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1878

THE
STATUTES

OF
HIS MAJESTY'S PROVINCE



OF

UPPER - CANADA,

IN

NORTH AMERICA,

Passed in the Second Session of the Seventh Provincial Parliament of Upper-Canada, met at York on the Fifth day of February, in the Fifty-eighth Year of the Reign of our Sovereign Lord George the Third, and Prorogued on the First day of April following.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR



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THE
STATUTES
OF
HIS MAJESTY'S PROVINCE
OF
Upper-Canada,

PASSED IN THE SECOND SESSION OF THE SEVENTH PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK ON THE FIFTH DAY OF FEBRUARY, IN THE FIFTY-EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE FIRST DAY OF APRIL FOLLOWING.

CHAP. I.

An Act to impose a Duty upon Persons selling Wine, Brandy and other Spirituous Liquors, by Wholesale.

[Passed 1st April, 1818.]

MOST GRACIOUS SOVEREIGN,

WHEREAS for the better support of the Government of this Province, and for promoting the internal improvement of the same, it is expedient to increase the Revenue thereof: We your Majesty's most Dutiful and Loyal Subjects the Commons of Upper-Canada, in Provincial Parliament assembled, Beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That there shall be raised, levied, collected, and paid to His Majesty, his Heirs and Successors, to and for the Public Uses of this Province, and the support of the Government thereof, the Duties herein after mentioned, for and upon the respective Licences, to be taken out in the manner and by the Persons herein after mentioned.

Preamble.

II. *And*

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

Licence to be taken out by Wholesale Venders of Wine, Brandy or other Spirituous Liquors.

II. And be it further enacted by the authority aforesaid, That from and after the First day of June, next, and from and after the Fifth day of January, in each and every Year ensuing, there shall be taken out a Licence by every Merchant, Shopkeeper, Trader, or Dealer, who may sell or vend any Wines, Brandy, or other Spirituous Liquors by Wholesale, that is to say Three Gallons and upwards, and who have not taken out a Licence to sell, vend, and retail Wines, Brandy, or other Spirituous Liquors, for which Licence there shall be paid, at the time such Licence shall be taken out, the sum of Five Pounds of Lawful Money of this Province.

Duty on such Licence.

By whom to be issued.

Fee to the Inspector on issuing the same.

III. And be it further enacted by the authority aforesaid, That the Licence herein before mentioned shall be granted by the Governor, Lieutenant Governor, or Person administering the Government of this Province, through the Inspector in each and every District, and for every such Licence that shall be delivered by the Inspector, there shall be paid by the person or persons applying for the same, to the Inspector, the sum of Two Shillings and Sixpence, current money, for issuing the same, and no more.

Not to extend to Licensed Distillers.

IV. And be it further enacted by the authority aforesaid, That nothing in this Act shall extend or be construed to prohibit any person who shall have or may hereafter take out a Licence for the distillation of Spirituous Liquors, from selling such Spirituous Liquors as he shall have distilled, without taking out the Licence required by this Act.

When Inspectors shall account.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector of this Province, and each and every of them is and are hereby required, to render within One Month after the Fifth day of January in each and every year during the continuance of this Act, to the Inspector General of this Province, a just, true, and faithful account, to be verified on Oath, of all Monies which he or they shall receive under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors as aforesaid, shall also pay or cause to be paid into the hands of the Receiver General of this Province, within Two Months thereafter all such monies as he and they shall have so received.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for, each and every such Inspector, as aforesaid, and each and every of them is and are hereby required to transmit to the Inspector General of this Province, every three months thereafter, a just, true and faithful account, to be verified on Oath, of all such monies as he and they shall collect and receive, under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors, shall in one month subsequent thereto, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he and they shall have so received.

Penalty for Selling Spirituous Liquors by Wholesale without Licence.

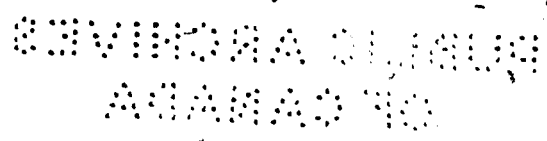
How to be recovered.

Imprisonment in default of payment, or goods.

VII. And be it further enacted by the authority aforesaid, That if any Merchant, Shopkeeper, Trader, or Dealer in Wines, Brandy or other Spirituous Liquors, who shall not have taken out a Licence to sell Wines, Brandy or other Spirituous Liquors by Wholesale or Retail, shall sell, vend or expose to sale any Wines, Brandy or other Spirituous Liquors as aforesaid, without first having obtained a Licence for that purpose from such Inspector as aforesaid, he shall forfeit and pay the Sum of Fifteen Pounds, to be recovered on the Oath of one or more credible Witness or Witnesses, other than the Informer, before any two of His Majesty's Justices of the Peace, the nearest to the place where the Offence may have been committed, to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all reasonable Costs both before and after conviction; and in default of payment of such Fine or Fines, or in default of such Goods and Chattels, to be committed to the common Gaol of the District, for a term not exceeding Four nor less than One Calendar Month.

Distribution of Penalties.

VIII. And be it further enacted by the authority aforesaid, That the Moiety of every pecuniary Penalty or Satisfaction, by this Act imposed, shall belong to His Majesty, his Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same into the hands of the Receiver General, to and for the use of His Majesty through



Majesty, his Heirs and Successors, for the public uses of this Province, and towards the support of the Civil Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of his Treasury for the time being, in such manner and form as it shall please His Majesty to direct; and the other Moiety thereof to the Informer or person who shall sue for the same.

Informant.

IX. *Provided also, and be it further enacted by the authority aforesaid,* That no information or complaint, shall be received under this Act, if more than Six Calendar Months have elapsed since the the time of offence committed.

Limitation of Complaint.

Six Months.

X. *And be it further enacted by the authority aforesaid,* That the said Inspector shall retain and take at the rate of five per cent. for every Hundred Pounds he shall so collect as aforesaid, during the continuance of this Act: and all Monies so paid by the said Inspector into the hands of the Receiver General, shall be by him accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

Percentage to be retained by Inspectors.

Duties, how to be accounted for.

XI. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for Two Years, and from thence to the end of the then next ensuing Session of the Provincial Parliament.

Continuance of this Act.

CHAP. II.

An Act to repeal part of an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to alter the time of holding the Courts of General Quarter Sessions of the Peace, in the London and Johnstown Districts.

[Passed 1st April, 1818.]

WHEREAS by an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to alter the time of holding the Courts of General Quarter Sessions of the Peace, in the London and Johnstown Districts of this Province, the time of holding the said Courts of General Quarter Sessions are altered in the said London and Johnstown Districts, and whereas it is expedient as far as relates to the Johnstown District, to repeal the same: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province:" and by the authority of the same, That so much of the Second Clause of the said Act as declares that the said Courts of General Quarter Sessions of the Peace, be holden in the Johnstown District on the Second Tuesday in the Months of January, April, July and October, be and the same is hereby repealed: *Provided always* that this Act shall not take effect until the First day of June, next.

Preamble.

56, Geo. 3, Chapter 40 recited.

So much thereof as relates to the District of Johnstown repealed.

This Act not to take effect before the 1st June next.

CHAP. III.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

CHAP. III.

An Act to enable Robert Cartwright, Son of the late Honorable Richard Cartwright, Deceased, to surrender certain Lands in the Town of Kingston to His Majesty, his Heirs and Successors.

[Passed 1st April, 1818.]

Preamble.

Recital—That the late Hon. R. Cartwright in his life time contracted to surrender to His Majesty, Lot No 263, in the Town of Kingston, for the consideration of £750.

Death of the said R. Cartwright, before the said Contract was fulfilled.

His Will—whereby the said Land is devised to Robert Cartwright, his Son.

Proviso.

Devisee being an Infant, & incapable of fulfilling the Contract.

Enabled by this Act to Surrender to His Majesty, according to the Contract of R. Cartwright, deceased.

WHEREAS the Honorable Richard Cartwright, late of the Town of Kingston, in the Midland District of the Province of Upper-Canada, deceased, entered into an Agreement previous to his Death, with the Commander of His Majesty's Forces in British North America, for and on the behalf of His Majesty, to surrender to His Majesty, his Heirs and Successors, forever, in consideration of the Sum of Seven Hundred and Fifty Pounds, of lawful money of Upper-Canada, a certain Lot or parcel of Land in the said Town of Kingston, being commonly known as, and described on the Map of the said Town of Kingston, Lot Number Two Hundred and Sixty-three, containing by admeasurement, Two-fifths of an Acre or thereabouts, and more particularly described as follows: That is to say, commencing on the North-East side of Barrack Street, nearly opposite to King-street, and at the distance of One Chain from the South-West side of Barrack-street, and at the Southerly Angle of the said Lot Number Two Hundred and Sixty Three; North, Thirty-Five Degrees Forty Minutes East, Two Chains then North, Fifty Four Degrees Twenty Minutes West Two Chains; then South, Thirty-five Degrees Forty Minutes West, Two Chains, to Barrack Street; then South Fifty-four Degrees Twenty Minutes East Two Chains, more or less, to the place of beginning. And whereas the said Richard Cartwright, soon after the period of making the said agreement, and previous to the surrender of the said Lot, and without having received the said Sum of Seven Hundred and Fifty Pounds, or any part thereof, departed this Life, having first made and published his Last Will and Testament in Writing, duly executed, and attested in such manner as by Law is required, and bearing date the Eighteenth day of May, in the Year of our Lord One Thousand Eight Hundred and Fifteen, whereby the said Richard Cartwright did give, devise and bequeath, to his Son Robert Cartwright his heirs and assigns for ever, the said Lot Number Two Hundred and Sixty-three, in the aforesaid Town of Kingston, with a proviso in the said Will contained, that if any one or more of his Children therein named, of whom the said Robert Cartwright is one, shall die before they attain the full age of Twenty-one years, then the said Testator did by his said Will, devise and bequeath the respective shares or parts of the real and personal Estate therein devised, of such Child or Children respectively so dying, unto the rest and other of his Children that shall survive such as so die respectively, and to his, her or their Heirs for ever, as nearly as may be in shares of equal value. And Whereas the said Robert Cartwright the Devisee in the said Will named, is desirous of surrendering the said Lot of Land to His Majesty, upon the Terms originally intended, but being an Infant under the age of Twenty-one years, is incapable of carrying into effect the aforesaid agreement: Be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for the said Robert Cartwright, Devisee as aforesaid, to surrender to His Majesty, his Heirs and Successors, the said Lot or Parcel of Land, the said Sum of Seven Hundred and Fifty Pounds, being previously paid by way of consideration for the same, to the Executors and Trustees named and appointed under the Will of the said Richard Cartwright, deceased, and such surrender, so to be had and made as aforesaid, shall be as good and effectual in Law to all intents and purposes whatsoever, as if the said Robert Cartwright was at the time of making the same of the full age of Twenty-one years, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

II. And

II. *And be it further enacted by the authority aforesaid,* That the Sum of Seven Hundred and Fifty Pounds, the consideration money of and for the said Lot or Parcel of Land, shall be paid at the time of the execution of the said Surrender to his said Majesty, into the hands of the Honorable and Reverend John Strachan, of the Town of York, in the Home District, Doctor in Divinity, and Alexander Thomas Dobbs, of the Town of Kingston, in the Midland District, Esquire, as Executors and Trustees named and appointed in the said Will of the said Richard Cartwright, deceased, and to be by them laid out at interest to and for the use and benefit of the said Robert Cartwright, Devisee as aforesaid, and to be payable to the said Robert Cartwright when he shall attain the age of Twenty-one Years, and in case of his Death, previous to his attaining that age, then the same shall go and be paid unto the rest and other of the Children of the said Richard Cartwright, deceased, that shall survive him the said Robert Cartwright, and to his, her, or their Heirs, for ever, as nearly as may be in Shares of equal value, in the same manner as the real and personal Estate, by the said Will devised and bequeathed to the said Robert Cartwright, is limited, in the event of his so dying, by the Proviso of the said Will hereinbefore recited.

To whom the consideration is to be paid.

How to be disposed of

CHAP. IV.

An Act to regulate the Costs in certain Cases in the Court of King's Bench.

[Passed 1st April, 1818.]

WHEREAS the District Courts, established in the several Districts of this Province, were intended as well to relieve Defendants from the charge of answering in the Superior Court, as to facilitate the Suitor; and whereas Suits of the proper competence of the said District Courts, are frequently brought into the Court of King's Bench, having concurrent jurisdiction, to the great increase of Costs and Charges to the Parties: For remedy whereof, be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that in any Suit hereafter to be brought in the Court of King's Bench, which Suit may be of the proper competence of the District Court, no more Costs shall be taxed against the Defendant, than would have been incurred in the District Court, in the same Action, unless the Judge, who tried the Cause of such Suit or Action, shall certify in open Court at the Trial, that it was a fit Cause to be withdrawn from the District Court, and Commenced in the Court of King's Bench.

Preamble.

In Actions hereafter brought in the King's Bench which the District Courts are competent to try, none but District Court Costs shall be Taxed against the Defendant, unless the Judge certifies, &c.

II. *And be it further enacted by the authority aforesaid,* That the Defendant's Costs taxed between Client and Attorney in such Suit not so certified, or so much thereof as shall exceed the Costs taxable in the District Court, in such case shall be set off, against the Plaintiff's Costs taxed, to be recovered from Defendant.

And so much of Defendant's Costs taxed against him by his Attorney as exceed the Costs in the District Court, shall be charged to the Plaintiff.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

CHAP. V.

An Act to continue, repeal part of, and amend an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled, "An Act for granting to His Majesty Duties on Licences to Hawkers, Pedlars and Petty Chapman, and other Trading Persons therein mentioned," and to extend the provisions of the same.

[Passed 1st April, 1818.]

Preamble. 55th Geo. 3, chap. 56, continued.

WHEREAS an Act passed in the Fifty-sixth Year of the Reign of our Sovereign Lord the King, entitled, "An Act granting to His Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapman, and other Trading Persons therein mentioned," will shortly expire, and whereas it is expedient to continue and amend the same, Be it Enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America. and to make further provision for the Government of the said Province," and by the authority of the same, that the said Act, with the exception of the first, second, seventh and eighth Clauses thereof, which are hereby repealed, shall be and remain in force for and during the continuance of this Act.

Except the 1st, 2d, 7th and 8th Clauses.

Duties on Licences to be taken out by Hawkers, Pedlars and Petty Chapman.

When Licence to be taken out.

By whom.

Amount of Duties thereon.

II. And be it further enacted by the authority aforesaid, That there shall be raised, collected and paid to His Majesty, his Heirs and Successors, to and for the Public uses of this Province, and the support of the Government thereof, the several and respective Duties therein mentioned, for and upon the respective Licences, to be taken out in manner and by the Persons hereinafter mentioned; that is to say, from and after the fifth day of April in this and every ensuing Year, during the continuance of this Act, there shall be taken out a Licence by every Hawker, Pedlar, Petty Chapman and any Trading Person or Persons, such Person or Persons having taken the Oath of Allegiance to His Majesty, going from Town to Town, or to other Men's Houses, or who have not become House-holders by permanent residence in any Town or Place within this Province, by or for the space of One Year, previous to the passing of this Act, or Travelling either on Foot, or with a Horse or Horses, Mule or Mules, or other Beast bearing or drawing burthen; Boat or Boats, Decked Vessels or other Craft or otherwise within this Province, carrying to sell or exposing to sale, any Goods, Wares or Merchandise, for which Licence there shall be paid the following sums, at the time such Licence be taken out:—For every Man Traveller on foot, Five Pounds Current Money of this Province, for every Horse, Ass or Mule, or other Beast bearing or drawing burthen, an additional sum of Five Pounds; for every Man sailing with a Decked Vessel, trading and exposing for sale, Goods, Wares and Merchandise, on board or from the same, the sum of Twenty-five Pounds; for every Man trading with a Boat or other Craft, and exposing for Sale, Goods, Wares and Merchandise, for each Boat or Craft, the sum of Twenty Pounds.

Authority to seize any Hawker, Pedlar, &c. trading without a Licence,

Or refusing to produce his Licence.

Three or more Justices on complaint may fine offenders.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Justice of the Peace, Collector, Deputy Collector, Constable or Peace Officer, to seize and detain any such Hawker, Pedlar or Petty Chapman, or other Trading Persons as aforesaid, who shall be found Trading without a Licence, contrary to this Act, or being found Trading, shall refuse or neglect to produce a Licence according to this Act, after being required so to do, in order to His or Her being carried; and they are hereby required to carry such Person or Persons so seized, unless he or they shall produce their respective Licences before three or more of his Majesty's Justices of the Peace, the nearest to the place where such Offence or Offences shall be committed, which said three or more Justices of the Peace are hereby authorised and strictly required, either upon the confession of the Party offending,

or due proof by Witness or Witnesses, other than the Informer, upon Oath, which Oath they are hereby empowered to administer, that the Person or Persons so brought before them had so traded as aforesaid without a Licence, and in case no such Licence shall be produced by such Offender or Offenders, before such Justices, the said Justices by Warrant under their Hands and Seals, directed to a Constable or other Peace Officer, shall cause a Sum, not exceeding Twenty Pounds nor less than Five Pounds, with reasonable Costs, to be forthwith levied by Distress and Sale of the Goods, Wares and Merchandise of such Offender or Offenders, or of the Goods with which such Offender or Offenders shall be found trading as aforesaid; rendering the overplus (if any there be) to the Owner or Owners thereof, after deducting the reasonable charges for taking the said Distress; and for want of sufficient Distress, the Offender or Offenders shall be sent to the nearest Gaol of such District, for a time not exceeding six months, nor less than one month; as such Justices of the Peace shall think most proper.

Amount of Penalty.

Imprisonment in default of distress.

IV. *And be it further enacted by the authority aforesaid,* That the Collectors acting by virtue of and under the authority of this Act, shall and they are hereby required to make returns to the Inspector General of this Province, and transmit all such monies as may come to their hands, to the Receiver-General of the Province, in like manner and subject to the same penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

Collectors to account,

and pay over Monies.

V. *And be it further enacted by the authority aforesaid,* That the Duties levied, collected and paid by virtue of this Act, and one moiety of every pecuniary penalty or satisfaction by this Act imposed shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver-General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof; to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as it shall please His Majesty to direct, and the other moiety of such pecuniary penalty or satisfaction, shall belong to the person or persons who shall sue for the same.

Appropriation of Penalties.

Informer.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force Four Years, and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this Act.

CHAP. VI.

An Act Granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandise sold by Auction.

[Passed 1st April, 1818.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient to increase the Revenue of this Province, to meet the increased Expenditure of the same, and whereas it would be for the advantage of the said Province if all Persons using or exercising the Trade or Business of an Auctioneer, should be obliged to take out a Licence for that purpose, specifying their Names and Places of Abode respectively, and to grant unto Your Majesty a certain Rate upon all Sales of Goods, Wares and Merchandise whatsoever, sold by way of Auction, as herein-after mentioned: We Your Majesty's Dutiful and Loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, do most humbly Beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled

Preamble:

by

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province." and by the authority of the same, that from and after the passing of this Act, all and every person or persons who shall exercise the calling or occupation of an Auctioneer, shall and they are hereby required to take out a Licence as aforesaid on or before the First day of June next, before he, she, or they shall presume hereafter to exercise such calling or occupation of an Auctioneer.

Auctioneers required to take out Licences.

When.

And pay £5. for the same.

By whom to be issued.

Fee to the Collector.

Penalty for neglect to take out the Licence, and to exhibit in a conspicuous manner in his auction room, his name and trade as Auctioneer.

How to be recovered.

Imprisonment in default of distress.

Duties of 2 1-2 per cent on goods sold by Auction

To be paid by the Auctioneer out of the proceeds of the Sale.

Bond to be given by Auctioneers, to render an account, and pay over the amount of such Duties.

II. *And be it further enacted by the authority aforesaid,* That all and every person or persons who shall exercise the calling or occupation of an Auctioneer shall yield and pay Annually to and for the use of His Majesty, His Heirs and Successors, for a Licence to use and exercise the said calling or occupation, the Sum of Five Pounds.

III. *And be it further enacted by the authority aforesaid,* That the Licences herein before mentioned shall be granted by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and for every such Licence that shall be delivered, there shall be paid by the Person or Persons applying for the same to the Collector, the Sum of Five Shillings Current Money, and no more, for issuing the same.

IV. *And be it further enacted by the authority aforesaid,* That any person or persons who shall neglect to take out such Licence as aforesaid, and on or before the Fifth day of January hereafter in each and every year, during the continuance of this Act, and shall so continue to exercise the said Trade or Business of an Auctioneer, or who shall neglect to exhibit, in a conspicuous manner at his Auction Room, his Name and Trade as such Auctioneer, shall upon the Oath of one or more credible Witness or Witnesses, other than the Informer, for each and every of the said negligences or offences, forfeit and pay the Sum of Twenty Pounds, to be recovered before any three or more of His Majesty's Justices of the Peace, in the District where such offence shall have been charged to have been committed, the party or parties being first Summoned to attend, which Justices are hereby authorised and required to issue their Warrant, and cause the penalty as aforesaid, with reasonable Costs and Charges, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the overplus, if any there be, after deducting the reasonable charges for taking the said Distress, and for want of sufficient Distress, the Offender or Offenders, shall be sent to the Common Gaol of the District, for such time, not exceeding six months.

V. *And be it further enacted by the authority aforesaid,* That from and after the First day of June next, there shall be raised, levied, collected and paid in such manner as hereinafter is mentioned to and for the use of His Majesty, His Heirs and Successors, to and for the public uses of this Province, and the support of the Government thereof, for and upon all manner of sales of Goods, Wares and Merchandize, by way of Auction as aforesaid, in the Province of Upper-Canada, the respective Rates and Duties hereinafter expressed, that is to say: the Sum of Two Pounds Ten Shillings for every Hundred Pounds, and in the same proportion for every greater or lesser Sum of the purchase money arising by Sale at Public Auction, of such Goods, Wares and Merchandize, the said respective Rates and Duties to be paid by every such Auctioneer, out of the Monies arising at each and every such Sale at Auction as aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That each and every person acting as aforesaid at every such public sale at Auction in any part of this Province, shall at the time of receiving such Licence as aforesaid, execute a Bond, with sufficient Sureties in the Sum of Five Hundred Pounds, current money of this Province, to His Majesty, His Heirs and Successors, which Security, the Collector to be appointed for granting such Licence as aforesaid, shall and they are hereby authorized to take with condition that he will within Sixty Days, after every such Sale, deliver in an exact and particular Account to such person or persons as shall be appointed to deliver out

the Licences as aforesaid, in writing, of the total amount of the Money bid at each Sale, and of the several Articles, Lots or Parcels which shall have been there sold, and the price of each and every such Article, Lot or Parcel, and at the same time, make payment of all such Sum and Sums of Money as shall be due and payable to His Majesty, in pursuance of, and according to the true, intent and meaning of this Act, which sum or sums of money he is hereby authorised and empowered to retian out of the produce arising by such Sale, or deposit made at such Sale or otherwise, recover the same by action of Debt or on the Case, against the person or persons by whom such Auctioneer shall be employed, or on whose account such Goods, Wares and Merchandise shall be so sold, and every Person so acting as Auctioneer, or the Person who acted as his Clerk, at such Sale, if any, shall make Oath to the Truth of each and every such Account before the Person or Persons issuing such Licence, as aforesaid, or before some one of His Majesty's Justices of the Peace for the District in which such Auctioneer shall reside; which Oath, the said Person or Persons issuing such Licence as aforesaid, and such Magistrate, is and are hereby authorised and empowered to administer.

Accounts to be sworn to.

VII. *Provided also, and it is hereby further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend or be construed to extend to charge with the said Rate or Duty, any Goods, Wares and Merchandise sold at Auction under the authority of any Sheriff, Under Sheriff or Constable. *And provided also,* That nothing in this Act contained shall extend or be construed to extend to affect any sale of Farming Stock, or Utensils of Husbandry, or Household Furniture that have been in use, any thing to the contrary hereof notwithstanding.

Not to extend to Sheriff's Sales, &c.

Other exceptions!

VI. *Provided always, and it is hereby further enacted by the authority aforesaid,* That nothing herein contained, shall extend or be construed to extend to restrain any Seller by Auction, or Person acting as Auctioneer at any Sales by way of Auction, from making it a condition of Sale, that the Pound Rate granted by this Act, or any certain portion thereof, shall be paid by the Purchaser, over and above the price bidden at such Sale by Auction: and in such case, the Person so acting as Auctioneer is hereby authorised and required to demand payment of the said Duty from such Purchaser or Purchasers, or such portion thereof as expressed in such Condition or Agreement, and upon neglect or refusal to pay the same, such Bidding shall be null and void to all intents and purposes.

It may be made a Condition at any sale, that the Purchaser shall pay the Auction Duties.

On his failing to pay his bidding to be void.

IX. *And be it further enacted by the authority aforesaid,* That the Moiety of every pecuniary Penalty or Satisfaction by this Act imposed, shall belong to His Majesty, his Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same into the hands of the Receiver General to and for the use of His Majesty His Heirs and Successors for the public uses of this Province, and towards the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of his Treasury for the time being, in such manner and form as it shall please His Majesty to direct; and the other Moiety thereof to the Informer or Person who shall sue for the same.

Distribution of Penalties imposed by this Act.

Informer.

X. *And be it further enacted by the authority aforesaid,* That the Collectors acting by virtue of and under the authority of this Act, shall, and they are hereby required to make Returns to the Inspector General of this Province, and transmit all such Monies as may come to their Hands, to the Receiver General of the Province, in like manner and subject to the same pains and penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

Collectors, how and when to render accounts.

And transmit Monies.

XI. *And be it further enacted by the authority aforesaid,* That the said Collector shall retain and take at the rate of Five Pounds, for every Hundred Pounds, which he shall so collect as aforesaid, during the continuance of this Act, and all Monies so paid by the said Collector into the hands of the Receiver General, shall be by him accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

Collectors may retain £5 per cent.

Appropriation of Monies paid to the Receiver General under this Act.

XII. *And be it further enacted by the authority aforesaid,* That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing done in pursuance of this Act, such Action or Suit shall be commenced within Six Months next after the matter or thing done, and not afterwards.

Limitation of Actions brought for any thing done under this Act.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

Continuance of this Act.

XIII. *And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for the space of Four Years, next ensuing the passing thereof, and from thence to the end of the then next ensuing Session of Parliament.*

CHAP. VII.

An Act to repeal an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act granting to His Majesty a Sum of Money, to be applied for the encouragement of the Cultivation of Hemp, within this Province."

[Passed 1st April, 1818.]

Preamble.

28. Geo. 3. Ch. 25.

WHEREAS an Act passed in the Fifty-sixth Year of His Majesty's Reign, for encouraging the Cultivation of Hemp, within this Province, by appropriating the Sum of One Thousand Pounds, to be paid in Bounties to the Cultivators thereof:— AND WHEREAS it appears that no part of the said Sum of One Thousand Pounds has yet been called for or applied; and by reason of the Increase of the Public Expenditure, it is therefore expedient that the same should be resumed, to be applied to the public uses of this Province. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act, passed in the Fifty-sixth Year of His Majesty's Reign, entitled, "An Act granting to His Majesty a Sum of Money, to be applied for the encouragement of the cultivation of Hemp, within this Province." and every Clause, Matter and Thing, therein contained, be, and the same is hereby repealed: and that the said Sum of One Thousand Pounds, thereby granted to His Majesty, to be appropriated, laid out, and disposed of in Bounties, for the cultivation of Hemp, shall remain in the hands of the Receiver General of this Province, to and for the public uses of this Province, and shall be accounted for to His Majesty, his Heirs and Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors may be graciously pleased to direct, any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

Repealed.

The sum of £1000 there-
by granted—how to be
applied,

and executed for

CHAP. VIII.

An Act to provide for the Registering of Deeds, Conveyances, Wills and other Incumbrances, which may affect any Lands, Tenements and Hereditaments, the same being Executed in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies, and to amend an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled "An Act for the Public Registering of Deeds, Conveyances, Wills, and other Incumbrances, which shall be made, or may affect any Lands, Tenements or Hereditaments within this Province."

[Passed 1st April, 1818.]

Preamble.

28. Geo. 3. Ch. 26.

WHEREAS it is expedient to amend the Provisions of an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled "An Act for the Public Registry of Deeds, Conveyances, Wills and other Incumbrances, which shall be made or may affect

fect any Lands, Tenements or Hereditaments within this Province." AND WHEREAS great inconvenience and difficulties have arisen in cases where Persons residing in Great Britain and Ireland, or in any Colony belonging to His Majesty, who may have had occasion to execute any Deed or Conveyance, or to have made or published any Will, whereby any Lands or Tenements within this Province, may be affected, by reason of the difficulty of Registering the same, according to the directions of the said recited Act: for remedy whereof, BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from henceforth, whenever any Person or Persons, residing in Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall or may have occasion to execute any Deed or Conveyance, or make or publish any Will whereby any Lands or Tenements within this Province may be affected, it shall and may be Lawful to and for the Parties concerned, to execute a Memorial of any such Deed, Conveyance, or Will, or Probate of the same, in like manner as is authorised and directed by the said in part recited Act.

Memorial to be made of any Deed, Conveyance, Will, &c. executed in Great Britain or Ireland, or by British Colony.

II. *And be it further enacted by the authority aforesaid,* That any Memorial of any such Deed or Conveyance, which shall have been or may hereafter be executed or published in any part of Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall be entered or Registered by the Register or his Deputy of any County or Counties within this Province, in case an Affidavit shall have been sworn, or shall hereafter be sworn before the Mayor or Chief Magistrate of any City, Borough, or Town Corporate in Great Britain or Ireland, or the Chief Justice or Judge of the Supreme Court of any Colony belonging to the Crown of Great Britain, and be brought to the said Register or his Deputy, wherein one of the Witnesses to the Execution of such Deed or Conveyance shall have sworn, or shall hereafter swear, he or she saw the same, as also the Memorial thereof Executed; and in case of Wills, one of the Witnesses to the Memorial of such Will or probate thereof shall have proved, or shall hereafter prove the Execution of such Memorial, the same shall be a sufficient authority to the said Register or his Deputy, to give the Party that brings such Deed or Conveyance, Will or Probate thereof, and the Memorial of the same, together with such affidavit, a Certificate of the Registry of the same, in like manner as if the Execution thereof had been proved; before the said Judge, Commissioner, Register or his Deputy as aforesaid.

How such Memorial shall be received, proved and entered.

Certificate of Registry.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in such cases where the Witnesses to any Deed, Conveyance, or Instrument incumbering Land in this Province shall be dead, it shall and may be Lawful for the Grantee or Grantees, his or their Heirs, Executors or Administrators, Guardians or Trustees, to make proof before the Justices in Quarter Sessions assembled; of the Execution of such Instrument, and upon Certificates signed by the Chairman, and Witnessed by the Clerk of the Peace, that the Majority of the Magistrates present in such Sessions were satisfied by such Proof, of the due Execution of such Instrument, it shall and may be Lawful for the Register of the said County to Register a Memorial of such Instrument, together with the Certificate, which Registration shall have the same force and effect, as that of a Memorial Registered according to the Provisions of the before recited Act, passed in the Thirty-Fifth Year of His Majesty's Reign, and no other.

Provision for the Registry of Deeds, &c. when the witnesses to the same are dead.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may Lawful for the Justices of the Peace in each and every District in this Province, in Quarter Sessions Assembled, to receive such Evidence upon Oath, and that if any Person or Persons shall at any time forswear him, her or themselves, before such Magistrates, he, she, or they shall incur, and be liable to the same Penalties, as would have been incurred upon Conviction for Willful and Corrupt Perjury, in any evidence given in His Majesty's Court of King's Bench, in this Province, in any Cause there depending.

How proof of Deeds, in such cases shall be received.

Perjury.

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Certificates of the Mayor, or Chief Magistrate of any City, Borough, or Town Corporate, required by this Act, not to be evidence without the Seal of such City, &c.

V. *And be it further enacted by the authority aforesaid.* That no Certificate to be Granted as aforesaid, by any such Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or of any Colony belonging to the Crown of Great Britain, shall have any force or effect, unless the Seal of such City, Borough, or Town Corporate shall be affixed thereto.

CHAP. IX.

An Act to repeal an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled "An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly, and also to repeal an Act passed in the Fifty-fourth Year of His Majesty's Reign, Entitled an Act to repeal and amend part of an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly" and to make further and more effectual provision for securing the Freedom and Constitution of the Parliament of this Province.

[Passed 1st April, 1818.]

Preamble.

33. Geo. 3. Ch. 2.

34. Geo. 3. Ch. 4.

Repealed.

WHEREAS it is most desirable that the Eligibility of Persons to be proposed as Candidates for the representation of the several Towns, Ridings and Counties of this Province, in the Common House of Assembly, should be clearly and expressly defined. AND WHEREAS the provisions of an Act passed in the Thirty-fifth Year of His present Majesty's Reign, entitled "An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly, and also of an Act passed in the Fifty-fourth Year of His Majesty's Reign, entitled "An Act to repeal and amend part of an Act passed in the Thirty-fifth Year of His Majesty's Reign, entitled "An Act to ascertain the Eligibility of Persons to be returned to the House of Assembly" have not attained that object; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of 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, each of the said Acts respectively shall be and the same are hereby repealed.

In what cases Candidates are required to have resided in this Province for 7 years next before the Election at which they are proposed.

Penalty for any person disqualified under the above section offering himself as a Candidate.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no Person or Persons of what condition soever, having been a *Bona Fide* Resident in any Country, not being under His Majesty's Government; or who shall have taken the Oath of Allegiance to any other State or Power, shall be eligible to be proposed, chosen or Elected, as a Representative or Representatives of any City, County, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, until such Person or Persons shall have resided in this Province for and during the space of Seven Years next before the Election at which any such Person or Persons shall be proposed, elected or chosen as a Representative or Representatives as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That if any Person or Persons as aforesaid, not having resided in this Province for Seven Years as aforesaid, shall propose or offer himself or themselves as a Candidate or Candidates to become a Representative or Representatives of any County, City, Riding or Borough, or other place now or hereafter sending a Representative or Representatives, and shall be thereof

thereof convicted by the Oath of any one credible Witness, shall forfeit and pay the Sum of Two Hundred Pounds, to be recovered by any person who shall sue for the same, in His Majesty's Court of His Bench in this Province, by action of Debt, Bill, Plaint or Information, wherein no Essoine, Privilege, Protection or Wager of Law shall be allowed, and only one Imparlance.

To be recovered by any person suing for the same.

IV. *And be it further enacted by the authority aforesaid,* That if any Person or Persons as aforesaid not having resided in this Province for Seven Years as aforesaid, whether such Person or Persons shall have proposed or offered him or themselves as a Candidate or Candidates or not for any County, City, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province as aforesaid, shall presume upon such choice or Election to obtrude or present himself or themselves into the said House as a Representative or Representatives as aforesaid, he or they shall forfeit and pay the sum of Forty Pounds over and besides the foregoing Penalty, if such Person or Persons shall have incurred the same, for every Day, that he shall so obtrude or present himself or themselves, to be recovered by any Person or Persons who shall sue for the same in His Majesty's Court of His Bench, by Action of Debt, Bill, Plaint or Information, wherein no Essoine, Privilege, Protection or Wager of Law shall be allowed, and only one Imparlance.

Additional Penalty for any person under the same disqualification obtruding himself upon the House.

How recovered.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no Person or Persons of what condition soever, shall be Eligible to be proposed, chosen or Elected as a Representative or Representatives of any County, City, Riding, Borough or other place of any Description, now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, unless he shall be possessed of an unincumbered Freehold in Lands or Tenements in Fee Simple, in this Province to the Assessed Value of Eighty Pounds, Lawful Money of this Province.

No person Eligible to the House of Assembly unless possessed of an Estate in fee Simple in this Province, unincumbered, to the assessed value of Eighty Pounds.

VI. *Provided always and be it hereby enacted by the authority aforesaid,* That every Person, who, from and after the passing of this Act, shall appear as a Candidate, or shall by himself or any others be proposed to be Elected to serve as a Member for any County, City, Riding, Borough, or any part or place now or hereafter sending a Member to the House of Assembly, of this Province, shall and he is hereby enjoined and required upon reasonable request to him to be made, at the time of such Election, or before the Day prefixed in the Writ of Summons for the meeting of Parliament, by any other Person who shall stand a Candidate at such Election, or by any two or more Persons having a right to vote at such Election, take a corporal Oath in the following form or to the following effect, "I, A. B. do swear that I truly and *Bona Fide* have such a Freehold Estate, over and above all Incumbrances that may affect the same, and am otherwise qualified according to the provisions of Law, to be Elected and Returned to serve as a Member in the Commons House of Assembly, according to the Tenor and True Meaning of the Act of Parliament in that behalf, and that I have not obtained the same fraudulently for the purpose of enabling me to be returned a Member to the Commons House of Assembly of this Province, so help me God."

Every Candidate shall, if required, take the following oath.

VII. *And be it further enacted by the authority aforesaid,* That if any of the said Candidates, or Persons proposed to be Elected as aforesaid, shall be guilty of False Swearing in such Oath, such Candidate or Candidates, or Person or Persons as aforesaid, shall on Conviction thereof, receive and suffer the like pains and penalties to which any other Person convicted of Wilful and Corrupt Perjury is liable by the Laws and Statutes of this Province.

False swearing therein to be punished as Wilful and corrupt Perjury.

VIII. *And be it further enacted by the authority aforesaid,* That the Oath aforesaid, shall and may be administered by the Sheriff for any such County as aforesaid, or by the Mayor, Bailiff, or other Officer or Officers for any County, City, Borough, Riding, Place or Places as aforesaid, to whom it shall appertain to take the Poll or make the Return at such Election for the same County, City, Borough, Riding, Place or Places respectively, or by any Two or more Justices of the Peace within this Province, and the said Sheriff, Mayor, Bailiff, or other Officers, and the said Justices of the Peace respectively, who shall administer the said Oaths, are hereby required to Certify the taking thereof, unto His Majesty's Court of His Bench within three Months after the same, under

By whom the said Oath to be administered.

Oath to be certified into the King's Bench.

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- Penalties for neglect. under the Penalty of forfeiting the Sum of Two Hundred Pounds, to be recovered with full Costs of Suit, by Action of Debt, Bill, Plaint or Information, in His Majesty's Court of His Bench in this Province, and if any of the said Candidates or Persons proposed to be Elected as aforesaid, shall wilfully refuse upon reasonable request to be made at the time of the Election; or at any time before the Day upon which such Parliament by the Writ of Summons is to meet, to take the Oath hereby required, then the Election and Return of such Candidate shall be void.
- The Election of any Candidate refusing to take the oath to be void.
- Fee for administering Oath; IX. *And be it further enacted by the authority aforesaid,* That no Fee or Reward shall be taken for administering any such Oath, or making, receiving, or filing the Certificate thereof, except Two Shillings and Six-pence for administering the Oath, and Five Shillings for making the Certificate, and Five Shillings for receiving and Filing the same, under the Penalty of One Hundred Pounds to be forfeited by the Offender, and recovered as aforesaid.
- for Certificate.
- Penalties for extortion.
- Distribution of Fines and Penalties. X. *And be it further enacted by the authority aforesaid,* That One Moiety of all Fines and Penalties that shall be incurred under this Act shall be immediately paid into the hands of the Receiver General for the use of His Majesty, His Heirs and Successors towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall please to direct, and the other Moiety to the person who shall sue for the same.
- Informers.

CHAP. X.

An Act to make good certain Monies issued and advanced by His Honor, the Administrator, pursuant to an Address of the Commons House of Assembly.

[Passed 1st April, 1818.]

Preamble.

MOST GRACIOUS SOVEREIGN,

WHEREAS in pursuance of an Address of the Commons House of Assembly of Your Province of Upper-Canada, bearing date the Nineteenth Day of February in this present Year, there have been issued and advanced by Your Majesty, through His Honor, Samuel Smith, Esquire, Administrator of the Government of the said Province, to the Clerks, and other Officers of the Two Houses of the Provincial Parliament, for certain Contingent Expences, accrued during the last Session, and former Recesses of the said Provincial Parliament, the Sum of Six Hundred and Ninety-four Pounds, Twelve Shillings and Eleven Pence, Three Farthings: 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 any 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 Six Hundred and Ninety-four Pounds, Twelve Shillings and Eleven Pence Three Farthings, to make good the like sum of Money, which has been issued and advanced in Pursuance of the aforesaid Address.

£604. 12s. 11d. applied to make good the Contingent Expences of the last Session, advanced in pursuance of an Address.

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 shall direct.

How this application to be accounted for.

CHAP. XI.

An Act to continue an Act passed in the Fifty-fifth Year of His Majesty's Reign, entitled "An Act to repeal an Act passed in the Fifty-fourth Year of His Majesty's Reign, entitled 'An Act to supply in certain Cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain Cases therein mentioned.'

[Passed, 1st April, 1818.]

WHEREAS an Act passed in the Fifty-fifth Year of His Majesty's Reign, entitled "An Act, to repeal an Act passed in the Fifty-fourth Year of His Majesty's Reign entitled "An Act to supply in certain Cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain Cases therein mentioned" will shortly expire. And whereas it is expedient that the said Act should be further continued, May it please your Majesty that it may be enacted, and be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign" entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province" and by the authority of the same, that the said Act of the Fifty-fifth Year of His Majesty's Reign, and every part thereof, shall continue and be in force for and during the space of Two Years, and from thence to the end of the then next ensuing Session of the Provincial Parliament.

Preamble.

55. Geo. 3. Ch. 2. continued

for two years, and from thence to the end of the then next ensuing Session of Parliament.

CHAP. XII.

An Act to Remunerate certain Commissioners therein mentioned.

[Passed, 1st April, 1818.]

MOST GRACIOUS SOVEREIGN

WHEREAS it is expedient to remunerate the Commissioners appointed under and by virtue of an Act passed in the Thirty-sixth Year of His Majesty's Reign, entitled "An Act to authorise the Lieutenant Governor to nominate and appoint certain Commissioners for the purpose therein mentioned." We your Majesty's most dutiful and Loyal Subjects, the Commons of Upper Canada, in Provincial Parliament Assembled, Beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further provision for

Preamble.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

£300 applied to the remuneration of the Commissioners appointed to treat with the Commissioners of Lower Canada, at Montreal, the 31st May, 1818.

Distribution.

How to be paid and accounted for.

the Government of the said Province." and by the authority of the same, That from and out of the Rates and Duties, raised, levied and collected, or hereafter to be raised, levied and collected, to and for the Public uses of this Province, and remaining in the Hands of the Receiver General of this Province, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the Sum of Three Hundred Pounds, which said Sum of Three Hundred Pounds shall be appropriated, applied, and disposed of in remunerating the Commissioners appointed under the authority of the said Act for treating with the Commissioners of Lower Canada, at Montreal, the Thirty-first Day of May, in the Year of our Lord One Thousand Eight Hundred and Seventeen, (that is to say) to the Honorable William Claus, the Sum of One Hundred Pounds, the Honorable Thomas Clark the Sum of One Hundred Pounds, the Honorable Allan M'Lean the Sum of One Hundred Pounds.

II. *And be it further enacted by the authority aforesaid*, That the said Sum of Three Hundred Pounds, shall be paid by the Receiver General of this Province to the respective Commissioners in discharge of such Warrant or Warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, by the Receiver General of this Province, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

CHAP. XIII.

An Act to repeal an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to continue for a limited time the Provisional Agreement entered into between this Province and Lower-Canada, at Montreal, on the Fifth Day of July, One Thousand Eight Hundred and Four, relative to Duties; also for continuing for a limited time, the several Acts of the Parliament of this Province relative thereto, and also to ratify and confirm the Provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower-Canada, at Montreal, on the Thirty-first Day of May, One Thousand Eight Hundred and Seventeen, relative to Duties, and for carrying the same into effect.

[Passed 1st April, 1818.]

Preamble.
Provisional Agreement
entered into 31st May,
1817, recited.

WHEREAS Articles of Provisional Agreement were made and entered into at Montreal, on the Thirty-first Day of May, in the Year of our Lord One Thousand Eight Hundred and Seventeen, in the Fifty-seventh Year of Your Majesty's Reign, by the Commissioners nominated and appointed on behalf of the Province of Upper-Canada, by His Excellency Francis Gore, Esquire, Lieutenant Governor of the said Province, by Commission bearing date the Twenty-third Day of April, in the Fifty-seventh Year of Your Majesty's Reign, in Pursuance of and under the authority of an Act passed in the Thirty-seventh Year of Your Majesty's Reign, entitled "An Act to authorise the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes therein mentioned, and the Commissioners nominated and appointed on behalf of the Province of Lower Canada, to Treat with the Commissioners appointed, or to be appointed on the part of Upper-Canada, for the Purposes therein mentioned, which Agreement is as follows. "WHEREAS by an Act of the Provincial Parliament of Lower-Canada, passed on the Eighth of March last, entitled 'An Act to authorise the advance of a certain Sum of Money for the causes therein mentioned, to the Province of Upper-Canada, it is among other things Enacted, that in addition to the Sum of Twenty Thousand Pounds appropriated for Upper-Canada, such further Sum should be allowed as might be agreed upon by the Commissioners; Therefore WE the Subscribing Commissioners for the Two Provinces, have agreed, that there is due to Upper-Canada, from the First of January One Thousand Eight Hundred and Sixteen, to the First Day of January One Thousand Eight Hundred and Seventeen, the Sum

Sum of One Thousand Five Hundred and Eighty-five Pounds, Currency, in addition to the said Sum of Twenty Thousand Pounds, and that the same shall be without prejudice to any Claims which Upper-Canada may have for any Arrearages due previous to the Year One Thousand Eight Hundred and Sixteen. **ARTICLE FIRST.** That the Legislature of Upper-Canada will not impose any Duties whatsoever, on any Goods, Wares or Merchandize, imported into Lower-Canada, and passing into Upper-Canada, during the Continuance of this Agreement, but will allow and admit the Legislature of Lower-Canada to impose and Levy such Duties, on such Goods, Wares and Merchandize, as they may judge expedient, other than Goods imported from Upper-Canada. **ARTICLE SECOND.** That during the Continuance of this Agreement, the Province of Upper-Canada shall be entitled to receive Annually, One Fifth Part of all the Duties (exclusive of the Expence of Collection) which shall be Raised, Levied and Collected, in Lower-Canada, under, and by virtue of an Act of the Parliament of Great Britain, passed in the fourteenth Year of His Majesty's Reign, entitled "An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America, and also One Fifth Part of all Duties (exclusive of Expence of Collection) which the Legislature of Lower-Canada have already imposed, or may hereafter impose on Goods, Wares and Merchandize, imported, or to be imported into Lower-Canada, during the continuance of this Agreement. **PROVIDED** nevertheless, that this Agreement shall not be construed to extend to Duties laid upon Goods sold at Auction in Lower-Canada as aforesaid. **ARTICLE THIRD.** That the operation of this Agreement shall be considered to commence on the First Day of January last, and shall be in force until the First Day of July, which will be in the Year of our Lord One Thousand Eight Hundred and Nineteen." **AND WHEREAS** it is expedient that the said recited Agreement should be ratified and confirmed, Be it enacted by the King's Most Excellent Majesty, by and with the Advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that all and every part of the Provisional Agreement, herein before mentioned, and every Clause thereof is ratified, approved, and confirmed accordingly, and shall have full effect, force and validity, for and during the continuance of this Act.

Which Agreement is hereby confirmed and shall be in force during the continuance of this Act.

I. And whereas it is inexpedient to continue an Act passed in the Fifty-sixth Year of His Majesty's Reign, entitled "An Act to continue for a limited time the Provisional Agreement entered into between this Province and Lower Canada, at Montreal, on the Fifth day of July One Thousand Eight Hundred and Four" relative to duties, also for continuing for a limited time the several Acts of the Parliament of this Province relative thereto; Be it therefore enacted by the authority aforesaid that the said Act and every part thereof, and every matter or clause therein contained shall be and the same is hereby repealed, any thing therein contained to the contrary notwithstanding.

56. Geo. 3. Ch. 50.
Repealed.

II. *And be it further enacted by the authority aforesaid* That it shall and may be Lawful for the Receiver General of this Province, for the time being (when and as often as the same may from time to time become due and payable) to ask for, demand and receive, to and for the uses of this Province, of and from all and every Person or Persons, who now are or at any time hereafter may be nominated and appointed on the part and in behalf of the Province of Lower Canada, for the payment thereof, all and every Sum and Sums of Money which now is or are become due and payable, or hereafter may become due and payable, from the said Province of Lower-Canada, to this Province, pursuant and by virtue of this Act, and of the Articles of Provisional Agreement herein before ratified approved and confirmed, as also all such sum or sums of money as may be found due to this Province, as Arrearages previous to the Year One Thousand Eight Hundred and Sixteen, which said Receiver General for the time being is hereby, authorised and empowered by himself or by any person or persons whom he may thereunto duly authorised to grant Receipts and Discharges for the same, which said Receipts and Discharges shall be taken and held to be binding and obligatory on this Province.

All Monies payable to this Province under the said Agreement, by the Province of Lower Canada, shall be received by the Receiver General of this Province,

and also the arrearages due to this Province before 1816.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

His receipts shall be obligatory on this Province.

vince, to all intents and purposes whatsoever, and to be a full and sufficient Acquittal of and from all and every Sum and Sums of Money which in such Receipts and Discharges shall respectively be contained.

Commencement and continuance of this Act.

III. *And be it further enacted by the authority aforesaid* That this Act shall have force and effect from the First Day of January, in the Year of Our Lord One Thousand Eight Hundred and Seventeen, and shall continue to be in force to the First Day of July in the Year of our Lord One Thousand Eight Hundred and Nineteen, and no longer.

FINIS.

ERRATUM.—In the fifth Marginal Note, Page 12, for “and executed for.” read “and accounted for.”

