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1825

STATUTES

OF

UPPER CANADA,

PASSED IN THE

**FIRST SESSION OF THE NINTH PROVINCIAL
PARLIAMENT,**

MET AT YORK ON THE THIRTEENTH DAY OF JANUARY, AND PRÓROGUED ON
THE THIRTEENTH DAY OF APRIL, 1825.



In the sixth year of the Reign of George IV.

Sir P Maitland, K. C. B. Lieutenant-Governor.



Acc. No. 32406.



BY AUTHORITY.

Kingston, U. C.

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Statutes
OF UPPER CANADA.



CHAP. I.

AN ACT to remove certain doubts with respect to the commencement of the Terms of Michaelmas in the last year, and of Hilary in this present year, and to appoint the periods for holding the several Law Terms.

[Passed 17th Jan. 1825.]

WHEREAS, doubts have arisen respecting the commencement of Hilary Term in this present year, and it is expedient to explain the same, and to repeal the Laws now in force respecting the commencement and duration of the several Terms, and to make other provisions in respect thereof: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act, passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the second clause of a certain Act of the Parliament of this Province, passed in the Second Year of His present Majesty's Reign, entitled "An Act to repeal part of, and amend, the Laws now in force, respecting the practice of His Majesty's Court of King's Bench," And, also, a certain other Act passed in the Fourth Year of His present Majesty's Reign, entitled "An Act to alter the times of holding the Terms of Hilary and Michaelmas," shall be, and the same are hereby repealed.

Preamble.

2d. Geo. 4 ch. 1 sec.
2 repealed.

II—*And be it further enacted by the authority aforesaid, That four Terms or periods of Session of the Court of King's Bench, in this Province, be appointed in each Year, successively; and that the Term of Hilary shall*

Terms of Sitting.

At what periods the same shall commence, and end respectively.

commence on the first Monday after the Twenty Fifth Day of December, and end on the Saturday of the ensuing Week ; and the Term of Easter shall commence on the Monday next, after the Sixteenth Day of April, and end on the Saturday of the Week ensuing ; and the Term of Trinity shall commence on the third Monday in the Month of June, and end on the Saturday of the Week ensuing ; and the Term of Michaelmas shall commence on the first Monday of November, and end on the Saturday of the Week ensuing ; and that the first and last Days of every Term, and every alternate Day from the first, not including Sunday, be Return Days.

Commencement of Hilary Term, 1825.

Former proceedings rendered valid.

III.—*And be it further enacted by the authority aforesaid,* That in this present Year the Term of Hilary shall commence on Monday the Seventeenth Day of January, and end on the Saturday of the Week ensuing, any Law to the contrary, in any wise, notwithstanding ; and that any Writ, Process, Entry, or Proceeding, which hath been, or shall be, Issued, had, or made before the said Seventeenth Day of January, in which the Term of Hilary, during this present Year, or any Return Day thereof, is described and set forth otherwise than according to the provision in this clause contained, shall, nevertheless, be valid and effectual, and the commencement and end of such Term of Hilary, and other Return Day, therein mentioned, in any such Writ, Process, Entry, or Proceeding, shall, with respect to such Writ, Process, Entry, or Proceeding, and all subsequent proceeding thereon, be deemed and taken to be as it should and ought to have been, according to the periods in this clause, appointed for the commencement and duration of the said Term of Hilary.

Sitting of Michaelmas Term, 1824, declared legal.

IV.—*And, whereas,* doubts have been entertained with respect to the authority under which the Term of Michaelmas in the last Year was holden: Be it therefore enacted by the authority aforesaid, That the said Term of Michaelmas shall be held, and taken to have been legally begun, and holden, at, and for the period in and for which the said Term of Michaelmas was actually begun and holden, any Law to the contrary, in any wise, notwithstanding.

CHAP. II.

AN ACT to repeal part of, and extend the Provisions of, an Act passed in the Fourth Year of His present Majesty's Reign, entitled "An Act to Incorporate certain Persons therein mentioned, under the Style and Title of the Welland Canal Company."

[Passed 18th April, 1825.]

Preamble.

WHEREAS, it is expedient to repeal part of, and amend, an Act passed during the last Session of the Parliament of this Province, entitled "An Act to Incorporate certain Persons therein mentioned, under the Style and Title of the Welland Canal Company ;" and to enable the Directors thereof to enlarge the dimensions of the said Canal, if they shall

think proper: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province ;'" and by the authority of the same, That the Twenty Fourth clause, the Thirty Seventh clause, and so much of the Twenty Fifth clause, of the said first mentioned Act, as declares the number of Shares shall not exceed Three Thousand, shall be, and the same are hereby, repealed; and that from and after the passing of this Act, the number of Shares to be held by the said Company, shall not exceed Sixteen Thousand, at Twelve Pounds Ten Shillings each.

4 Geo. 4 ch. 17. sec. 24, part of the 25th, and 37th repealed.

Number of Shares extended to 16,000.

II.—*And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Land and Ground to be taken and used for the said Canal, the Towing Paths, Ditches, Drains, and Fences, to separate any such Towing Path from the adjoining Lands, shall not exceed Sixty Yards in breadth, except in such places where the said Canal shall be raised higher, or cut above Five Feet deeper than the present surface of the land; and in such places where it may be judged necessary for Boats and other Vessels and Rafts to turn, lie, or pass each other, not more than One Hundred Yards in breadth, without the consent of the owner or owners of such Lands or Ground, respectively, under his, her, or their, Hand and Seal, first had and obtained, any thing in the said first mentioned Act, to the contrary, notwithstanding.

Breadth of Canal, Towing paths, &c. not to exceed 60 yards, except in certain cases.

and 100 yards where vessels pass each other.

III.—*And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the said Company, to extend the dimensions of the said Canal for the purposes of Sloop Navigation, if they shall see fit so to do, any thing in the said first recited Act, to the contrary, notwithstanding.

Canal may be enlarged for sloop navigation.

IV.—*And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company to construct a Track or Towing Path, from the Point where the Canal, from Lake Ontario, intersects the River Welland, to the Point where the Canal leaves the River Welland for the Grand River, and from the Point where it intersects the Grand River, on the Bank thereof to Lake Erie; Also, from the Point where the Canal, from Lake Ontario, intersects the River Welland, to the Mouth of said River on either Bank thereof, whichever the Company may find most convenient, and from thence to Fort Erie at the head of Niagara River; Provided always, nevertheless, that nothing in this Act contained shall be construed to prevent any person or persons, whatever, from having and enjoying the use of the said Rivers, or either of them, and of the Banks thereof, (subject to such regulations as may be made by the said Company, for the preservation

Company may construct Towing paths along the bank of the Welland river.

The Grand river near the mouth.

And along the Niagara river to Fort Erie.

Proviso.

of the Towing Paths or Tracks aforesaid) for all purposes, as fully, freely and effectually, as if this Act had never been made.

Reservoirs may be constructed on the line of the Canal.

V.—*And be it further enacted by the authority aforesaid,* That the authority given to the said Company in the third clause of the said recited Act, to construct Reservoirs, shall be construed to authorise them to execute the said Reservoirs (in the manner pointed out) on the line of the Canal, if to the said Company it shall seem expedient.

Seven directors to be chosen annually.

VI.—*And be it further enacted by the authority aforesaid,* That so much of the Twenty Ninth clause of the said recited Act as requires the Election of Five Directors, be, and the same is hereby, repealed, and that the said Company shall elect in manner, and at the times pointed out by the said Act, Seven Directors annually, (one of whom shall be President) to manage the affairs of the said Company.

Line of the canal defined.

VII—*And,* whereas, doubts may be hereafter entertained with respect to the direction by which it was intended the said Canal should be conducted, in order to entitle the said Company to the privileges extended by the above recited Act, the same not having been otherwise declared in the said Act, than by reference to the Report of Mr. Hiram Tibbet, Engineer: Be it therefore further enacted by the authority aforesaid, and declared, That the route along which the said Canal shall be conducted, shall be as follows—That is to say, that part thereof which is to connect the River Welland with Lake Ontario, shall commence at John Brown's Farm on the River Welland, in the Township of Thorold, passing down the Valley of the Twelve Mile Creek, and terminating in Lake Ontario, at the Mouth of the said Creek, such being the Route Surveyed and reported by Hiram Tibbet, Engineer, before the passing of the said Act, and referred to in the Nineteenth Section thereof; and that part thereof which is to connect the River Ouse, or Grand River, with the River Welland, shall commence at or near Broad Creek, on the Grand River, and terminate at or near Misiner's Mills, on the Forks of the River Welland: Provided always, nevertheless, That if within Three Months after the passing of this Act, any Stockholder in the said Company shall, by instrument in writing, executed in the presence of one or more witnesses, under their Hands and Seals, declare to the President and Directors of the said Company, that they would not, under the Provisions of this Act, have taken Shares in the said Canal, such Stockholder shall be considered no longer liable to pay his Subscription, or any part thereof; and upon repayment to him of such instalments as he may have paid, his Shares shall thenceforth be forfeited.

Proviso, that former stock holders may withdraw their subscriptions within 5 months.

Towing Path on rivers not to interfere with private rights.

VIII—*And be it further enacted by the authority aforesaid.* That nothing herein contained shall be construed to authorise the said Company to construct such Track or Towing Path as herein mentioned, in any manner, to interfere with, or prejudice the Property of any Person or Persons, having Mills, Store-houses, Wharves, or other Buildings, on the Banks of either of the said Rivers.

IX.—*And be it further enacted by the authority aforesaid,* That it shall

and may be lawful for the Directors now chosen, to procure without delay a Survey to be made of the Harbour at the Mouth of the Grand River, on Lake Erie, and of the entrance into the Twelve Mile Creek from Lake Ontario, by an able and experienced Engineer, in order to ascertain whether secure & capacious Harbours can be constructed for Sloops and Schooners, intended to pass through the said Canal, at an expense which will not occasion the whole estimate to exceed the amount of Stock which the said Company are by this Act authorised to hold.

X.—*And be it further enacted by the authority aforesaid,* That the whole amount of Stock now paid in, and remaining on hand, and such as shall hereafter be paid in upon the Subscription of the said Company, shall, from time to time, be deposited in the Bank of Upper Canada, and there placed to the credit of the Welland Canal Company, to be withdrawn only by order of a Board of Directors, signed by the President or Vice President, and counter-signed by the Secretary of the Board for the time being.

XI.—*And be it further enacted by the authority aforesaid,* That no part of the Funds of the said Company shall, at any time, be appropriated to any purpose unconnected with the making the said Canal, and the Navigation thereof, unless, upon specific estimates submitted to a General Meeting of the Stockholders, to be legally called and approved of by a Majority of the Stockholders, attending such Meeting, or by his, or their, Agent, or Agents, duly authorised to act in his or their behalf.

XII.—*And be it further enacted by the authority aforesaid,* That at, and after, the next General Election of Directors, no Person shall be eligible to be a Director of the said Company, who shall not be a Stockholder in the said Company to the amount of Twenty Shares, any thing in the Twenty Ninth clause of the said Act, passed in the Fourth Year of His Majesty's Reign, to the contrary, notwithstanding.

XIII.—*And be it further enacted by the authority aforesaid,* That the Honorable James Irvine, and Simon M'Gillivray, Esquire, in addition to the Five Directors already elected, shall constitute the Directors of the said Company till the next General Election, any thing in the Twenty Ninth clause of the said recited Act, to the contrary, notwithstanding.

XIV.—*And be it further enacted by the authority aforesaid,* That the holder of Five Shares shall be entitled to One Vote; the holder of Twenty Shares to Two Votes; the holder of Fifty Shares, Three Votes, and the holders of One Hundred Shares and upwards, Four Votes, at all general Meetings of the Stockholders.

XV.—*And be it further enacted by the authority aforesaid,* That at any time after Fifty Years, after the making and completing of the said Canal, His Majesty, His Heirs, and Successors, may assume the Possession and Property of the same, and of all and every the Works and Dependencies thereunto belonging, or in any wise appertaining, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the Sums furnished and advanced by each Sub-

Company to cause the mouths of the Grand river and 12 mile creek to be surveyed, and to ascertain whether harbours can be constructed there.

Funds of the Company to be deposited with the Upper-Canada Bank.

Funds of the Company not to be appropriated to purposes unconnected with the making the Canal without the consent of the Stockholders.

Future Directors must hold Stock to the amount of 20 shares.

The Hon. J. Irvine, and S. McGillivray, Esq. appointed Directors for the year.

Ratio of voting,

H. M. Government may purchase the Canal after 50 years under certain Regulations.

scriber towards the making, and completing, the said Canal, together with such further Sum as will amount to Twenty Five Per Cent upon the Monies so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs, and Successors, who shall from thenceforth be substituted in the place or stead of the said Company, for all and every the purposes of this Act, in so far as regards the said Canal: Provided, also, That it shall not be lawful for His Majesty, His Heirs, or Successors, at any time after the expiration of the said Fifty Years, to assume the said Canal as aforesaid, unless it shall appear from the accounts of the said Company laid before the Legislature, that the Stockholders of the said Company shall have received every Year upon an average, the Sum of Twelve and a Half Per Cent for every Hundred Pounds, they shall be possessed of in the said concern.

After the Government assume the Canal, Account of Toll and profits to be laid annually before the Legislature.

and to be accounted for thro' the Lords Commissioners of His Majesty's Treasury.

XVI.—*And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said Canal shall be assumed by His Majesty, His Heirs, or Successors, as aforesaid, an account of the Toll and of all other Profits or Proceeds arising from the said Canal, and the property thereunto appertaining, shall be annually laid before the Provincial Legislature, and the Annual Amount thereof paid into the hands of His Majesty's Receiver General in this Province, as part of the Revenue thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs, and Successors, shall be graciously pleased to direct.

CHAP. III.

AN ACT to make good certain Monies advanced by His Majesty, pursuant to the Address of the House of Assembly at the last Session of Parliament, to His Excellency the Lieutenant Governor.

[Passed 13th April, 1825.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, in pursuance of an Address of Your Commons House of Assembly, during its last Session, to His Excellency Sir Peregrine Maitland, Lieutenant Governor of Your Province of Upper Canada, the Sum of Two Thousand and Sixteen Pounds Nine Shillings and Four-pence, 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 King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly, of the Province of Upper Canada, constituted and assembled by virtue of

and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's reign, entitled "An Act for making more effectual provision for the Government of the Province of 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 and Sixteen pounds nine shillings and four pence to make good the said sum which has been issued and advanced in pursuance of the aforesaid address.

£2,016 9. 4 granted to His Majesty to make good certain monies advanced by the Lieut. Governor pursuant to address.

It—*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.

How paid and accounted for.

CHAP. IV.

AN ACT to authorise the Justices of the Home District to raise a further Sum by Loan, to be applied in completing a Gaol and Court House for the said District.

[Passed 13th April, 1825]

WHEREAS, it appears by the Petition of the Justices of the Peace for the Home District, in Adjourned Quarter Sessions Assembled, that in order to complete the Gaol and Court House for that District, it would be necessary to raise by Loan a further Sum in addition to that which the Justices are now authorised to borrow: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly, of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act Passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America; and to make further Provision for the Government of the said Province," And by the authority of the same, that it shall and may be lawful for the Justices of the Peace in and for the Home District, in General Quarter Sessions Assembled, in the Month of May next, or at any subsequent General Quarter Sessions or Adjourned Session, by an order of Court, to authorise and direct the Treasurer of the said District to raise by Loan, from such Person or Persons, Bodies Politic. or Corporate, who may be willing to lend the same on the credit of the District, a Sum not exceeding Two Thousand Pounds, to be applied in the same manner as the Monies authorised to be borrowed by an Act of the Parliament of this

Preamble.

Justices of the Peace for the Home District may direct the Treasurer to loan £2000 to be applied towards the erection of a Gaol and Court House.

Province, Passed in the Fourth Year of His Majesty's Reign, entitled "An Act to provide for the erection of a Gaol and Court House, in and for the Home District."

a sum not less than £150 to be applied annually towards the liquidation of the said Loan.

II.—*And be it further enacted by the authority aforesaid,* That the Money so borrowed under the authority of this Act, shall not bear greater Interest than Six Per Centum Per Annum, and that the Treasurer of the said District, for the time being, shall Annually, until the Loan so raised, with the Interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a Sum not less than One Hundred and Fifty Pounds, from and out of the Rates and Assessments coming into his hands, for the use of the District, as aforesaid.

CHAP. V.

AN ACT to provide for ascertaining and establishing the Division Line between the Townships of Ancaster and Flamborough West, in the District of Gore.

[Passed 13th April, 1825.]

Preamble:

WHEREAS, doubts being entertained respecting the Boundary Line between the Townships of Ancaster and Flamborough West, in the District of Gore, it is expedient and proper to have the same ascertained and established: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province." And by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to direct the Surveyor General to cause such Boundary Line to be run out, and ascertained, in conformity with the original Survey of the said Townships.

The Governor &c. to direct the Surveyor General to cause the Boundary line between Ancaster and Flamborough West, to be ascertained.

Permanent boundaries to be placed and the governing points and such line to be considered the true line.

I.—*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Surveyor General; and he is hereby required, when and as soon as he shall have caused the said Boundary Line to be run out and ascertained, to have certain and permanent Boundaries placed at the governing points thereof; and that the Line so run, ascertained and marked out by the placing of such Boundaries, shall be considered as the permanent and established Boundary Line between the said Townships.

CHAP. VI.

AN ACT for the better regulating the Assize, and fixing the Price of Bread, in the several Police Towns throughout this Province.

[Passed 13th April, 1825.]

WHEREAS, it is necessary to make more effectual Provision for regulating the Assize, and fixing the Price of Bread in the several Towns throughout this Province; and more particularly, to define the same: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly, of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act Passed in the Parliament of Great Britain, entitled an Act to repeal certain parts of an Act Passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," And by the authority of the same, That from and after the Passing of this Act, it shall and may be lawful for such of His Majesty's Justices of the Peace, residing within the limits of any Town in this Province, where a Police is now or hereafter may be established, or residing within the limits of the Division constituted, for the time being, for holding a Court of Requests in said Town or Towns, to Assemble on the First and Third Saturday in each Month, at the Court House, in each and every of the said Towns, respectively; and two of the said Justices being then and there present, are hereby authorised and required to Assize and fix the Price of Bread; and if more than two of the said Justices being then and there present, the majority shall fix and determine the same for each ensuing intermediate period, or if any default shall be made by reason of the non-attendance of the said Justices, or in case no change, alteration, or modification, be found necessary, then the last Assize made shall continue to be in full force and effect, until the same shall be varied and changed by a new Assize, in manner above mentioned.

II.—*And be it further enacted by the authority aforesaid.*—That the Clerk of the Market in each and every Police Town in this Province, is hereby required to keep a just and fair statement in a Book to be kept by him for that purpose, of the Daily Price or Prices of Flour exposed and offered for Sale in such Market whereof he is appointed Clerk, and exhibit the same to any two of His Majesty's said Justices of the Peace, for the Town or Towns aforesaid, and make oath of the correctness of the same, if required.

III.—*And be it further enacted by the authority aforesaid,* That the aforesaid statement of the average price of Flour for the Fourteen Days previous, so exhibited, shall be the rule and guide for the said Justices of the Peace, to Assize and fix the Price of Bread for the ensuing Fourteen Days, due regard being had to the existing Price of Flour, Fuel, and Labour, in each of the said Towns.

IV.—*And be it further enacted by the authority aforesaid.*—That within Twenty Four Hours after such Justices of the Peace shall have so

Preamble.

Justices of the Peace to meet on the 1st and 3d Saturday

in each Month and fix the price of Bread until the next half monthly meeting.

If no meeting held, former assize to continue.

Clerks of the Market to keep a daily account of the prices of Flour sold in the Market, and exhibit the same upon Oath to any two Justices.

The assized statement of the price of Flour for the 14 days previous shall be the guide for the Justices in assizing the price of Bread.

Within 24 hours

after the assize is established, Clerk of the Market shall affix a notice thereof on the Market House.

Penalty for disobeying the assize.

Mode of conviction.

Application of fines.

Assized and fixed the Price of Bread, the Clerk of the Market shall affix a Notice thereof in some conspicuous place on the Market House, in such Police Town or Towns, as aforesaid.

V.—*And be it further enacted by the authority aforesaid, That each and every Baker who shall wilfully and negligently disobey or refuse to conform to such Assize and Price so fixed as aforesaid, shall be liable to a Fine of Ten Shillings for each and every offence so committed, upon conviction thereof before any two or more of His Majesty's Justices of the Peace, upon the Oath of one or more credible Witness or Witnesses, to be Levied by Warrant of Distress and Sale, under the Hands and Seals of such Justices of the Peace, of the Goods and Chattels of such offender or offenders.*

VI.—*And be it further enacted by the authority aforesaid, That all Fines imposed and collected under the authority of this Act, shall be applied by the Justices of the Peace in the same manner as the Funds collected for Police Purposes, within the Town or Towns in which the said offence or offences shall be so committed.*

AN ACT to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty ninth year of the reign of His late Majesty King George the Third, entitled "An Act to repeal the several laws now in force, relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of Lands and other ratable property throughout this Province," and to render more effectual the several laws of this Province, imposing rates and assessments by providing under certain restrictions for the levying such rates and assessments by the sale of a portion of the lands on which the same are charged.

[The Royal assent to this Bill was promulgated by Proclamation under the Great Seal of the Province, bearing Date the Fourth Day of April, 1825.]

Preamble.

WHEREAS, it is expedient to make perpetual a certain Act of the Parliament of this Province, passed in the Fifty Ninth Year of His Late Majesty's Reign, entitled "An Act to Repeal the several Laws now in force, relative to Levying and Collecting Rates and Assessments in this Province, and further to Provide for the more equal and general Assessment of Lands and other Ratable Property throughout this Province," except such parts thereof as are hereby Repealed, and to render more certain the due Collection of such Rates and Assessments as are imposed upon Lands in this Province, by Providing for Levying under certain restrictions the Assessments which may remain in Arrear, by the Sale of a portion of the Lands on which the same may be charged: *be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly, of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to Repeal certain parts of an Act, Passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision for the Government of the*

said Province,"' And by the authority of the same, That the Twenty Third Section of the said First recited Act shall be, and the same is hereby Repealed.

59 Geo. 3d. Ch. 7,
Sec. 23, repealed.

II.—*And be it further enacted by the authority aforesaid,* That the Grantee, Owner, or Occupier, of any Township, Block, or Parcel, of Land, or any Parcel thereof, which shall not have been Surveyed by or under the authority of the Surveyor General of this Province, shall on or before the First Day of July next, cause to be returned to the Treasurer of the District, in which such Land lies, a Schedule of such Land, or so much thereof as has been actually Surveyed, and of which he is the Owner or Occupier, designating the same by Numbers and Concessions, or otherwise, according to such actual Survey, or according to any Plan or Map thereof.

Owners of Townships to make returns of the surveyed parts thereof.

III.—*And be it further enacted by the authority aforesaid,* That if the Owner, or Owners, Occupier, or Occupiers, of any such Lands as aforesaid, shall refuse, or neglect to make, or cause to be made, such return as aforesaid, on or before the said First Day of July next, He, She, or They, shall Forfeit and Pay, for such refusal or neglect, a Sum equal to double the Amount of the Assessments and Rates imposed by the several Laws of this Province, upon the Number of Acres Owned or Occupied, as aforesaid, and for every Year thereafter, until such return shall be made as is herein required, the Owner, or Owners, Occupier, or Occupiers, of such Land, shall in like manner Forfeit, for such neglect or refusal, double the Amount of such Assessments and Rates as aforesaid, in proportion to the Land so Owned or Occupied by Him, Her, or Them.

Penalty for neglect or refusal.

IV.—*And be it further enacted by the authority aforesaid,* That the several Penalties or Forfeitures, mentioned in the last preceding Section of this Act, may be recovered upon information, and complaint, before any Three of His Majesty's Justices of the Peace for the District in which the Lands lie, and shall be Levied by Warrant, Signed by any Two of the Justices, who shall have heard such complaint, by Distress and Sale of the Goods and Chattels, of any Person, or Persons, refusing or neglecting as aforesaid; and that the said Penalties shall be distributed as follows, that is to say, one half thereof to the informer, and the remainder shall be paid to the Treasurer of the District, to be appropriated in like manner as the Assessments Levied for the general use of such District.

Mode of recovering penalties.

Distribution of penalties.

V.—*And be it further enacted by the authority aforesaid,* That whenever any Schedule of any Township, reputed Township, Block, or Tract of Land, not Surveyed under the authority of the Surveyor General of this Province, shall be returned by the Owner or Occupier thereof, under the Provisions of this Act, the Treasurer of the District receiving such return, shall forthwith make an entry of the same in his Books, and the same shall be chargeable with Assessments from the time of such Return, in like manner as if Returns thereof had been made by the Surveyor General of this Province, and all and every the Provisions of the several Acts of this Province, relative to the Collection of Rates and Assessments, and Penalties for Non-payment of the same; and all the Provisions of this Act relative to the Levying Rates and

Returns to be entered by the several Treasurers, and the lands so returned to be thenceforth chargeable with assessments and provisions for the due collection thereof as other Lands returned by the Surveyor General.

Assessments in Arrear, shall apply in like manner to such Lands so Returned.

Treasurers of Districts, to report to the Quarter Sessions, all lands upon which the assessments shall be eight years in arrear after 1st July, 1828.

VI.—*And be it further enacted by the authority aforesaid*, That the Treasurer of each and every District of this Province, for the time being, shall at the General Quarter Sessions of the Peace for each District respectively, which shall ensue next, after the First Day of July, which will be in the Year of Our Lord One Thousand Eight Hundred and Twenty Eight, present to the Justices in Quarter Sessions Assembled, an accurate account of all Lands in his District, upon which the Assessments imposed by the several Acts of this Province, or any Part thereof, shall have been in Arrear for the space of Eight Years, specifying in such Account, the Lot, or Parcel, of Land, by the Number, Concession, and Township, or otherwise, as the same appears in the Schedule furnished to the said Treasurer, and specifying also the Amount Due for Assessments thereon, under the Provisions of the said Acts, and that the Treasurer of each District, shall in like manner at the Court of General Quarter Sessions of the Peace, which shall ensue next after the First Day of July in each and every Year, after the Year of Our Lord One Thousand Eight Hundred and Twenty Eight, furnish an Account of all the Lots or Parcels of Land in the several Townships, reputed Townships, or Places, of his respective District, upon which the Assessments imposed by the said Acts, or any Part thereof, shall be in Arrear, for the space of Eight Years.

Clerks of the Peace to make out writs for the levying the Assessments in arrear,

VII.—*And be it further enacted by the authority aforesaid*, That upon such Accounts so to be made and rendered by the several Treasurers, it shall be the duty of the Clerk of the Peace in each District, and he is hereby required to make out a Writ for the Levying of the Assessments appearing to be due in each Township, reputed Townships, or Places, specifying in such Writ the particular Lot or Parcel of Land, and the Amount due thereon, which may be in the form given in the Schedule to this Act annexed, marked A, and may be Signed and Sealed by the said Clerk of the Peace, as by order of the Court of General Quarter Sessions, either during, or after, the Sitting of the said Court, and shall be directed to the Sheriff of each District respectively, directing him to Levy the Amount therein stated to be due, together with the Fees hereinafter mentioned, by Sale of such Portion of the Lands and Tenements on which the Assessments are respectively chargeable, as may be sufficient for that purpose, provided there be no Distress upon the said Lands from whence the same may be made, and if there be such Distress, then to Levy the same by Sale of such Distress.

by sale of a portion of the lands upon which the Assessments are chargeable, if no distress be found thereon. Writs when returnable.

VIII.—*And be it further enacted by the authority aforesaid*. That the said Writs shall be Returnable at the Third Quarter Sessions, which shall ensue after issuing the same, and that the Sheriff shall be directed by the said Writs to have the Monies, which he shall Levy upon the same, at the said Court, and that the Payment of the same to the Treasurer of the District respectively, shall be sufficient to discharge such Sheriff.

Monies levied to be paid to Treasurers.

Lands liable to sale, to be advertised.

IX.—*And be it further enacted by the authority aforesaid*, That the Treasurer of each and every District in this Province, shall cause to be inserted in the Upper Canada Gazette, and also in some Public Newspaper of such District respectively, a List of all the Lots or Parcels of Land, which shall be

Returned by him in his Accounts under this Act as liable to Sale for Arrears of Assessments, within One Month after the rendering of his said Account, and shall charge the expense attending the same in his Accounts with the District; and if there be no Newspaper published within any District of this Province, in which the said Lands shall be situate, then the said Treasurer shall cause a List of the several Lots or Parcels of Land, liable to Sale as aforesaid, in each Township, reputed Township, or Place, to be affixed in some conspicuous Place in the said Township, within one Month from giving in his said Account, and shall charge for each List so affixed, the Sum of Five Shillings, and no more.

X.—*And be it further enacted by the authority aforesaid,* That every Sheriff shall, within One Month after the Receipt of any Writ to him directed under this Act, insert a Notice in the Upper Canada Gazette, and also in all the Printed Newspapers of his District, or if there be no Newspaper published within his District, shall affix a Notice in Writing upon the Door of the Court House, or Place, where the Courts of General Quarter Sessions of the Peace are usually holden, of the time and place in which he will attend to Sell such portion of the Lands, on which Assessments are to be Levied in the several Townships, reputed Townships, or Places, as shall be sufficient to discharge the same; and that he shall also cause to be affixed in two or more places in each and every Inhabited Township, reputed Township, or Place, a Notice of the time and place of Sale of the Land under this Act, within such Township, reputed Township, or Place.

XI.—*And be it further enacted by the authority aforesaid,* That no Sale of Lands under this Act shall take place in less than Six Months from the time of delivering the Writ to the Sheriff, nor shall be made out of the Township, reputed Township, or Place, in which the Lands lie, unless the same shall be so thinly Inhabited as to have no Meetings held within it, for the Election of Parish Officers, in which case, the Sale shall be in the Township to which the same may be annexed, for the purpose of holding its Annual Town Meeting.

XII.—*And be it further enacted by the authority aforesaid,* That the mode of Selling the said Lands shall be by Public Auction, as follows, that is to say: The Amount of Assessments in Arrear, upon the said Lands respectively, shall be declared; and also the expenses attending the said Writ, as the same are hereinafter established, and the Person who shall offer to pay the said Assessments and expenses for the least quantity or portion of the said Lands, on which they are charged, shall be considered the Purchaser thereof.

XIII.—*And be it further enacted by the authority aforesaid,* That the Sheriff shall expose to Sale upon such Writ as aforesaid, the several Lots or Parcels of Land therein mentioned, in the following manner, that is to say, he shall begin at the front angle on that side from whence the Lots are Numbered, and measure backward taking a proportion of the width corresponding in quantity with the proportion of such particular Lot, in regard to its Length and Breadth, according to the quantity required to make the Sum demanded; and at every subsequent Sale of a portion of the same Lot or Parcel of Land

Expense of Advertising to be paid by the Districts.

If no Newspaper, Notices to be published in the Township where land lies Fees.

After receipt of writ, Sheriff to advertise lands in Gazette and other Newspapers.

If no Newspaper in District where lands lie, Notice to be put up on door of the Court House.

No sale of lands until writ has been 6 months in the Sheriff's hands, nor out of the Township, unless Inhabitants too few.

Manner of the Sale and terms thereof.

How lands for sale to be apportioned.

under this Act, shall proceed to take a Tract of equal width as the former, measuring backward from the limit of the Tract last Sold.

Discretionary power vested in the Sheriff to alter the mode of sale.

XIV.—*And be it further enacted by the authority aforesaid,* That in every case in which, from the position or the description of the Tract, the mode last mentioned, cannot be pursued.—Then it shall be in the discretion of the Sheriff to expose to Sale such portion of the Lot or Parcel of Land, as shall appear to him most for the interest of the Proprietor thereof.

No greater interest in the Crown and Clergy reserves to be sold than is possessed by the lessees

XV.—*Provided always, nevertheless, And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend to authorise the Sale of any greater or other interest in the Reserved Lands of the Crown or Clergy, held in Lease for Payment of Arrears of Assessments, than is possessed by such Lessee or his Assignee.

Sheriff may adjourn sales.

XVI.—*And be it further enacted by the authority aforesaid,* That it shall be in the power of the Sheriff to adjourn such Sale from Day to Day at his discretion, giving Public Notice thereof; and that if any Purchaser shall not pay the amount declared on the Day of Sale, it shall be in the power of the Sheriff to re-Sell the same on any other Day to which the Sale of such Lands shall be adjourned.

Sheriff may re-sell lands not paid for.

XVII.—*And be it further enacted by the authority aforesaid,* That on Payment by any Purchaser under this Act, of the Sum declared to be demanded in respect of any Lot or Parcel of Land, the Sheriff shall give him a Certificate under his Hand, specifying the particulars of such Sale, and the Purchaser may forthwith go into possession of the Parcel of Land, bid off to him as aforesaid; but if within Twelve Calendar Months from the time of such Sale, the Proprietor of the Lot, or any one on his behalf, shall Pay to the Treasurer of the District, the amount Levied by Sale of a portion of the same, and the expense of such Levy, together with Twenty Per Cent. in addition to the same, then he shall be entitled to resume possession of the Parcel of Land so sold, and the Treasurer shall, on demand, Pay to the Purchaser thereof, his Executors, Administrators, or Assigns, the whole amount so paid to him, and the right required by such purchase, shall thenceforth wholly cease and determine.

Purchasers to be let into possession on payment of Assessments due.

Owners may resume their lands within 12 months after sale, upon re-payment of Taxes, Costs and 20 per Cent. in addition to the purchaser.

XVIII.—*And be it further enacted by the authority aforesaid,* That if, at the expiration of Twelve Calendar Months from the time of such Sale, the Land so Sold shall not be redeemed as aforesaid, then the Sheriff for the time being, shall, on demand by the Purchaser or Purchasers, his Heirs or Assigns, execute a Conveyance to him or them, in fee simple, of the Parcel of Land so Sold by Public Auction, under the Provisions of this Act, which Conveyance may be according to the form given in Schedule to this Act annexed, marked B, or as near thereto as may be, and shall be executed by the said Sheriff free of any charge to the Party.

If land not redeemed within 12 months Sheriff to complete the sale.

XIX.—*And be it further enacted by the authority aforesaid,* That before the Sheriff shall deliver to a Purchaser any Conveyance of Lands, Sold under the Provisions of this Act, he shall deliver to the Register of the County in which such Lands are situated, a Certificate of such Sale under his Hand and Seal of Office, stating the Name of the Purchaser, the Sum paid, the Number of Acres Sold, the Lot or Tract of which the same form part, and the

Sheriff's certificate may be registered in lieu of a Memorial of conveyance.

Date of such Conveyance, and may comprise in any one Certificate a Schedule of all, or any number, of such Conveyances, which Certificate shall be to such Register a sufficient authority in place of a Memorial, to Record such Conveyance, or Conveyances, respectively.

XX.—*And be it further enacted by the authority aforesaid,* That the Register of any County, having received from the Sheriff such Certificate as above mentioned, shall, on production of any Conveyance made under the authority of this Act, enter on Record a transcript of such Conveyance, which shall be deemed to be a sufficient Registry thereof, and for such Registry, and the Certificate thereof, in the usual form, the Register shall be entitled to receive of the Party, the Sum of Two Shillings and Six Pence, and no more.

Registers to enter a transcript of Conveyances on record, and grant a certificate thereof which shall be deemed a sufficient Registry.

Fees to Register.

XXI.—*And be it further enacted by the authority aforesaid,* That if any Treasurer shall delay to make the Returns or Accounts required of him by this Act, for Two Courts of General Quarter Sessions of the Peace, after that in which the same ought by this Act to be presented, he shall by such neglect, on conviction thereof at the Assizes, forfeit his Office; and the Justices of such District, shall forthwith appoint another Treasurer in his room, according to Law; and if the Justices shall neglect to make such appointment, then it shall be Lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint another in his room during pleasure, taking such security to His Majesty, for the due performance of the said Office, as to the said Governor, Lieutenant Governor, or Person Administering the Government, shall seem just.

Treasurers neglecting to make returns shall, on conviction, forfeit their office; and Justices may appoint another Treasurer; and upon neglect of the Justices, the Governor may appoint one during pleasure.

XXII.—*And be it further enacted by the authority aforesaid,* That no omission of any direction contained in this Act, relative to Notices, or forms of proceeding, previous to any Sale made under this Act, shall extend to render such Sale invalid; but the Person guilty of any such omission or neglect, shall be liable to punishment therefor and shall answer to the Party for any damages occasioned thereby, in any Legal Proceeding that may be properly instituted for that purpose.

Sales not to be avoided for neglect of officers adhering to the mode and forms hereby established, but officers to answer the party grieved.

XXIII.—*And be it further enacted by the authority aforesaid,* That the Monies received by the Sheriffs of the several Districts under this Act, shall be by them paid to the Treasurer of their respective Districts, and shall be appropriated and applied in the same manner as the Monies collected under the said Act, passed in the Fifty Ninth Year of his Late Majesty's Reign.

Monies collected how to be accounted for.

XXIV.—*And be it further enacted by the authority aforesaid;* That the Treasurer of each District shall be entitled to receive the Sum of Five Pounds in Account with the District, for every Account furnished under this Act, and may deduct the same Sum to his own use, out of Monies paid into his Hands under this Act, as out of other Assessments by the Laws now in force.

Fees to the Treasurers.

XXV.—*And be it further enacted by the authority aforesaid,* That the Clerk of the Peace in every District shall receive for each Writ, which he shall make out, for the several Twonships in his District, under this Act, the Sum of Ten Shillings.

Fees to the Clerk of the peace,

XXVI.—*And be it further enacted by the authority aforesaid,* That the Sheriff of each District shall and may charge the Sum of Seven Shillings and

and Sheriff.

Six-Pence upon every Sale, for his Fees of Sale, and shall Levy the same in addition to the Sum mentioned in his Writ ; and that he may retain out of all Monies, to be paid over by him under this Act, the Sum of Three Pounds for every Hundred Pounds.

Treasurers to give receipts to persons paying Taxes.

XXVII.—*And be it further enacted by the authority aforesaid,* That the Treasurer in each and every District of this Province, shall and he is hereby required to give to any Person Paying Assessments upon Lands, who shall require the same a Receipt specifying the Amount of Payment, and the particular Lot, portion of a Lot, or other Parcel of Land, in respect of which the same is Paid.

59 Geo. 3d, ch. 7, sec. 24, repealed.

XXVIII —*And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Twenty Fourth Section of the said Act of the Parliament of this Province, passed in the Fifty Ninth Year of His Late Majesty's Reign, shall be and the same is hereby Repealed, and that the Assessments and Rates by the said Act imposed, may be according to the form hereunto subjoined.

Form of Assessment, for the township of

for the Year

A B C D	NAMES.	No. of Acres of Land.		No. of Males resident in the Family.		No. of Females resident in the Family.		Houses.	Mills.
		Uncultivated.	Cultivated.	Over Sixteen years of age.	Under Sixteen years of age.	Over Sixteen years of age.	Under Sixteen years of age.		
		No. of Lot or other designation (if a part describe which it is.)							
		No. of Concession or other description.							
		Total number of Persons resident in each Family.							
		Town Lots in Kingston, York, Niagara and Queenston, at Fifty Pounds each.							
		Town lots in Cornwall, Sandwich, Johnstown & Bellville, at twenty-five pounds each.							
		Town Lots in Brockville, at Thirty Pounds each.							
		Squared or Hewed Timber on two sides, one story.							
		Additional Fire places.							
		Framed under two stories.							
		Additional Fire places.							
		Squared Timber, two stories.							
		Additional Fire places.							
		Framed, Brick or Stone, of one story, with not more than two Fire places.							
		Additional Fire places.							
		Framed, Brick or Stone of two stories, with not more than two Fire places.							
		Additional Fire places.							
		Wrought by water with one pair of stones.							
		Additional pair of stones:							
		Saw Mills.							
		Merchant Shops.							
		Store Houses.							
		Stone Horses for covering Mares for hire or gain.							
		Horses of three years old and upwards.							
		Oxen four years old and upwards.							
		Milch Cows.							
		Horned Cattle from two to four years old.							
		Close Carriages with four wheels, kept for pleasure.							
		Phaetons, or other open Carriages, kept for pleasure. only with four wheels.							
		Curricles, Gigs, or other Carriages, with two wheels, kept for pleasure.							
		Wagons kept for pleasure.							
		Rate per Pound.							
		<p style="text-align: center;">AMOUNT OF ASSESSMENT.</p> <p>£ s. d.</p>							

Total, £

A.

District } To the Sheriff of the District of
of

Form of Writ to
sell.

WHEREAS, by the Account rendered by the Treasurer of the said District of _____ to the Justices of the Peace, for the said District, in General Quarter Sessions Assembled, according to the Act of Parliament of this Province, passed in the Fourth Year of the Reign of His Majesty King George the Fourth, entitled, [here insert the title to this Act] it appears that the Assessments or some part thereof which are imposed upon Lands by the several Statutes of this Province, have been suffered to remain in arrear beyond the space of Eight Years, upon the Lots or Parcels of Land hereinafter mentioned, and that the said Lots or Parcels of Land stand respectively charged with the Sums herein set forth, that is to say, [here state the Lots or Parcels of Land with the Sum charged against the same, in the Treasurer's Accounts so remaining in Arrear, up to the expiration of the last Year before such Account was rendered.] These are therefore, in His Majesty's name, to command you to Levy the several Sums of Money herein mentioned, by Sale of such portion of the Lands on which the said Assessments are respectively charged, as may be sufficient for that purpose, together with the Fees allowed by the said Act, passed in the Fourth Year of the Reign of King George the Fourth, to be Levied on this Writ, duly observing the directions of the said last mentioned Act, in respect of such Sale, Provided there be no Distress upon the said Lands respectively, from which the said several Sums, or either of them, may be made. And if there be such Distress then that you Levy the same by such Distress, together with such Fees as aforesaid, rendering the overplus, if any there be, to the owner thereof. And whatever Monies you shall Levy by virtue of this Writ, have before the Court of General Quarter Sessions of the Peace, in and for the said District, which shall begin and be holden on the _____ Day of _____ next, together with this Writ.

B.

Form of Sheriff's
Deed.

THESE are to Witness that in consideration of the Sum of _____ Paid to me by A. B. of _____ being the Purchaser at Public Auction of the Parcel or Tract of Land hereinafter mentioned, Sold to Pay Assessments, under a Writ to me directed; according to the Law in that behalf, I, C. D. Sheriff of the District of _____ do, by these Presents, Grant, Bargain, and Sell, unto the said A. B. his Heirs, and Assigns, [describe the Parcel of Land Sold,] to have and to hold the Premises hereby Bargained and Sold, and all benefit and advantage thereto belonging, unto, and to the use of, the said A. B. his Heirs and Assigns forever—In Witness whereof, I have here-to set my Hand and Seal of Office, this _____ Day of _____ in the Year of Our Lord

Commons House of Assembly, }
1st January, 1824. }

LEVIUS P. SHERWOOD, SPEAKER.

Legislative Council, }
14th January, 1824. }

W. DUMMER POWELL, SPEAKER.