstanding.

CHAP. VI.

AN ACT for making and maintaining a Road between Ernestown and the Gore of Fredericksburgh.

[*Passed 25th March, 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.

CHAP. VII.

AN ACT to provide for the Erection of a Light House, on the False-Ducks Island, in Lake Ontario.

[*Passed 25th March, 1828.*]

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 :

Preamble.

Be it therefore enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, entitled, ‘An Act for making more effectual provision for the Government of the Province of Que-

Commissioners to be appointed for erecting a Light House on the False-Ducks Island in Lake Ontario.

bec, 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 in 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.

£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 favour 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.

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.

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.

CHAP. 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 Licences to Hawkers, Pedlars, and Petty Chapmen, and other Trading Persons therein mentioned,' and to extend the provisions of the same.'"

[*Passed 25th March, 1828.*]

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 Licences 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.

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 Licence so to do, any Law or usage, to the contrary in any wise notwithstanding.

Preamble:

58 Geo. 3d, ch. 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 Licence.

CHAP. IX.

An Act to continue for a limited time, the Laws imposing duties upon Stills.

[Passed 25th March, 1828.]

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.

4 Geo. 4th. 1st Sess'n.
ch. 13 continued for
four years, and from
thence to the end of
the next Session of
Parliament.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "an Act for making more effectual provision for the Government of the Province of 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.

CHAP. X.

An Act to continue an Act, imposing duties on Goods sold by Auction.

[Passed 25th March, 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 Licences 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.

4 Geo. 4th ch. 17 continued for four years, and to the end of the next ensuing Session of Parliament.

CHAP. XI.

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 25th March, 1828.*]

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:

Preamble.

4 Geo. 4 ch. 22, and 4 Geo. 4. 2nd Session, ch. 21. 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

C.

the said Province ;” and by the authority of the same, That the said several Acts herein before recited be, and the same are, hereby 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.

Time of holding election by the holders of Certificates.

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.

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.

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.

Acts of a majority of the Commissioners shall be valid.

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.

The late Commissioners shall deliver over the books and papers, &c.

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.

Commissioners may bring actions.
By what name.
How they may sue.

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.

Statute of limitations shall not bar if actions are brought within a year from the passing of this Act.

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 Institu-

Want of notice to drawers and indorsers shall not avail unless they have been prejudiced by the want of such notice.

tion 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 1st. 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 for ever extinguished and barred.

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 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 to refer any such matter to arbitration, or make any compromise in regard to any such debt as they may think reasonable and proper.

Certain discretionary powers given to the Commissioners for the more equitable & convenient settlement of debts due to the late Bank.

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.

Interest on debts due to the said Bank, to cease in certain cases.

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.

Commissioners to make reports of their proceedings.

And of the state of the affairs of the late Bank.

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.

To make half yearly dividends.

May deduct disbursements.

First dividend, when to be made.

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

Provision for indemnifying the Commissioners heretofore appointed for all disbursements necessarily incurred by them.

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.

CHAP. XII.

An ACT to provide for the valuation of the labour and materials applied in constructing the Harbour at Burlington Bay, and for other purposes relating to the said Harbour.

[*Passed 25th March, 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 labour and materials applied in the construction of the said Work, and whereas from the peculiar nature of the said undertaking, the difficulties and expence 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 labour and materials applied by him in constructing the same.

Arbitrators to be appointed for estimating

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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 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 labour applied by the said James G. Strowbridge, in the prosecution of the Work.

the actual value of the 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.

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.

Compensation to be made to the Arbitrators for their time and trouble.

ble, and as may enable them to remunerate any Engineer or other person employed by them in Surveying the said Work.

Alteration in the tonnage duty on Vessels.

Rates of tonnage duty.

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 Sixpence, 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 Harbour or elsewhere in Burlington Bay. Provided always that no Vessel exceeding fifty tons in burthen shall pay a less toll than Ten Shillings.

Wheat, or other grain to pay 1½d. per bushel.

VIII. *And be it further enacted by the authority aforesaid,* That upon every bushel of Wheat or other grain passing through or into the said Canal, there shall be charged the toll of One Penny and a Half-penny.

Tolls to be charged in Provincial Currency, and not in Sterling.

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.

CHAP. XIII.

An ACT to borrow a Sum of Money from His Majesty's Government, and to make provisions for the payment of the same.

[Passed 25th March, 1828.]

Preamble.

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 Legislature 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 Ass'mbly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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

Premium on bills of exchange, drawn in consequence of any such loan, to be accounted for by the Receiver General.

D.

The grant of £4,500 not to be set apart until the Loan shall be effected.

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.

CHAP. XIV.

AN ACT for Granting to His Majesty a Supply for the Support of the Civil Government, and the Administration of Justice.

[Passed 25th March, 1828.]

MOST GRACIOUS SOVEREIGN.

Preamble.

WHEREAS by an Estimate transmitted to the Commons House of Assembly, by His Excellency Sir Peregrine Maitland, a sum of Money is required towards defraying the expenses of the Administration of Justice and the Support of the Civil Government of this Province for the present year, and Your Majesty's faithful Commons are desirous of granting to Your Majesty the said sum of Money for defraying the said charges.—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 there be appropriated, 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 Two Thousand Pounds, which said sum of Two Thousand Pounds shall be applied towards defraying the charges hereinafter specified for the present year, viz :—

£2000 granted for the administration of Justice, and support of the Civil Government for the year 1828.

The Administration of Justice,
The Government Office,
The Receiver General's Office,
The Surveyor General's Office,

The Inspector General's Office,
 The Executive Council Office,
 The Secretary and Register's Office,
 The Government Printer,
 Printing the Laws,
 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. How to be paid and accounted for

II. *Provided always, and it is hereby 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 the Parliament. Balance unexpended to remain subject to the future disposition of the Legislature.



CHAP. 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.

[Passed 25th March, 1828.]

MOST GRACIOUS SOVEREIGN.

WHEREAS in pursuance of an Address of Your Commons House of Assembly at its last Session, to His Excellency Sir Peregrine Maitland, Lieutenant Governor of Your Province of Upper Canada, the sum of Two Thousand Eight Hundred and Fifty-seven Pounds, Eighteen Shillings and one half-penny, has been issued and advanced by Your Majesty, through Your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the Contingent expenses of the last Session of the Provincial Legislature, may it therefore please Your Majesty that it may be enacted, *And be it enacted,* by the Preamble.

£2,857 18 0½ granted to make good certain monies advanced upon an address of the Assembly for paying the Contingencies of the Legislature.

King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of 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 fund or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of Two Thousand, Eight Hundred and Fifty-seven Pounds, Eighteen Shillings, and one half-penny, to make good the said sum which has been issued and advanced in pursuance of the aforesaid address.

To be accounted for to His Majesty thro' the Lords of the Treasury.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sum of Money, pursuant to the direction of this Act, 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, may be graciously pleased to direct.

CHAP. XVI.

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.

[Passed 25th March, 1828.]

Preamble.

WHEREAS an Act was passed in the Second year of His present Majesty's Reign entitled, "An Act to make provision for the Improvement of the Internal Navigation of this Province," granting to His Majesty a sum of Money to be expended in ascertaining the practicability of improving the internal communications of the Province by Inland Navigation; *And whereas,* by an other Act passed in the Fourth year of His present Majesty's Reign entitled, "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 hereby repealed, and to grant a further sum of money for such Improvement,” a further sum was granted for the like purposes: *And whereas*, more fully to carry into effect the provisions of the said first recited Act, in procuring a Plan or Map of the Rideau Canal, and a number of Engraved Copies thereof, it is expedient to grant to His Majesty a further sum.

Be it therefore enacted, by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “ An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, entitled, “ an Act for making more effectual provision for the Government of the Province of 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 and Eighty Pounds be granted to His Majesty, to be applied by the Commissioners appointed under the provisions of the said first recited Act, in defraying the expenses of executing a Plan or Draft of the Rideau Canal, and procuring a number, not exceeding five hundred engraved copies thereof.

£180 granted for enabling the Commissioners for internal navigation to defray the charge of engraving and striking off 500 copies of a Map of the Rideau Canal.

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 One Hundred and Eighty Pounds 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 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 an account, in detail, of all monies paid under the authority of this Act be transmitted to be laid before the House of Assembly at the next ensuing Session of Parliament: *and provided also*, that so much of the said sum as shall remain unappropriated shall be subject to the future disposition of Parliament.

Balance unexpended to remain subject to the disposition of the Legislature.

CHAP. XVII.

AN ACT for the Relief of John Matthews.

[Passed 25th March, 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 aforesid, 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

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of 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 Commissioners under the said Act to return the said sum of Twenty-five Pounds to the said John Matthews.

The Deed given to the said J. Matthews shall first be surrendered.

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.

CHAP. XVIII.

AN ACT for the Relief of Eliza Thompson, and Eliza Anne Eleanor Clute.

[*Passed 25th March, 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,

Preamble.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'an Act for making more effectual provision for the Government of the Province of 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 authorised 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 con-

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.

veyed 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 Claimant's 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 Claimant's, pursuant to such decree.

CHAP. XIX.

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 25th March, 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.

Authority given to William Chisholm, Esquire, his heirs, &c. to construct a Harbor at the mouth of the Sixteen-mile-Creek, in Trafalgar.

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of 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 Wil-

William Chisholm, his Heirs, Executors, and Assigns, within five years from the passing of this Act, to construct a Harbour 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. ^{With Piers, Wharfs, &c.}

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. ^{Permission to levy 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 Rates following, that is to say: ^{Rates of toll.}

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 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.*

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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 Harbour. &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 20 per cent. advance upon such value to be paid in addition.

Any excess of tolls above 20 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.

Excess of the tolls above 20 per cent on the capital invested, shall be regarded as a Sinking Fund to accumulate for the purpose of purchasing the said Harbour, for the public use.

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 com-

mencement 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.

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.

W. Chisholm, to account.

After the 1st January 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 50 years, at the end of which period the Harbour and all right to tolls, &c. shall vest in his Majesty.

CHAP. XX.

An ACT for enabling William Warren Baldwin, Esquire, to carry into effect the Will of 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.

[Passed 25th March, 1828.]

WHEREAS Laurent Quetton Saint George, formerly Lieutenant Colonel, in the service of the French King, did some time in the Year of Our Lord One Thousand Seven Hundred and Ninety-Seven or Eight, during the Revolution then raging in France, together with several other French Loyalists, withdraw from the violence of the times in that Coun-

Preamble.

try for safety into England, and from thence did emigrate into Upper-Canada, where he became possessed of considerable Estates, real and personal, part thereof by Grant, from His late Gracious Majesty, King George the Third, made to the said Laurent Quetton Saint George, as a reward for the fidelity and loyalty of the said Laurent Quetton Saint George, to his lawful Sovereign the French King; and part thereof acquired by the said Laurent Quetton, in the course of the Commercial transactions wherein the said Laurent Quetton, was occupied, during his residence in this Province. And whereas after the restoration of the French King to the Throne of his Ancestors, the said Laurent Quetton Saint George, returned into France, having first duly appointed William Warren Baldwin, of York, in the said Province of Upper-Canada, Esq., his lawful Attorney and Agent for him, and in his name to transact all matters and things in any wise concerning those Estates, in as ample a manner as he the said Laurent Quetton, might have done, were he personally present; and whereas the said Laurent Quetton Saint George, did afterwards, that is to say, on the Eighth day of June, in the Year of Our Lord One Thousand, Eight Hundred and Twenty-one, depart this life at the City of Orleans, in France, aforesaid, leaving Madame Adele de Barbeyrac de Saint Maurice, his Widow, and Henry Charles Joseph Quetton de Saint George, his only child legitimate, having first made his last Will and Testament olographe, which Will and Testament hath been duly authenticated according to the Law of France, before M. Chauret, President of the Civil Tribunal of the Arrondissement or Circuit of Montpellier, in France, aforesaid, and at the request of the said Adele de Barbeyrac, his said Widow, transcribed in the registry of M. Auduze, in the Bureau or Office of that City. And whereas the said Laurent Quetton Saint George, by his said Will did appoint the said Adele de Barbeyrac, his said Widow, the Tutrix or Guardian of his said Son, Henry Charles Joseph Quetton de Saint George, then and still an Infant under age, and in his said Will doth refer to the afore-mentioned appointment of the said William Warren Baldwin, as desirous that the said William Warren Baldwin, should after his decease, pursue and act upon the requests, powers, and authorities of him the said Laurent Quetton Saint George, made by him in the appointment aforesaid, for the recovery of all debts due unto him and in the sale and disposal of all Estates belonging to or accruing to the use of the said Laurent Quetton Saint George, in the said Province of Upper Canada. And whereas the said Adele de Barbeyrac, Widow, and Tutrix, as aforesaid, by a certain instrument in writing duly authenticated according to the French Law, dated the Eleventh day of June, One Thousand, Eight Hundred and Twenty-one, at Montpellier, aforesaid, and registered with Auduze, Notary, in the said City of Montpellier, did in her capacity as Tutrix, as aforesaid, authorise and desire the said William Warren Baldwin, to proceed in the management of the said Estates, according to the appointment, powers and instructions, given him

by the said Laurent Quetton Saint George, her said Husband, in his life time and by him referred to in his said Will; and whereas the said William Warren Baldwin, by virtue of such reference and authority so expressed in the said Will and of the said authority given him, by the said Adele de Barbeyrac, the Tutrix aforesaid, did sue out Probate of the said Will of the said Laurent Quetton Saint George, from the Court of Probate, in this Province, and hath accordingly proceeded towards the recovery of the debts so due to the Estate of the said Laurent, as the Executor of the said Will within this Province, and hath upon settlement and composition with divers debtors thereof, become seized and possessed of several parcels of Land within this Province, by deeds of bargain and sale, mortgages and other contracts to the use of the said Laurent Quetton Saint George, or otherwise as belonging to his Estate, and it is desirable and just that the said William Warren Baldwin, as such Executor, should be enabled to proceed in the final recovery of the debts still outstanding, and due to the said Estate, and upon settlement or composition with any such debtors to accept of Land or other real Estate as to him may seem advisable. And whereas it hath been represented on the part of the said Adele de Barbeyrac, the Tutrix, aforesaid, that the said William Warren Baldwin, is unable to proceed in the final adjustment and disposal of the said Estates to and for the uses of the said Will of the said Laurent Quetton Saint George, by reason of the alien birth of the said Laurent and of his said Son Henry; and whereas the said Henry being such alien when of full age cannot avail himself of any legal right to the said Estates, and it is desirable for the ends of Justice and for the relief of the said Infant, Henry Charles Joseph Quetton de Saint George, in compliance with the request of the said Adele de Barbeyrac, his said Tutrix or Guardian, that the said William Warren Baldwin, should be vested with legal powers to proceed in the settlement, composition and recovery of the said outstanding debts, as also to the sale and disposal of the said real Estates and other Property, belonging to the Estate of the said Laurent Quetton Saint George, and that in the mean time he, the said William, his Heirs, Executors, and Administrators, should be by Law enabled in his or their own name or names, to enter upon and recover satisfaction for injuries to the said Estates, and also to release all Mortgages now subsisting and others to accept and those again to release upon payment or compromise, as the said William, his Heirs, Executors and Administrators, may deem fit and 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

W. W. Baldwin, Esq.
a. Executor of the late
Laurent Quetton St.

George, formerly Lieut. Colonel in the French Service, authorised and enabled to proceed in the settlement of the Estate of the said L. Q. St. George, and in the collection of debts due to his Estate, notwithstanding the alien birth of the said L. Q. St. George, and of his heir, Henry Charles Joseph Quetton de St. George.

more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That notwithstanding the alien birth and condition of the said Laurent Quetton Saint George, deceased, and of the said Henry Charles Joseph Quetton, de Saint George, his said Son, he the said William Warren Baldwin, as such Executor, as aforesaid, may proceed in the settlement of the said Estates and in the recovery of the debts remaining due thereon in like manner and by the same remedies as debts between subject and subject within this Province, may be prosecuted and recovered by Law.

Real Estates of the said L. Q. St. George, vested in the said W. W. Baldwin, according to the degree of Estate.

II. *And be it further enacted by the authority aforesaid,* That all such real Estates as were held or supposed, or intended to be held by the said Laurent Quetton Saint George, in this Province at the time of his death, and not again sold and conveyed by the said Laurent Quetton, or by his Attorney or Attornies, Agent or Agents, before the passing of this Act shall be deemed and taken to be vested, and are hereby vested in the said William Warren Baldwin, his Heirs, Executors and Administrators, to have, hold, occupy, possess and enjoy the same, in his and their own name and names in the like Estate, and in as ample and beneficial a manner as the said Laurent Quetton Saint George, himself would or might have held, possessed and enjoyed the same, had he been a natural born subject of His Majesty, within this Province, upon trust nevertheless to sell and dispose of the same from time to time, at the discretion of the said William Warren Baldwin, his Heirs, Executors and Administrators, in such portion or portions as he or they may deem fit to and for the uses, intents and purposes, expressed in the said Will of the said Laurent Quetton Saint George.

In trust to sell the same to the uses and purposes of the Will of the said L. Q. St. George.

Certain real Estates heretofore accepted by the said Executor, in payment or composition for debts declared to be held by him in trust for the uses of the Will, with power to sell the same according to the intentions of the Testator.

III. *And Whereas* it hath been represented that all and every the several Lots, Pices, Parcels and Tracts of Land, named or noted in the Schedule to this Act annexed, were heretofore purchased or otherwise accepted or taken by the said William Warren Baldwin, in consideration, satisfaction or compromise, of and in security for debts due to the said Laurent Quetton Saint George, to the use of the said Laurent Quetton Saint George, and as belonging to his Estate and subject to such dispositions as the said Laurent, might make or desire concerning the same, although no such use be expressed in any of the several Deeds, by virtue of which the said William, hath so purchased or accepted the same, and it is now desirable to declare the trust upon which the same are held according to the said Will of the said Laurent Quetton St. George. *Be it therefore enacted by the authority aforesaid,* That all and every the said several Lots, Pieces, Parcels and Tracts of Land, so named or noted in the said Schedule, with all and every the hereditaments thereto severally belonging, and all the Estate and Estates, Rights, Members and Apperteanances to the same, and every of them in any wise appertaining or belong-

ing, shall be and they are hereby vested in the said William Warren Baldwin, and his Heirs, Executors and Administrators, to have, hold, occupy, possess and enjoy the same, and every part and parcel thereof, according to the legal effect of the respective conveyances and assurances by which the same have been conveyed, and assured unto the said William Warren Baldwin, and with the like Estate and Title, as if the same had been purchased by the said William Warren Baldwin, to and for the use and benefit of himself, his Heirs, Executors and Administrators, upon trust nevertheless to sell and dispose of the same from time to time, at the discretion of the said William Warren Baldwin, his Heirs, Executors and Administrators, in such portion and portions as he and they may deem fit to and for the uses, interests and purposes, expressed in the said Will of the said Laurent Quetton Saint George.

IV. And as concerning those Estates heretofore sold and conveyed by the said Laurent Quetton Saint George, *Be it enacted by the authority aforesaid*, That all and every the conveyances so heretofore made by the said Laurent Quetton Saint George, shall be as valid and effectual as if he had been a natural born subject, and that as to such Estates as well as to such other Estates as have been heretofore sold and conveyed by the said William Warren Baldwin, as Agent or Attorney for the said Quetton Saint George, or any other Attorney or Agent for him the said Laurent Quetton, or for his use or benefit or the use or benefit of his Estate, that the said William Warren Baldwin, and his Heirs, Executors and Administrators, after the passing of this Act, shall have full power and authority to give and execute, and shall and may at the requests, costs and charges of the parties seized or possessed thereof or intended so to be seized or possessed, give and execute other and further assurances of the same, according to the true intent and meaning of the original Deed or Deeds, thereof made between the said Laurent Quetton Saint George, or any Attorney or Agent for him and the purchaser and purchasers thereof, and that such further assurance and assurances so to be given by the said William Warren Baldwin, his Heirs, Executors and Administrators, or any of them under and by virtue of this Act, shall be held and taken to be as good and effectual assurances in the Law of the said Estates to the person or persons so respectively seized or possessed thereof, or intended so to be, as if the said Laurent Quetton Saint George, had been a natural born subject of His Majesty within this Province, and had made and executed the Titles and such other further assurances thereof himself.

Sales of real Estates, made by the said L. Q. Saint George, in his life time, to be regarded as valid as if he had been a natural born subject.

And the said Executor, authorised to confirm by deed, all sales heretofore made by him or by any other Agent for the use of the said L. Q. Saint George.

Titles so made shall be as valid as if the said Testator had been a natural born subject, and had executed such deeds himself.

V. *And be it further enacted by the authority aforesaid*, That the said William Warren Baldwin, his Heirs, Executors and Administrators, under and by virtue of this Act, may bring, institute and prosecute to Judgment, Execution, or other legal determination at Law, or in equity, in his or

Remedies by action by and against the said W. W. Baldwin, his Heirs, Executors, and Administrators, for or in respect of the said Estate, or any interest therein.

their own name and right, any action or actions, real, personal or mixed, for or on account of the said Estates, for the recovery of the possession thereof or any part thereof, for the maintenance and defence of the Title and Titles thereof and of any part or parcel thereof, for any covenant or covenants expressed in the Title or Titles thereof, or of any breach or breaches of any such covenants, for any trespass, waste, intrusion, occupation, damage, or other injury whatever, done or to be done to the said Estates or the Titles thereto, or any of them or any part thereof, and all and every action and actions at Law or in equity against him, them, or any of them, for or on account of the said Estate or any of them or any part thereof, to appear to answer, plead to, or otherwise defend in like manner, and form as any natural born subject of His Majesty, within this Province, might sue or be sued at Law or in equity, for or concerning any matter or thing touching the real Estate of such a natural born subject within this Province.

The said Executor to be answerable to the Tutrix of the heir of the said Testator, for the proceeds of Estates sold under this Act.

But not to answer for any misapplication, &c. by the said Tutrix.

The said Executor, his Heirs, Executors, and Administrators, to be each answerable only for his own defaults, &c.

Expenses, costs, and charges, may be deducted and retained.

VI. *And be it further enacted by the authority aforesaid,* That the said William Warren Baldwin, his Heirs, Executors and Administrators, 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 said Estates so 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 non-application, of such monies or proceeds or of any part thereof by the said Tutrix, or any other Tutrix, or Tutor, or Guardian whatsoever, neither shall the said William Warren Baldwin, his Heirs, Executors and Administrators, be held in any wise answerable in the premises out of his own Estate, real or personal, the one for the other, but each answerable for himself only and for no other for any matter or thing in anywise concerning the said Estates or the monies or proceeds thereof, in the application, misapplication, or non-application thereof; 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, and by the said trusts in any wise required, or necessary, or advisable to be done.

VII. *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 Lands, 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 for ever; 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 for ever, 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.

Title of W. W. Baldwin, to certain lands conveyed to him by the said L. Q. Saint George, confirmed.

VIII. And whereas some parts of those Estates referred to in the Second Clause of this Act, and some parts of those Estates referred to in the Third Clause of this Act, and some parts of those referred to in the Fourth Clause of this Act, have been derived from the Grant of His said late Majesty King George the Third, to others of the said French Emigrant Loyalists, that is to say: the Chevalier de Marseul, Jean Louis de Chalus, Augustin Boiton, Rene Augustin de Chalus, Ambroise de Farcy, Francois Renoux, and Michael Saigeon. *Be it therefore enacted by the authority aforesaid,* That those parts of the said Estates so derived shall be deemed, taken and held to be within the meaning and remedy of this Act, as to the vesting of the same in the said William Warren Baldwin, his Heirs, Executors and Administrators, or enabling him the said William Warren Baldwin, and his Heirs, further to assure the same or to bring or to defend any Actions concerning the same, according to the several and respective Clauses of this Act, providing for the said Estates, under their respective circumstances and conditions, notwithstanding the alien birth and condition of the said Chevalier de Marseul, Jean Louis de Chalus, Augustin Boiton, Rene Augustin de Chalus, Ambroise de Farcy, Francois Renoux, and Michael Saigeon, or any of them. Provided always nevertheless that nothing in this Act contained shall extend or be construed to extend, to give validity to any title hereby vested in the said William Warren Baldwin, as Trustee, as aforesaid, not otherwise legal and valid except so far as regards the remedy intended to be afforded by this Act, in respect to the alien birth of the said Laurent Quetton Saint George, and of his said Heir, and of the several persons in the preamble to this Clause named.

Estates of the said L. Q. St. George, derived through certain aliens, being Grantees of the Crown, confirmed.

No other defect in any such Titles cured except in the alien birth of the persons mentioned.

IX. *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

Provision for affording to creditors of the said Estate, satisfaction out of the real Estate vested in the said W. W. Baldwin, Esq. as Trustee.

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 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 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, 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 said Judgment or Judgments were against the said William Warren Baldwin, in his own right and the said Land and Tenements his own private property.

SCHEDULE.

ACRES.

Schedule referred to, in the third Clause of this Act.

The West half of number Thirty, in the Fifth Concession, Beverly,	} One Hundred.
The rear or South half of number Fifteen, East of Talbot Road, Southwold, about,	} One Hundred.
Part of Lot number Fifteen, in the First Concession of Flamboro' West, forming part of the Village Plot of Dundas, and called by the names of Lots numbers Nine, Ten and Eleven,	} Three.
Lots number Five, Six, Seven, Eight, and Ten, in the Second Concession Northern Division of Dorchester,	} One Thousand.
Number Seventy-two, in Broken Front, Concession B. in the Township of Haldimand,	} One Hundred.
Numbers Two, Four, and Six, in the Sixth Concession, Aldborough,	} Six Hundred.
Numbers Twenty-four in the Ninth, and Sixteen in the Sixth Concession, North Crosby,	} Four Hundred
Number Forty-one, and East half of number Forty-two, in the First Concession, Bayside, in Marysburgh,	} One Hundred & Fifty.

Numbers Twenty-five and Twenty-six, in the Sixth Concession of Markham,	}	Four Hundred.
Number Twenty-six in the Third, and Twenty-one in the Sixth Concession of Scott,	}	Four Hundred
Number Thirteen in the Seventh Concession of Pittsburgh,	}	Two Hundred
Town Lot number Sixteen East side Pinnacle Street, Belleville,	}	One Half.
Town Lot number Three Hundred and Thirty-six, New Survey, in Kingston,	}	One Fifth.
Water Lot number Six, Kingston,		One Fifth.
Number Eighteen, in the Third Concession, Pittsburgh,		Two Hundred.
North half of Twenty-two, in the First Concession of Percy,	}	One Hundred.
North West corner of the East half of number Nineteen in the Third Concession of Adolphustown,	}	One.
The Front or Northerly Three-quarters of numbers Eleven and Twelve, in the Sixth Concession of Aldborough,	}	Three Hundred.
Number Eighteen in the Tenth Concession of Caradoc,		Two Hundred.
North half of number Sixty-one, East side of Yonge Street, in Whitchurch,	}	Ninety Five.
Number Fifty-six in the First Concession of Vaughan,		One Hun'd & fifty
Number Twenty-two in the First Concession of Plantagenet,	}	Two Hundred.
North half of the East half of number Three in the Second Concession of Fredericksburgh, additional,	}	Fifty.
Numbers Twenty-four and Thirty-three in the First Concession of Albion,	}	Four Hundred.
Numbers Fourteen and Eighteen in Third, ditto ditto		Four Hundred.
Number Thirty-two in Fifth, ditto ditto ditto		Two Hundred.
Number Twenty-five in Sixth, ditto ditto ditto		Two Hundred.

Number Twenty-six in the Ninth Concession of Al- bion.				} Two Hundred.
Number Twenty-nine in First, of Caledon.	ditto	ditto	ditto	} Two Hundred.
Number Twenty-one in Sixth,	ditto	ditto	ditto	Two Hundred.
Number Fifteen in Third,	ditto	ditto	Medonte.	Two Hundred.
Number Twelve and West half of Number Two, in the Fourth Concession of Medonte.				} Three Hundred.
Numbers Fifteen and Seventeen, Fifth,	ditto	ditto		Four Hundred.
Numbers Seven and Sixteen, Sixth	ditto	ditto		Four Hundred.
Number Twenty, Seventh,	ditto	ditto	ditto	Two Hundred.
Number Eighteen, Eighth,	ditto	ditto	ditto	Two Hundred.
Numbers Seven, Eight, Nine, Eleven, Tenth		ditto		Eight Hundred.
Number Eighteen, First Concession, Orillia, South.				Two Hundred.
Number Five, Second	ditto	ditto	ditto	Two Hundred.
Number Ten, Fourth	ditto	ditto	ditto	Two Hundred.
Number Three, Fifth	ditto	ditto	ditto	Two Hundred.
Numbers One and Three, First	ditto	Orillia,	North.	Four Hundred.
Number Five, Fourth	ditto	ditto	ditto	Two Hundred.
Numbers Two and Five, Sixth	ditto	ditto	ditto	Four Hundred.
Numbers One and Thirteen, Eighth	ditto	ditto	ditto	Four Hundred.
Number Fourteen, Tenth.	ditto	ditto	ditto.	Two Hundred.
Numbers Eight and Ten, and West half of Thirteen, in the Twelfth	ditto	ditto	ditto	} Five Hundred.
Number Eleven, Sixteenth	ditto	ditto	ditto	Two Hundred.
Numbers Thirteen and Eleven, Sixth Concession of Pittsburgh,				} Four Hundred.
Number Ten, Thirteenth	ditto	ditto	ditto	Two Hundred.
Number Fifteen, Ninth	ditto	ditto	ditto	Two Hundred.
Number Eighteen, Eleventh Concession of Rawdon.				Two Hundred.
Westerly half of Seventeen, in	ditto	ditto	ditto	One Hundred
Number Twenty-one, Eighth Concession of Rich- mond.				} Two Hundred.
Number Nineteen, Tenth	ditto	of Manvers.		Two Hundred.
East halves of Twenty-nine and Thirty, in the First Concession of Mono.				} Two Hundred.



ACTS,

OF THE IMPERIAL PARLIAMENT,


ANNEXED TO THE STATUTES OF UPPER CANADA.



FOURTH SESSION, NINTH PROVINCIAL PALIAMENT.

By Authority.

SIR PEREGRINE MAITLAND, K.C.B. *Lieutenant Governor.*



A. D. 1828.



ANNO SEPTIMO & OCTAVO.

GEORGIIV. REGIS.

CHAP. LXII.

AN ACT to authorise the Sale of a part of the Clergy Reserves in the Provinces of Upper and Lower Canada.

[2d July, 1827.]

WHEREAS by an Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more effectual 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 authorise 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 authorise the Sale of certain parts of such Clergy Reserves, to the intent that the Monies

31 Geo. 3. ch. 31

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 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, Provisions, 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.

Governor, &c. may grant or accept lands in exchange for Clergy Reserves.

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.

ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Certain Clauses of an Act passed in the United Parliament of Great Britain and Ireland, intituled, "An Act to amend the Laws relating to the Customs."

[2d July, 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 for thin a Table therein contained, denominated, "Table of Duties," the several Duties set forth in Figures in the Table herein-after 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.

G.

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 cwt.		0	12 0
Spirits not otherwise charged with Duty, for every Gallon. - - - - -		0	1 0

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.

Spirits of the West Indies from one Colony in North America to another.

Wine in Casks from Gibraltar.

Wine in bottles from United Kingdom.

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. from Canada deemed Produce of Canada.

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.

Masts, &c. brought inland Duty free.

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 im-

Exemption to extend only to Duties by Act of Parliament.

sed by Act of Parliament, unless and so far only as any other Duty is or shall be expressly mentioned in such Exemption.

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.

Kingston and Montreal, in Canada, to be Warehousing Ports in certain cases.

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.

Goods passed on from Frontier Ports to Warehouse Ports

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.

Warehoused Goods removed to another Port.

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 Prohibition, 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.

Small Vessels importing prohibited Goods Forfeited.

INDEX.

ASSESSMENT LAWS.—An Act to amend the Assessment Laws of this Province,	6
AUCTION.—Goods Sold by—4. Geo 4. chap 17. imposing a Duty on Licences to Auctioneers &c. continued for four Years,	16
BANK.—Late Pretended Bank of Upper Canada—Act for settling the affairs of,	17
BURLINGTON BAY HARBOR.—Appointment of Arbitrators to value Labor, and Materials, &c.	22
“ “ Rates of Tonnage Duty,	24
BALDWIN, William Warren.—Enabling him to carry into effect the Will of the late Laurent Quetton Saint George,	35
CHISHOLM, William.—Authorising him to erect a Harbor at the mouth of the Sixteen Mile Creek, in Trafalgar, Gore District,	32
CLERGY RESERVES.—(Imperial Act)—Authorising Sale of part of,	47
CUSTOMS.—(Imperial Act, Clauses from)—Amending the Laws relating to the Customs,	49
ERNESTOWN & FREDERICKSBURGH.—Road between, how to be made,	12
FORFEITED ESTATES.—Commission respecting, limited to 1st July 1828,	3
HAWKERS & PEDLERS.—Duty on Licences to continue,	15
LIGHT HOUSE.—On False Ducks, to provide for the erection of,	13
MILL DAMS.—Aprons to be constructed, on certain Streams,	10
MONEY.—To effect a loan of, in England for redemption of Provincial Debt,	24
MONIES.—To make good certain monies advanced last Session, pursuant to Address,	27
MATHEWS, John—Act for the Relief of,	30
RELIGIOUS SOCIETIES.—Allowing Lands to be held for their use,	5
ROAD SURVEYORS.—To make valid acts of, and to make further provision for,	11
RIDEAU CANAL.—Engraved Map of, 500 copies to be procured,	28
STILLS.—Duty on, continued,	16
SUPPLY BILL.—For 1828,	26
THOMPSON, Eliza, and Eliza Anne Eleanor Clute—Act for the Relief of,	34

