

STATUTES

OF

HIS MAJESTY'S PROVINCE

OF

U P P E R C A N A D A .

PASSED IN

*The Fourth Session of the Eighth Provincial Parliament of
Upper-Canada.*

BY AUTHORITY.

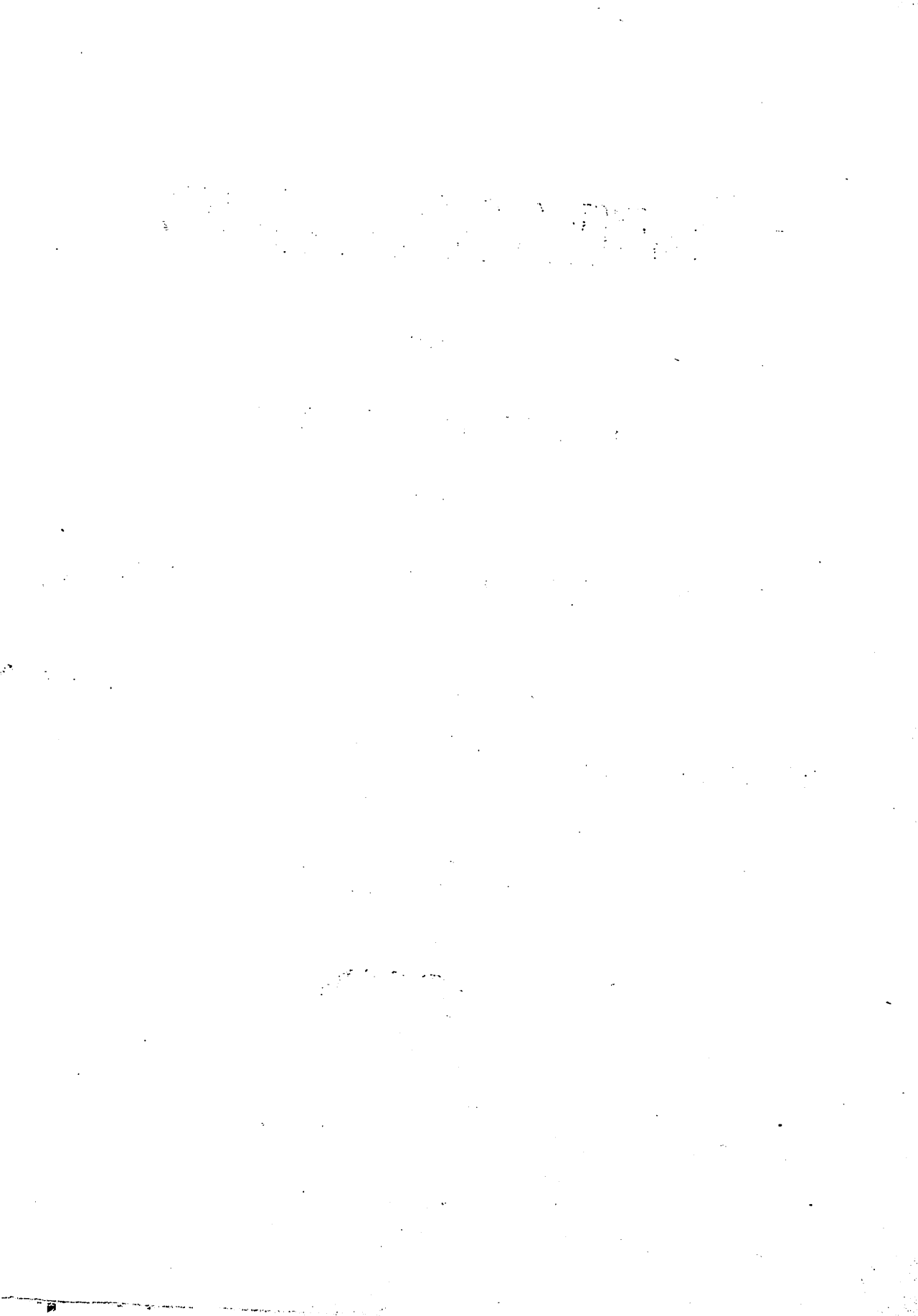


SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR.

YORK, U. C.

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1824.





STATUTES

OF

UPPER CANADA.

FOURTH SESSION—EIGHTH PARLIAMENT.



STATUTES

OF

UPPER-CANADA;

PASSED IN THE FOURTH SESSION OF THE EIGHTH PROVINCIAL PARLIAMENT,

MET AT YORK ON THE ELEVENTH DAY OF NOVEMBER, 1823, AND PROROGUED ON THE NINETEENTH DAY OF JANUARY, 1824, IN THE FOURTH YEAR OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B. LIEUT. GOVERNOR.

ANNO DOMINI, 1824

CHAP. I.

AN ACT further to Regulate by Law the Commercial Intercourse of the Province of Upper-Canada with the United States of America.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient further to provide for the Commercial Intercourse between this Province and the United States of America:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act pas- PREAMBLE.

sed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same, That from and after the passing of this Act, the following Articles of the growth, produce, or manufacture of the United States of America, may be imported into this Province from the said United States of America, on payment of the duties respectively affixed to the same, that is to say:—

Certain goods, the produce or manufacture of the U. States of America, may be imported on payment of the duties specified in this Act.

Salt, per Bushel, Sixpence.

Tobacco, per Pound, Threepence.

Snuff, per Pound, Fourpence.

Sole Leather, per Pound, Threepence.

Harness Leather per Pound, Fourpence.

Calf Skins, and other Skins, dressed as Upper Leather, per Skin, Two Shillings and Sixpence.

Sheep Skins Dressed, per Skin, Sixpence.

Morocco, per Skin, One Shilling and Sixpence.

Beer, per Gallon, One Shilling.

Cider, per Gallon, One Shilling.

Distilled Spirits, per Gallon, Two Shillings and Sixpence.

Shoes, (Men's and Women's) per Pair, Two Shillings and Sixpence.

Boots, per Pair, Five Shillings.

Boots and Shoes, (Children's) per Pair, Ninepence.

Nails, per Pound, Twopence.

Scythes, Each, Sevenpence-halfpenny.

Oxen, per Head, One Pound Five Shillings.

Young Cattle, from Two to Four Years Old, per Head, Fifteen Shillings.

Cows, per Head, Fifteen Shillings.

- Live Hogs, per Head, Ten Shillings.**
- Pork, per Barrel, Ten Shillings.**
- Pork, (not in Barrel,) per Hundred Weight, Five Shillings.**
- Flour, (not in Barrel,) per Hundred Weight, Two Shillings and Sixpence.**
- Beef, per Barrel, Ten Shillings.**
- Beef, (not in Barrel,) per Hundred Weight, Five Shillings.**
- Hams and Bacon, per Pound, Threepence.**
- Iron Castings and Tin-Ware, for every Hundred Pounds of the value thereof, Twenty Pounds.**
- Saddles, Bridles, and Harness, for every Hundred Pounds of the value thereof, Fifteen Pounds.**

and all other Goods, Wares, and Merchandize not herein-before enumerated, which are not subject to the payment of duties by the provisions of any Act of the Imperial Parliament of Great Britain, the growth, produce, or manufacture of the said United States of America, for every Hundred Pounds of the value thereof, Ten Pounds.—*Provided always,* That nothing in this Act contained shall extend, or be construed to extend, to prohibit the importation into this Province, free from the payment of any duty, the following articles, being the growth, produce, or manufacture of the said United States of America; That is to say,—Raw Hides, Tallow, Wool, Printing Paper, Cotton Yarn, Travelling Carriages, and Personal Baggage.

Goods subject to a duty ad valorem.

Certain articles to be admitted free of duty.

II. *Provided always, And be it further Enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to prohibit the admission into this Province, free from the payment of any duty, all articles, being the growth, produce, or manufacture, of the said United States of America, intended for exportation only, with the exception of such as are subject to duty by the provisions of an Act of the Imperial Parliament

Goods which may be legally imported from the United States of America, may, if intended for exportation from this Province, be admitted free of any duties, except such as are subject to duties by the British Statute 34 Geo. IV. ch. 119.

of Great Britain, passed in the third year of His Majesty's Reign, entitled, "An Act to Regulate the Trade of Lower and Upper-Canada, and for other purposes relating to the said Provinces."—*Provided also*, That the Importer of such articles, or the Consignee thereof, is hereby required, before the landing thereof, to enter into a Bond, with one or more sufficient Surety or Sureties, in double the value thereof, that the same shall be exported from this Province; which Bond shall be made out by the Collector, on payment of the sum of Two Shillings and Sixpence.

Importer of such goods to give bond for their exportation.

Goods liable to duties under this Act, if brought from the United States through any part of Lower Canada into this Province, without having been actually and bona fide imported into that Province, shall pay the same duties as if imported direct from the U States.

III. *And be it further Enacted by the authority aforesaid*, That in case any Goods or Merchandize liable to duties under this Act, shall be brought into this Province by land, or inland navigation, through any part of the Province of Lower Canada, without having been actually and *bona fide* imported into that Province, such Goods or Merchandize shall be liable to duties, under this Act, in the same manner as if the same had been imported into this Province direct from the United States of America, and shall be in like manner subject to forfeiture for want of Entry, and payment of duties thereon.

How the monies collected under this Act are to be paid over and accounted for.

IV. *And be it further Enacted by the authority aforesaid*, That all monies collected under and by virtue of this Act shall be paid 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 Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner as it shall please His Majesty to direct.

V. *And be it further Enacted by the authority aforesaid*, That this Act shall continue in force for and during the term of Five

Years, and from thence to the end of the next ensuing Session of Parliament, and no longer. Continuance of this Act

C H A P. II.

AN ACT further to Continue an Act passed in the Thirty-Third Year of His Late Majesty's Reign, entitled, "An Act to Provide for the Appointment of Returning Officers of the several Counties within this Province."

[PASSED JAN. 19th, 1824.]

WHEREAS an Act passed in the Thirty-third Year of His Late Majesty's Reign, entitled, "An Act to Provide for the Appointment of Returning Officers of the several Counties within this Province," unless continued, will shortly expire:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same;—That the said first recited Act shall continue, and be in force for Eight Years, and from thence to the end of the then next ensuing Session of Parliament.

PREAMBLE.

33 Geo. III. ch. 12,
continued for 8 years.

C H A P. III.

AN ACT to Repeal the Several Statutes of this Province respecting the Election of Members of the House of Assembly, and the Qualification of Voters and Candidates at such Elections, and to Reduce the Provisions thereof, with some Amendments, into One Act, and also to Provide against Fraud in obtaining Qualifications to Vote at Elections.

[PASSED JAN. 19th, 1824.]

WHEREAS it is expedient to Repeal the several Statutes of this Province respecting the Election of Members to serve in the House of Assembly, and the qualification of Voters and Candidates at such Elections, and to reduce the provisions thereof, with some amendments, into One Act, and also to provide against fraud in obtaining qualifications to vote at Elections :—

Acts regulating the electing Members to serve in the House of Assembly, and the qualification of voters and candidates at such elections, hereby repealed, viz.

PREAMBLE.

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same,—That an Act passed in the thirty-fifth year of His Late Majesty's Reign, entitled, "An Act to ascertain the eligibility of persons to be returned to the House of Assembly ;"—an Act passed in the for-

25 Geo. III. ch. 2.

40 Geo. III. ch. 3.

tieth year of His Late Majesty's Reign, entitled 'An Act for the More Equal Representation of the Commons of this Province in Parliament, and for the better defining the Qualification of Electors ;'—an Act passed in the forty-eighth year of His Late Majesty's Reign, entitled, 'An Act for the Better Representation of the Commons of this Province in Parliament,' and to Repeal part of an Act passed in the fortieth year of His Majesty's Reign, entitled, 'An Act for the more Equal Representation of the Commons of this Province, and for the better Defining the Qualification of Electors ;'—an Act passed in the fifty-fourth year of His Late Majesty's Reign, entitled, 'An Act to Repeal and Amend part of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, 'An Act to ascertain the Eligibility of Persons to be Returned to the House of Assembly ;'—an Act passed in the fifty-eighth year of His Late Majesty's Reign, entitled, 'An Act to Repeal an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, 'An Act to ascertain the Eligibility of persons to be Returned to the House of Assembly ;' and also to Repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to Repeal and Amend part of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, 'An Act to ascertain the Eligibility of persons to be Returned to the House of Assembly ;' and to make further and more effectual provision for securing the Freedom and Constitution of the Parliament of this Province ;'—and an Act passed in the second year of His present Majesty, entitled, 'An Act to render Ineligible to a seat in the Commons' House of Assembly of this Province, certain descriptions of Persons therein mentioned,'—be, and the same are hereby Repealed.

48 Geo. III. ch. 11.

54 Geo. III. ch. 4.

58 Geo. III. ch. 9.

2 Geo. IV. ch. 4.

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 coun-*

Persons having resided in a foreign country, or taken the oath of allegiance to a foreign state, shall not be eligible unless they

have resided in this Province seven years next before the election at which they shall be chosen.

try, not being under His Majesty's Government, or who shall have taken the oath of allegiance to any other state or power, shall be eligible to be proposed, chosen, or elected as a Representative or Representatives, of any City, County, Riding, or Borough, or other place of any description, now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, until such person or persons shall have resided in this Province for and during the space of Seven Years next before the Election at which any such person or persons shall be proposed, elected, or chosen as a Representative or Representatives as aforesaid.

Penalty on such persons offering themselves as Candidates unless they shall have resided seven years.

III. *And be it further Enacted by the authority aforesaid,* That if any person or persons, as aforesaid, not having resided in this Province for seven years. as aforesaid, shall propose or offer himself, or themselves as a Candidate or Candidates to become a Representative or Representatives of any County, City, Riding, or Borough, or other place, now or hereafter sending a Representative or Representatives, and shall be thereof convicted by the oath of one credible witness, he or they shall forfeit and pay the sum of Two Hundred Pounds.

Penalty on persons so disqualified if being elected they shall presume to sit.

IV. *And be it further Enacted by the authority aforesaid,* That if any person or persons, as aforesaid, not having resided in this Province for Seven Years, as aforesaid, whether such person or persons shall have proposed or offered him or themselves as a Candidate or Candidates or not, for any County, City, Riding or Borough, or other place of any description, now or hereafter sending a Representative, or Representatives, to the House of Assembly of this Province, as aforesaid, shall presume, upon such choice or election, to obtrude or present himself, or themselves, into the said House, as a Representative, or Representatives, as aforesaid, he or they shall forfeit and pay the sum of Forty Pounds, over and besides the fore-

going penalty, if such person or persons shall have incurred the same, for every day that he shall so obtrude or present himself or themselves.

V. *And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, no person or persons now resident within this Province, or who shall or may at any time hereafter, come into this Province to reside, who shall or may have taken the oath of abjuration against His Majesty's Government, or who shall have been a member of the Senate or House of Representatives of the United States of America, or any one of the said United States respectively, or who may have held any office in any of the Executive Departments of State in the said United States or State respectively, or who shall be, or may have been, convicted in any foreign country of Felony, or of any offence, which, if committed in this Province, would subject the offender to infamous punishment, shall be capable of being elected to serve as a Member in the House of Assembly of this Province, any thing in this Act, or any other law, usage, or custom, to the contrary notwithstanding.*

Persons having abjured allegiance to His Majesty, or having held certain offices in the United States of America, or being convicted of offences in a foreign country, subjecting them to infamous punishment, shall be disqualified to sit in the House of Assembly of this Province.

VI. *And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, no person or persons shall be eligible to be proposed, chosen, or elected as a Representative or Representatives of any County, City, Riding, Borough, or other place of any description, now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, unless he shall be possessed of an Unincumbered Freehold in lands or tenements in this Province, to the assessed value of Eighty Pounds lawful money of this Province.*

Qualification with respect to estate required for a Member to serve in the Assembly.

VII. *Provided always, And be it further Enacted by the authority aforesaid, That every person who, from and after the passing of*

Oath which any candidate may be required to take.

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, [here describe the estate,] over and above all incumbrances that may affect the same; and am otherwise qualified according to the provisions of Law, to be elected and returned to serve as a Member in the Commons’ House of Assembly, according to the tenor and true meaning of the Act of Parliament in that behalf; and that I have not obtained the same fraudulently for the purpose of enabling me to be returned Member to the Commons’ House of Assembly of this Province.—So Help me God.”

Oath as to residence
required in certain
cases.

VIII. *And be it further Enacted by the authority aforesaid, That* if any Candidate, as aforesaid, shall have resided in the United States of America, he shall, if required, in addition to the foregoing Oath, take the following:—

“I, A. B., do sincerely and solemnly swear, that during my
“residence in the United Sates of America, I have not taken or
“subscribed any Oath of Abjuration of Allegiance to the Crown
“of Great Britain; and further, that during my said residence,
“I have not held the office or appointment of Senator, or Mem-
“ber of the House of Representatives of the said United States,
“or of either of the said United States respectively, or held or

“enjoyed any office in any of the Executive Departments of
 “State in the said United States, or State respectively.—So Help
 “me God.”

IX. *And be it further Enacted by the authority aforesaid, That* the Oaths required by this Act shall and may be administered by the Sheriff for any such County, as aforesaid, or by the Mayor, Bailiff, or other officer or officers for any County, City, Borough, Riding, place or places, as aforesaid; to whom it shall appertain to take the poll, or make the return at such Election for the same County, City, Riding, Borough, place or places respectively, or by any two or more Justices of the Peace within this Province; and the said Sheriff, Mayor, or Bailiff, or other officers, and the said Justices of the Peace respectively, who shall administer the said Oaths, are hereby required to certify the taking thereof into His Majesty's Court of King's Bench within Three Months after the same, under the penalty of forfeiting the sum of Two Hundred Pounds; and if any of the said Candidates, or persons proposed to be elected as aforesaid; shall wilfully refuse, upon reasonable request to be made at the time of Election, or at any time before the day upon which such Parliament, by the writ of summons, is to meet to take the Oath or Oaths hereby required, then the Election and Return of such Candidate shall be void.

By whom such oaths are to be administered;

And certified;

The electing any candidate who shall refuse to take such oaths shall be void.

X. *And be it further Enacted by the authority aforesaid, That* no fee or reward shall be taken for administering any such Oath, or making, receiving, or filing the certificate thereof, except Two Shillings and Sixpence 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.

Fee for administering the oath, and giving certificate.

XI. *And be it further Enacted by the authority aforesaid, That*

How fines imposed by this Act are to be collected and applied, and accounted for.

the fines and penalties imposed by this Act may be recovered in His Majesty's Court of King's Bench in this Province by action of debt, bill, plaint, or information, wherein no essoigne, privilege, protection, or wager of law, shall be allowed, and only one imparlame, and one moiety thereof shall be immediately paid into the hands of the Receiver General, for the use of His Majesty, His Heirs and Successors, towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall please to direct, and the other moiety to the person who shall sue for the same.

Voters having taken the oath of allegiance to a foreign state, or were resident in the same, must reside seven years in the Province and take the oath of allegiance to His Majesty, before their vote can be received.

XII. *And be it further Enacted by the authority aforesaid, That* no person shall be qualified to vote at any Election of a Member, or Members of the House of Assembly, who shall have sworn allegiance to any Foreign State, or have been a stated resident in the dominions of the same, unless such person or persons shall have been previously and *bona fide* resident in this Province, or in some other of the dominions of His Majesty, for and during the term of Seven Years next preceding such Election, and shall have taken the Oath of Allegiance to His Majesty.

Voters required (except in certain cases) to have been in possession of the estate in right of which they tender their votes, above 12 months before the election.

XIII. *And be it further Enacted by the authority aforesaid, That* no person shall be qualified to vote as aforesaid, in respect of any estate sufficient to qualify him by Law, not having come to him by Grant from the Crown, descent, devise, or marriage, unless the deed of conveyance, under which he claims to hold such estate, shall have been registered Three Calendar Months before the holding of such Election, or unless he shall have been in actual possession, or in the receipt of the rents and profits thereof, for his own use, above Twelve Calendar Months next before such Election.

XIV. *And be it further Enacted by the authority aforesaid,* That no Returning Officer, or Officers, shall continue any Election more than Six Successive Days, (Sunday, Christmas Day, and Good Friday, excepted.)

Election not to continue beyond 6 days.

XV. *And be it further Enacted by the authority aforesaid,* That before any Elector shall vote at any Election of a Member or Members of the House of Assembly of this Province, he shall, if required by the Returning Officer, or any Candidate at such Election, in addition to the Oath required by the Act of the Parliament of Great Britain passed in the thirty-first year of His Late Majesty's Reign, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" take an Oath in the form following:—That is to say,

"I, A. B., do swear, That the Estate in right of which I vote
 "at this Election, is—[here describe the Estate, as the case may
 "be,]—which I hold by Grant from the Crown, descent, devise,
 "marriage, or conveyance, [as the case may be,] and, [in case
 "such Estate shall have been derived otherwise than by grant
 "from the Crown, descent, marriage, or devise,] that I have been
 "in actual possession, or in the receipt of the rents and profits
 "thereof, to my own use, above Twelve Calendar Months, or, [as
 "the case may be] that the conveyance to me of the same has
 "been registered Three Calendar Months."

Oath which voters may be required to take.

XVI. *And be it further Enacted by the authority aforesaid,* That if any person or persons shall be guilty of False Swearing in any Oath required by this Act, or by an Act of the Parliament of Great Britain, passed in the thirty-first year of His Late Majesty's Reign,

Swearing falsely in any oath required by this Act, or by 31 Geo. III. ch. 21. to be deemed wilful & corrupt perjury.

entitled, “An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;’” he shall, on conviction thereof, suffer the like pains and penalties to which any other person convicted of wilful and corrupt Perjury is liable by the Laws and Statutes of this Province.



C H A P. IV.

AN ACT to Repeal an Act passed in the Forty-Fifth Year of His Late Majesty’s Reign, entitled, “An Act to Regulate the Trial of Controverted Elections, or Returns of Members to Serve in the House of Assembly,” and to make more Effectual Provision for such Trials.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS the present mode of decision upon Petitions complaining of Undue Elections or Returns of Members to serve in Parliament, frequently obstructs public business, occasions much expense, trouble, and delay to the parties, and is attended with many other inconveniences:—For remedy whereof

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An

Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'” and by the authority of the same,— That an Act of the Parliament of this Province, passed in the forty-fifth year of His Late Majesty's Reign, entitled, “ An Act to Regulate the Trial of Controverted Elections, or Returns of Members to Serve in the House of Assembly,” be, and the same is hereby repealed.

45 Geo. III. chap. 3. repealed.

II. *And be it further Enacted by the authority aforesaid,* That after the passing of the present Act, whenever a Petition complaining of an Undue Election, or return of a Member, or Members, to serve in Parliament, shall be presented to the House of Assembly, a day and hour shall by the said House of Assembly be appointed for taking the same into consideration ; and notice thereof, in writing, shall be forthwith given by the Speaker to the Petitioner or Petitioners, and the sitting Member or Members, or their respective agents, accompanied with an order to them to attend the House at the time appointed, by themselves, their counsel, or agents: And if several parties, on distinct interests or grounds of complaint, shall present separate petitions, the like notices and orders shall be given to all such parties, or their respective agents.

Proceeding upon petition complaining of an undue election.

Notice to Petitioners, &c. to attend.

III. *And be it further Enacted by the authority aforesaid,* That no such petition or petitions shall be taken into consideration within Fourteen Days after the same shall have been first read in the House by the Clerk, unless by consent of parties.—*Provided also,* That the House may alter the day and hour so appointed for taking into consideration such petition, and appoint some subsequent day and hour for the same, as occasion shall require, giving to the

No petition to be taken into consideration within 14 days from the same having been presented, unless by consent.

Time first appointed may be altered.

respective parties the like notice of such alteration, and order to attend on the said subsequent day and hour, as aforesaid.

Proceedings on the day appointed for hearing.

IV. *And be it further Enacted by the authority aforesaid, That* at the time appointed for taking such petition into consideration, and previous to the reading of the order of the day for that purpose, the Serjeant at Arms shall be directed to go with the Mace to the places adjacent, and require the immediate attendance of the Members, on the business of the House, and that after his return, the House shall be counted, and if there shall be less than thirty Members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, (Sunday, Good Friday, and Christmas Day always excepted;) and the House shall then adjourn to the said day, and the proceedings of all Committees subsequent to such notice from the said Serjeant, shall be void; and on the said following day the House shall proceed in the same manner, and so from day to day, till there shall be an attendance of Thirty Members at the reading the order of the day to take such petition into consideration.

30 Members must be present;

Or House must adjourn from day to day

How the House is to proceed when sufficient Members attend.

V. *And be it further Enacted by the authority aforesaid, That if* after the summoning the Members and counting the House, as aforesaid, thirty Members shall be found present, the Petitioners, by themselves, their counsel, or agents, and the counsel or agents of the sitting Member or Members, shall be ordered to attend at the Barr, and then the door of the House shall be locked, and no Member shall be suffered to enter into, or depart from, the House, until the Petitioners, their counsel, or agents for the sitting Member or Members, shall be directed to withdraw, as hereinafter mentioned; and when the door shall be locked as aforesaid, the order of the day shall be read, and the names of all the Members of the House written or printed on distinct pieces of parchment or paper,

being all, as near as may be, of equal size, and rolled up in the same manner, shall be put in equal numbers, as near as may be, into three boxes or glasses, to be placed on the table for that purpose, and shall then be shaken together; and then the Clerk shall publicly draw out of the said three boxes or glasses alternately the said pieces of parchment or paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until twenty-three names of the Members then present be drawn.—*Provided always*, that if the name of any Member who shall have given his vote at the Election so complained of, as aforesaid, or who shall be a petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, or whose Return shall not have been brought in Fourteen Days, shall be drawn, his name shall be set aside, with the names of those who are absent from the House.—*Provided also*, That if the name of any Member of sixty years of age, or upwards, be drawn, he shall be excused from serving on the Select Committee to be appointed, as hereinafter mentioned, if he require it and verify the cause of such requisition upon oath.—*Provided also*, That if the name of any Member who has served in such Select Committee during the same Session be drawn, he shall, if he require it, be excused from serving again in any such Select Committee, unless the House shall, before the day appointed for taking the said Petition into consideration, have resolved that the number of Members who have not served on such Select Committee in the same Session is insufficient to fulfil the purposes of this Act, respecting the choice of such Select Committee.—*Provided always*, That no Member who, after having been appointed to serve in any such Select Committee, shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such Select Committee.

23 members to be taken by ballot.

Certain persons who shall be set aside if drawn.

Members over sixty years may be excused.

Members who have served in a Select Committee upon an election during the same session shall be excused unless the House resolves that the number is insufficient without such members.

Further exception.

How the House shall proceed if 23 members cannot be got, not liable to exception, nor entitled to be excused,

VI. *And be it further Enacted by the authority aforesaid, That* if at the time of drawing by lot the names of the Members, in manner herein-before prescribed, the number of twenty-three, not set aside nor excused, cannot be completed, the House shall proceed in the same manner as is herein-before directed; in case there be less than thirty Members present at the time prescribed for counting the House; and so from day to day, as often as the case shall happen.

Petition shall be the first matter proceeded in, on the day appointed—except swearing in members,

VII. *And be it further Enacted by the authority aforesaid, That* on the day appointed for taking any such Petition into consideration, the House shall not proceed to any other business whatsoever, except the Swearing of Members, previous to the reading of the order of the day for that purpose.

Other excuses may be allowed by resolution of the House,

VIII. *And be it further Enacted by the authority aforesaid, That* if any other Member shall offer, and verify upon oath, any other excuse, the substance of the allegations, so verified upon oath, shall be taken down by the said Clerk, in order that the same may be afterwards entered on the Journals, and the opinion of the House shall be taken thereon; and if the House shall resolve that the said Member is unable to serve, or cannot, without great and manifest detriment, serve in such Select Committee, he also shall be excused from such service.

Members to be chosen in place of those set aside or excused.

IX. *And be it further Enacted by the authority aforesaid, That* instead of the Members so set aside and excused; the names of other Members shall be drawn, who may, in like manner, be set aside or excused, and others drawn to supply their places; until the whole number of Members, not liable to be set aside or excused, shall be complete; and the Petitioners, or their Agents, shall then name one, and the Sitting Members, or their Agents, another, from

One member to be nominated by each of the parties,

among the Members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.—*Provided always*, That either of the Members so nominated, shall or may be set aside for any of the same causes as those chosen by lot, or shall, if he require it, be excused from serving on the said Select Committee; and the party who nominated the Member so set aside or excused, shall nominate another in his stead, and so continue to do, as often as the case shall happen, until his nominee is admitted.

Such nominees may be set aside or excused, in the same manner as the members balloted for, and other members shall be nominated in their place.

X. *And be it further Enacted by the authority aforesaid*, That as soon as the said twenty-three Members shall have been so chosen, by lot, and the two Members to be added thereto shall have been so nominated, as aforesaid, the door of the House shall be opened, and the House may proceed upon any other business; and the names of the twenty-three Members so chosen, by lot, shall then be given to the Petitioners, their Counsel, or Agents, and the Counsel or Agent of the Sitting Members, who shall immediately withdraw, together with the Clerk appointed to attend the said Select Committee; and the said Petitioners and Sitting Members, their Counsel or Agents, beginning on the part of the Petitioners, shall alternately strike off one of the said twenty-three Members, until the said number be reduced to nine; and the said Clerk, within one hour at farthest from the time of the parties withdrawing from the House, shall deliver into the House the names of the nine Members then remaining, and the said nine Members, together with the two Members nominated as aforesaid, shall be sworn at the table well and truly to try the matter of the Petition referred to them, and a true judgment to give, according to the evidence; and shall be a Select Committee to try and determine the merits of the Return or Election appointed by the House to be that day taken into consideration; and the House shall order the said

When the 23 members shall be chosen, and the two nominees appointed, the parties shall withdraw, and reduce the 23 to 9, by striking off one alternately.

Such 9 members and the 2 nominees to be sworn, and to compose a Select Committee to try the merits of the return or election petitioned against.

Time and place of their meeting.

Members of the Committee not to depart the House till the time appointed for their meeting.

How the House shall proceed when there are more than two parties before them upon district interests.

Select Committee to meet at a certain time, to be fixed by the House, which time shall be within twenty-four hours of the appointment of the said Select Committee, (unless a Sunday, Good Friday, or Christmas Day, shall intervene,) and the place of their meeting and sitting shall be some convenient room or place adjacent to the House of Assembly, properly prepared for that purpose.—*Provided always*, That upon the parties withdrawing, as aforesaid, the House shall continue sitting, and the said nine Members, so chosen and nominated, shall not depart the House till the time for the meeting of the said Select Committee shall be fixed.

XI. *And be it further Enacted by the authority aforesaid*, That if in such Petition or Petitions there be more than two parties before the House on district interests, complaining or complained of on different grounds, whose right to be elected or returned may be affected by the determination of the said Select Committee, each of the said parties shall successively strike off a Member from the twenty-three Members to be chosen by lot, until the said number be reduced to nine, in the same manner as before directed for the striking off a Member, alternately, by the parties mentioned in the last clause; and the lists of the twenty-three Members chosen by lot, shall, for this purpose, be given to all the said parties, and the order in which the said parties shall strike off the said Members shall be determined by lot, after they are withdrawn from the Bar, and in such case, neither of the said parties (there being more than two) shall be permitted to name a Member to be added to the numbers so drawn by lot, as aforesaid, but as soon as the list of nine Members shall be returned by the parties to the House, such nine Members shall immediately withdraw, and shall, by themselves, choose two Members, then present in the House, whose names shall not have been drawn, to be added to the said nine Members; and shall, within one hour from the time of their withdrawing, re-

port the names of such two Members to the House; which two Members shall be liable to be set aside on the like objections for which Nominees may be set aside, by virtue of this Act: And in case such two Members, or either of them, shall be set aside for any of the causes aforesaid, then the said nine Members shall choose one or two other Members, as the case shall require, until two Members are chosen against whom none of the objections to Nominees mentioned in this Act shall be taken and allowed; and that the names of such two Members shall be then added to the said list of nine Members; and all the said eleven Members shall be sworn at the table, and they shall be the Select Committee appointed for the purposes expressed in this Act.

XII. *And be it further Enacted by the authority aforesaid,* That when the said Nominees are by this Act directed to be named by the said nine Members, no Member present at the time of the ballot shall depart from the House until the time of the meeting of the said Select Committee shall be fixed.

Members not to depart from the House, after ballot, until the time of meeting fixed.

XIII. *Provided always, And be it further Enacted by the authority aforesaid,* That if upon the drawing out the name of any Member, by lot, as aforesaid, the said Petitioners, or sitting Members, or their Agents, shall declare, that such member is intended to be one of the two Nominees, to be nominated by them respectively, and if such member shall consent to such nomination, the name of such member, so drawn by lot, shall be set aside, and, unless objected to, as aforesaid, he shall serve as such Nominee, and the name of another member shall be drawn to supply his place, to complete the number of twenty-three members to be drawn by lot; and if the said Petitioners, or sitting members, or their Agents, shall not respectively nominate a member then present, who

If any member shall be drawn at the ballot whom either party intends shall be their nominee, he shall be set aside, and unless objected to, shall serve as such nominee.

If either of the parties decline to nominate a member, his place shall be supplied by a member chosen by ballot.

shall be admitted according to the directions of this Act, then the want of such nomination shall be supplied by drawing out, instead thereof, the name of one or two members, as the case shall require, who shall be drawn by lot, in the like manner, and subject to the like objections and excuses as the other twenty-three members already drawn by lot, and shall be added to the list of the said twenty-three members, and shall be liable to be struck off in the same manner, leaving always the number of eleven members in the whole, and no more, as a Select Committee, for the purposes aforesaid.

What proceedings shall take place when a writ of election shall not be returned as by law it ought to be.

XIV. *And be it further Enacted by the authority aforesaid, That* if upon any writ or writs, to be issued for the election of any member or members to serve in Parliament, no return shall be made to the same on or before the day on which such writ is made returnable, or if a writ shall have been issued during any Session or Prorogation of Parliament, no return shall be made to the same within forty days after the day on which such writ bears date, it shall and may be lawful for any person, or persons, having had, or claiming to have had, a right to vote at such Election, or claiming to have had a right to be returned as duly elected thereat, who shall think himself, or themselves aggrieved, to petition the House of Assembly concerning the same, and, upon such Petition being presented, a day and hour shall be appointed for taking the same into consideration; and notice thereof, in writing, shall be forthwith given by the Speaker to the Petitioners, and to the Returning Officer, or Officers, by whom such return ought to have been made, or shall have been made, accompanied with an order to him, or them to attend the House at the time appointed, by himself, or themselves, his or their counsel or agents; and a Select Committee shall be appointed according to the directions of this Act, which said Committee shall try and determine whether any, and which

of the person, or persons, named in such Petition ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intents and purposes, and the House being informed thereof by the Chairman of the said Select Committee, shall order the same to be entered in their Journals, and give the necessary directions for ordering a return to be made, or for altering the return, if made, or for issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.—*Provided always*, That if the Returning Officer, or Officers, by whom such return ought to have been made, or has been made, cannot be found, so as to be served with the notice or order herein-before mentioned, or, being served, shall not appear by himself or themselves, his or their counsel or agents, at the day or time appointed for taking such Petition into consideration, it shall and may be lawful for the House to permit or authorise any person to appear in the stead of him, or them; and in case there shall be more petitions than one presented, complaining of such return, or omission of a return on distinct interests, or complaining upon different grounds, the House shall determine, from the nature of the case, whether the Returning Officer, or Officers, or person appearing in the stead of him, or them, shall, together with such Petitioners, be entitled to strike off from the list of Members, drawn by lot in the manner herein-before directed in the case where there shall be more than two parties before the House, or whether such list shall be reduced by the parties severally, presenting the said Petitions only.

XV. And for the greater despatch and certainty in the proceeding herein-before described, *Be it further Enacted by the authority aforesaid*, That the names of all the Members so written and rolled up, as herein-before directed, shall, previous to the day appointed for taking such Petition into consideration, be prepared by

The names of members to be ballotted, shall, previous to the day appointed for balloting, be sealed up by the Clerk in a box.

the said Clerk, and by him put into a box, or parcel, in the presence of the Speaker, together with an attestation signed by the said Clerk, purporting that the names of all the members were by him put therein the day of , in the year which said box or parcel the Speaker shall seal with his own seal, and to the outside thereof shall annex an attestation signed by himself, purporting that the said box or parcel was, on the day of , in the year , made up in his presence, in the manner directed by this Act; and that as soon as the parties shall be withdrawn, as aforesaid, and before the House shall enter on any other business, any member may require that the names of all the members, which remain undrawn, shall be drawn, and read aloud by the said Clerk.

Speaker shall also set his seal thereto.

After the ballot, the names undrawn shall, if required, be read aloud by the Clerk

Chairman of Select Committee, how appointed.

XVI. *And be it further Enacted by the authority aforesaid, That the said Select Committee shall, on their meeting, elect a Chairman from amongst such of the members thereof as shall have been chosen by lot; and if, in the election of a Chairman, there be an equal number of voices, the member whose name was first drawn in the House, shall have a casting voice, so likewise, in case there should ever be occasion for electing a new Chairman, on the death or necessary absence of the Chairman first elected.*

Committee to have power to send for persons and papers.

Examine witnesses on oath.

Their decision to be final.

XVII. *And be it further Enacted by the authority aforesaid, That the said Select Committee shall have power to send for persons, papers, and records, and shall examine all the witnesses who come before them upon oath, and shall try the merits of the return or election, or both, and shall determine, by a majority of voices of the said Select Committee, whether the Petitioners, or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, which determination shall be final between the parties to all intents and purposes; and the House be-*

ing informed thereof by the Chairman of the said Select Committee, shall order the same to be entered on their Journals, and give the necessary directions for confirming or altering the return, or for the issuing of a new writ for a new Election, or for carrying the said determination into execution, as the case may require.

XVIII. *And be it further Enacted by the authority aforesaid,* That the said Select Committee shall sit every day, (Sunday, Christmas Day, and Good Friday, only excepted,) and shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas Day, or Good Friday, intervene, without leave first obtained from the House, upon motion and special cause assigned for a longer adjournment; and in case the House shall be sitting at the time to which the said Select Committee is adjourned, then the business of the House shall be stayed, and a motion shall be made for a further adjournment for any time to be fixed by the House, not exceeding twenty-four hours, unless a Sunday, Christmas Day, or Good Friday intervene.

Directions as to the sitting of the Committee.

Their adjournment

XIX. *And be it further Enacted by the authority aforesaid,* That when the time prescribed for the meeting, sitting, or adjournment of the said Select Committee shall, by the intervention of a Sunday, Christmas Day, or Good Friday exceed twenty-four hours, such meeting, sitting, or adjournment, shall be within twenty-four hours of the time of appointing or fixing the same, exclusive of such Sunday, Christmas Day, or Good Friday.

Intervention of holidays.

XX. *And be it further Enacted by the authority aforesaid,* That no member of the said Select Committee shall be allowed to absent himself from the same without leave obtained from the House, or an excuse allowed by the House at the next sitting thereof, or special cause shewn, and verified upon oath; and the said Select

No member of Committee to be absent without leave.

Committee not to sit unless all are present.

Committee shall never sit until all the members, to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the said Select Committee shall have been adjourned, a further adjournment shall be made in the manner as before directed, and reported, with the cause thereof, to the House.

Members absent without leave, to be reported to the House.

XXI. *And be it further Enacted by the authority aforesaid, That* the Chairman of the said Select Committee shall, at the next meeting of the House, always report the name of every Member thereof who shall have been absent therefrom without such leave or excuse, as aforesaid, and such Member shall be directed to attend the House at the next meeting thereof, and shall then be ordered to be taken into the custody of the Serjeant at Arms attending the House, for such neglect of his duty, and otherwise punished or censured at the discretion of the House, unless it shall appear to the House, by facts specially stated and verified upon oath, that such Member was, by a sudden accident, or by necessity, prevented from attending the said Select Committee.

Proceedings thereupon,

If more than two members be absent, Committee shall adjourn.

XXII. *And be it further Enacted by the authority aforesaid, That* if more than two Members of the said Select Committee shall, on any account, be absent therefrom, the said Select Committee shall adjourn in the manner herein-before directed; and so from time to time, until nine Members are assembled.

If the Committee shall be unavoidably reduced to less than nine, it shall be dissolved and a new one chosen.

XXIII. *And be it further Enacted by the authority aforesaid, That* in case the number of Members able to attend the said Select Committee shall, by death or otherwise, be unavoidably reduced to less than nine, and shall so continue for the space of three sitting days, the said Select Committee shall be dissolved, and another chosen, to try and determine the matter of such Petition, in manner afore-

said; and all the proceedings of the said former Select Committee shall be void, and of no effect.

XXIV. *And be it further Enacted by the authority aforesaid, That* if the said Select Committee shall come to any resolution other than the determination above-mentioned, they shall, if they think proper, report the same to the House for their opinion, at the same time that the Chairman of the said Select Committee shall inform the House of such determination, and the House may confirm, or disagree with, such resolution, and make such orders thereon as to them shall seem proper.—*Provided always, That* if any person summoned by the said Select Committee shall disobey such summons, or if any witness before such Select Committee shall prevaricate, or shall otherwise misbehave, in giving, or refusing to give, evidence, the Chairman of the said Select Committee, by their direction, may at any time during the course of their proceedings, report the same to the House for the interposition of their authority or censure, as the case shall require.

Committee may, in some cases, report resolutions to the House for their opinion.

Punishment of persons who disobey the summons of the Committee;

And of witnesses who prevaricate.

XXV. *And be it further Enacted by the authority aforesaid, That* whenever the said Select Committee shall think it necessary to deliberate, amongst themselves, upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them, as aforesaid, as soon as the said Select Committee shall have heard the evidence and counsel on both sides relative thereunto, the room, or place wherein they shall sit, shall be cleared, if they shall think proper, while the Members of the said Select Committee consider thereof; and all such questions, as well as such determination, and all other resolutions, shall be by a majority of voices, and if the voices shall be equal, the Chairman shall have a casting voice.—*Provided always, That* no such determination, as afore-

Committee may deliberate in private.

All questions to be decided by a majority of voices

Casting voice.

No vote to be taken unless nine members chosen ;

Nor any member to vote who has not attended during every sitting.

said, shall be made, nor any question be proposed, unless nine Members shall be present ; and no Member shall have a vote on such determination, or on any other question or resolution, who has not attended during every sitting of the said Select Committee.

How oaths to be administered.

XXVI. *And be it further Enacted by the authority aforesaid,* That the oaths by this Act directed to be taken in the House, shall be administered by the said Clerk, in the same manner as the oath of allegiance is administered in the House of Assembly ; and that the oaths by this Act directed to be taken before the said Select Committee, shall be administered by the Clerk attending the said Select Committee ; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House, or the said Committee, in consequence of the oath which they shall have taken by the direction of this Act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable by the laws and statutes of this Province.

False swearing herein made perjury.

Recognizances to be entered into before any petition shall be proceeded in.

XXVII. *And be it further Enacted by the authority aforesaid,* That no proceeding shall be had upon any Petition by virtue of this Act, unless the person, or persons, subscribing the same, or one or more of them, shall, within fourteen days after the same shall have been presented to the House, or within such further time as shall be limited by the House, personally enter into a recognizance to our Sovereign Lord the King, according to the form hereunto annexed, in the sum of One Hundred Pounds, with two sufficient sureties in the sum of Fifty Pounds each, to appear before the House at such time, or times, as shall be fixed by the House for taking such Petition into consideration ; and also to appear before any Select Committee which shall be appointed by the House for the trial of the same, or until the same shall have been

withdrawn by permission of the House; and if, at the expiration of the said fourteen days, such recognizance shall not have been so entered into, the Speaker shall report the same to the House, and the order for taking such petition into consideration shall thereupon be discharged, unless upon matter specially stated and verified to the satisfaction of the House, the House shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration shall, if necessary, be postponed; so that no such petition shall be taken into consideration till after such recognizance shall have been entered into, and received by the Speaker.—*Provided always*, That the time for entering into such recognizance shall not be enlarged more than once, nor for any number of days exceeding twenty.

Time for entering into such recognizance may be enlarged.

XXVIII. *And be it further Enacted by the authority aforesaid*, That the said recognizance shall be entered into before the Speaker of the House of Assembly, who is hereby authorised and empowered to take the same, and the sufficiency of the sureties named therein shall be judged of and allowed by the said Speaker.

Recognizance to be entered into before the Speaker, who shall judge of the sufficiency of the Sureties.

XXIX. *And be it further Enacted by the authority aforesaid*, That if the Petitioner or Petitioners who shall have entered into such recognizance, as aforesaid, shall not appear before the House by himself or themselves, or by his or their counsel or agents, within one hour after the time fixed, in pursuance of this Act, for calling on the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a Select Committee, or if the Select Committee appointed, in pursuance of this Act, for the trial of such petition, shall inform the House that such person or persons did not appear before the said Committee, by himself or themselves, or by his or their counsel or agents, to prosecute their said

By what default such recognizance shall be forfeited.

petition, or if such person or persons shall neglect to renew their said petition within four sitting-days after the day of the commencement of every Session of the same Parliament, subsequent to that in which such petition was first presented, and until a Select Committee shall have been appointed for the trial of the same, or until the same shall have been withdrawn by the permission of the House, in every such case such person or persons shall be held to have made a default in his or their said recognizance; and the Speaker of the House of Assembly shall thereupon certify such recognizance into the Court of King's Bench, and shall also certify that such person or persons have made default therein; and such certificate shall be conclusive evidence of such default; and the recognizance being so certified, shall have the same effect as if the same were estreated in a court of law.—*Provided always*, That such recognizance and certificate shall in every such case be delivered by the Clerk of the House of Assembly into the hands of the Chief Justice of the Court of King's Bench.

Proceedings in estreating recognizance.

Committee to report whether the petition before them, or the defence be frivolous and vexatious.

XXX. *And be it further Enacted by the authority aforesaid*, That every such Committee, at the same time that they report to the House their final determination on the merits of the petition which they were sworn to try, shall also report to the House whether such petition did or did not appear to them to be frivolous or vexatious; and they shall in like manner report with respect to every party or parties who shall have appeared before them in opposition to such petition, whether the opposition of such party or parties respectively did, or did not, appear to them to be frivolous or vexatious; and that if no party shall have appeared before them in opposition to such petition, they shall then report to the House whether such Election or Return, or such alleged insufficiency of a Return as shall be complained of in such petition, according as the case shall be, did, or did not appear to them to be vexatious or corrupt.

And when there is no opposition to a petition, they shall report whether the election or return complained of, be vexatious or corrupt.

XXXI. *And be it further Enacted by the authority aforesaid,* That whenever any such Committee shall report to the House, with respect to any such petition, that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the Committee in opposition to such petition, shall be entitled to recover from the person or persons, or any of them, who shall have signed such petition, the full costs and expenses which such party or parties shall have incurred in opposing the same, such costs and expenses to be ascertained in the manner hereinafter directed.

Costs in certain cases to be awarded to the party opposing the petition.

XXXII. *And be it further Enacted by the authority aforesaid,* That whenever any such Committee shall report to the House with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such report shall be made, the full costs and expenses which such Petitioner or Petitioners shall respectively have incurred in prosecuting their said petition, such costs and expenses to be ascertained in the manner herein-after directed.

Costs in certain cases to be awarded, to be paid to the petitioning party by the persons opposing such petition.

XXXIII. *And be it further Enacted by the authority aforesaid,* That whenever in any case, where no party shall have appeared before such Committee in opposition to such petition, such Committee shall report to the House with respect to the Election or Return, to the alleged omission of a Return, or to the alleged insufficiency of a Return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the Sitting Member, or Sitting Members, (if any.)

In what cases costs shall be paid to the party petitioning where no opposition has been made, and by whom such costs are to be paid.

whose Election or Return shall be complained of in such petition, such Sitting Member, or Sitting Members, not having given notice of his or their intention not to defend the same, or from any other person or persons whom the House shall have admitted or directed to be made a party, or parties, to oppose such petition, the full costs and expenses which such Petitioner or Petitioners shall have incurred in prosecuting their said petition; such costs and expenses to be ascertained in the manner herein-after directed.

How costs in the above cases are to be ascertained.

XXXIV. *And be it further Enacted by the authority aforesaid,* That in the several cases herein-before mentioned, the costs and expenses of prosecuting or opposing any such petition shall be ascertained in manner following, that is to say:—That on application made to the Speaker of the House of Assembly by such Petitioner or Petitioners, or party or parties, as before mentioned, for ascertaining such costs and expenses, he shall direct the same to be taxed by the Clerk of the House, and the Clerk of the Crown in Chancery; and the persons so authorised and directed to tax such costs and expenses, shall, and they are hereby required, to examine the same, and report the amount thereof to the Speaker of the said House, who shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs, and expenses allowed in such report; and the persons so appointed to tax such costs, and report the amount thereof, are hereby authorised to demand and receive, for such taxation and report, such fees as shall from time to time be fixed by any resolution of the House.

How the same are to be recovered.

XXXV. *And be it further Enacted by the authority aforesaid,* That it shall and may be lawful for the party or parties entitled to such costs and expenses, or his, her, or their Executors or Administrators, to demand the whole amount thereof, so certified as above,

from any one or more of the persons respectively, who are hereinbefore made liable to the payment thereof, in the several cases hereinbefore mentioned; and in case of non-payment thereof, to recover the same by action of debt in His Majesty's Court of King's Bench in this Province; in which action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them (in the sum to which the costs and expenses, ascertained in manner aforesaid, shall amount,) by virtue of this Act, and the certificate of the Speaker of the House of Assembly, under his signature, of the amount of such costs and expenses, together with an examined copy of the entries in the Journals of the House of Assembly of the resolution or resolutions of the said Select Committee or Committees, shall be deemed full and sufficient evidence in the support of such action of debt.—*Provided always*, That in every such action of debt, no wager of law, or more than one imparlance shall be allowed, and the party or parties in whose favour judgment shall be given in any such action, shall recover his or their costs.

XXXVI. *And be it further Enacted by the authority aforesaid*, That in every case when the amount of such costs and expenses shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in the like manner from the other persons, or any of them, if such there shall be, who shall be liable to the payment of the said costs and expenses, a proportionable share thereof, according to the number of persons so liable.

Action for contribution against those equally liable.

XXXVII. *And be it further Enacted by the authority aforesaid*, That whenever it shall happen that the Parliament shall be prorogued while any Select Committee shall be sitting for the trial of any such petition, as aforesaid, and before they shall have reported

Committee not to be dissolved by a prorogation of Parliament, but to be adjourned to the next after the meeting of Parliament, and continue their proceedings.

to the House their determination thereon, such Committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock on the day immediately following that on which Parliament shall again meet for the despatch of business, (Sundays, Good Fridays, and Christmas Days, always excepted;) and all former proceedings of the said Committee shall remain and continue to be of the same force and effect as if the Parliament had not been so prorogued; and such Committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day, in the manner provided in this Act, until they shall have reported to the House their determination on the merits of such petition.

This Act to be in force for two years.

XXXVIII. *And be it further Enacted by the authority aforesaid,* That this Act shall be, and continue in force for and during the term of Two Years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

FORM OF THE RECOGNIZANCE REFERRED TO IN THIS ACT.

Recognizance.

BE IT REMEMBERED, That on the _____ day of _____, in the Year of Our Lord _____, before me, **A. B.** [Speaker of the House of Assembly,] came **C. D.**, **E. F.**, and **I. G.**, and severally acknowledged themselves to owe to Our Sovereign Lord the King the following sums, that is to say:—The said **C. D.** the sum of One Hundred Pounds, and the said **E. F.** and the said **I. G.** the sum of Fifty Pounds each, to be levied on their respective Goods and Chattels, Lands and Tenements, to the use of our said Sovereign Lord the King, His Heirs and Successors.

sors, in case the said C. D. shall fail in performing the Condition hereunto annexed.

THE CONDITION of this Recognizance is,—That if the said C. D. shall duly appear before the House of Assembly at such time or times as shall be fixed by the said House for taking into consideration the Petition signed by the said C. D. complaining of an Undue Election or Return of a Member to represent the County, City, Borough, or Riding, [as the case may be,] in the House of Assembly of this Province, or complaining that no return has been made for the said County, City, Borough, or Riding, within the time limited by law, or that the return made for the said County, City, or Borough, Riding; is not a Return of a Member, or Members according to the requisition of the writ, and shall appear before any Select Committee which shall be appointed by the House of Assembly for the trial of the same; and shall renew his said petition in every subsequent Session of this present Parliament, until a Select Committee shall have been appointed by the said House for the trial of the same, or until the same shall have been withdrawn by the permission of the said House, then this Recognizance to be void, otherwise to be of full force and effect.

Condition;

CHAP.

C H A P. V.

AN ACT to Divide the County of Carleton, in the Bathurst District,

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS the great extent of the County of Carleton, and the rapid increase of its population, render a Division thereof necessary and expedient:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same.—

9th clause 38th Geo.
III ch 5th, repealed ;

And so much of the
10th clause declares
the County of Carle-
ton a part of the Dis-
trict of Johnstown.

3d clause Geo. IV.
c. 4th,

That from and after the passing of this Act, the ninth clause of an Act passed in the the thirty-eighth year of His Late Majesty's Reign, entitled, "An Act for the Better Division of the Province," also so much of the tenth clause of the said recited Act as declares that the County of Carleton shall form a part of the District of Johnstown ; and also the third clause of an Act passed in the second year of His Present Majesty's Reign, entitled, "An Act to Repeal part of an Act passed in the thirty-eighth year of His Late Majesty's Reign, entitled 'An Act for the Better Division of this Province, and to make further Provision for the Division of the

same into Counties and Districts,'” be, and the same are hereby Repealed.

Repealed.

II. *And be it further Enacted by the authority aforesaid, That the Townships of Bathurst, Drummond, Beckwith, Dalhousie, Lanark, Ramsay, Darling, Levant, North Sherbroke, South Sherbroke, together with all the unsurveyed lands within the limits of the District of Bathurst, with such of the Islands in the Ottawa River as are wholly, or in greater part, opposite to the said Townships, and unsurveyed land, shall constitute and form the County of Lanark.*

County of Lanark.

III. *And be it further Enacted by the authority aforesaid, That the Townships of Nepeau, Goulbourne, Huntley, March, Pakenham, Fitzroy, and Torbolton, together with such of the Islands in the Ottawa River as are wholly, or in greater part, opposite thereto, do constitute and form the County of Carleton.—Provided always, That nothing in this Act contained shall extend, or be construed to extend, to give the said Counties of Lanark and Carleton a greater increase of representation in the House of Assembly of this Province than by law the present County of Carleton would be entitled to at the next General Election, but that the said Counties of Lanark and Carleton, formed by this Act, shall be each represented by one Member, any thing in an Act passed in the sixtieth year of His Late Majesty’s Reign, entitled, “An Act to Provide for Increasing the Representation of the Commons of this Province in the House of Assembly,” to the contrary thereof in any wise notwithstanding.*

County of Carleton.

Representation of said Counties not to be increased by this Act,

Notwithstanding the provisions of 60th Geo. III. c. 2.

C H A P. VI.

AN ACT to Repeal an Ordinance of the late Province of Quebec, made in the Twenty-Eighth Year of His Late Majesty's Reign, entitled, "An Ordinance for Promoting the Inland Navigation."

[PASSED JAN. 19th, 1824.]

PREAMBLE

WHEREAS doubts are entertained whether an Ordinance of the late Province of Quebec, entitled, "An Ordinance for Promoting the Inland Navigation," passed in the twenty-eighth year of the Reign of His Late Majesty, Chap. III. is in force in this Province, and the same is no longer applicable to the circumstances thereof:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same;—That the said Ordinance of the late Province of Quebec, and every part thereof, be, and the same is hereby Repealed.

Ordinance of Quebec
28th Geo. III. c. 3.
Repealed.

No proceedings to
be had for any thing
heretofore done con-
trary thereto.

II. *And be it further Enacted by the authority aforesaid,* That no proceedings shall be hereafter had, or continued, under the authority of the said Ordinance, for, or on account of, any matter or thing at any time heretofore done, or omitted, contrary to the provisions thereof.

C H A P. VII.

AN ACT to Repeal part of the Second Clause of an Act passed in the Thirty-Third Year of His Late Majesty's Reign, entitled, "An Act to Provide for the Nomination and Appointment of Parish and Town Officers, within this Province," and to make more Effectual Provision for obtaining an Accurate Census of the Population of this Province.

[PASSED JAN. 19th, 1824.]

WHEREAS it is expedient that an Accurate Census of the Population of this Province should, from time to time, be obtained, and deposited in the Office of the Governor, Lieutenant Governor, or Person administering the Government of this Province:—**AND** WHEREAS, the Laws now in force for that purpose are found not to answer the end, and it is, therefore, expedient to repeal the same, and to make other provision by law for obtaining such Census:—

PREAMBLE:

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Late Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the

So much of the 33J. Geo. III. as relates to the taking a complete list of every male and female by town clerk, &c. repealed.

same,—That from and after the passing of this Act, so much of the second clause of an Act passed in the thirty-third year of His Late Majesty's Reign, entitled, "An Act to Provide for the Nomination and Appointment of Parish and Town Officers within this Province," as relates to the taking a True and Complete List of every Male and Female Inhabitant, by the Town Clerk, within the limits of his Parish, Town, or Township, and returning the same to the Justices in General Quarter Sessions assembled, in the month of April, be, and the same is hereby repealed.

Assessors to take a correct list of the inhabitants of the parish &c. for which they are appointed.

II. *And be it further Enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be the duty of the Assessors chosen or appointed for any Parish, Township, place or places, in this Province, to take a True and Correct List of all the Inhabitants of the Parish, Township, reputed Township, place or places, for which they may be chosen or appointed; which List shall be in the following form:—

In the following form.

NAMES OF HEADS OF FAMILIES.	NUMBER IN EACH FAMILY.				TOTAL.
	Males, under 16.	Females, under 16.	Males, above 16.	Females, above 16.	

Assessors to demand a correct list of persons composing each family and their ages, including persons employed or resident therein.

And it shall and may be lawful for the Assessors, or one of them, and they are hereby required to demand from every Inhabitant, Householder, or Head of a Family, at the usual place of residence of such Householder or Head of a Family, a true and correct List

of the number of persons composing such family, male and female, and their respective ages, including therein all persons employed by, or resident with, such Householder or Head of a Family; and if such Inhabitant, Householder, or Head of a Family, shall refuse to give in a true and correct List, or shall neglect to do so for ten days after the same shall have been demanded, as aforesaid, he or she shall, for every such refusal or neglect, forfeit and pay a fine of Forty Shillings.

And in case of refusal shall forfeit forty shillings.

III. *And be it further Enacted by the authority aforesaid, That* the said Assessors shall severally subscribe such List, to be taken by them, and shall deliver the same to the Clerk of the Peace for the District in which they may reside, on or before the first day of April in each and every year; and at the same time, they, or one of them, shall make oath before the Clerk of the Peace, (which oath he is hereby authorised to administer,) that such List hath been faithfully taken by attendance at the usual place of residence of the several householders, or heads of families therein named, and contains a true and correct statement of the number of inhabitants in the township, place, or places for which the same shall have been taken, according to the best of his or their knowledge and belief.

Assessors shall subscribe such list, and deliver the same to the Clerk of the Peace before 1st of April in each year;

And shall make oath as to the correctness of such list.

IV. *And be it further Enacted by the authority aforesaid, That* it shall be the duty of the Town Clerk in each and every town or township in this Province, within ten days after the holding of the town-meeting, for such town, township, or place, to notify the persons chosen at such town-meeting as Assessors, by leaving a notice in writing at their usual place or places of residence, or by personally acquainting them thereof, of their having been so chosen; and to require of such persons immediately to take the oath prescribed for parish and town officers; and further, it shall be the duty of the Town Clerk to transmit to the Clerk of the Peace, within twen-

Town Clerk to notify to persons chosen as Assessors their being so chosen.

And to require them to take the oath prescribed for parish and town officers.

Town Clerk to transmit to Clerk of the Peace, names and descriptions of Assessors chosen, with affidavit that he had notified them of their election.

And in case of neglect shall forfeit £3.

ty days after the holding of the Town Meeting, the names and descriptions of the persons who may have been chosen Assessors at such Town Meeting, accompanied by affidavit that he hath duly notified them of their election or appointment as Assessors, as required by this Act; and if such Town Clerk shall neglect, or refuse so to notify the Assessors, and to acquaint the Clerk of the Peace of the names and descriptions of such Assessors, he shall pay a fine of Three Pounds.

If Assessors neglect the duties imposed upon them, Clerk of the Peace to summons them to answer as herein directed;

And if they do not appear, Justices to impose a fine not more than £10, nor less than £5.

Nothing herein contained, to authorise Justices to fine upon any one Assessor from the goods &c. of another.

V. *And be it further Enacted by the authority aforesaid, That* if any Assessor or Assessors shall neglect to perform the duties hereby imposed upon him or them, it shall be the duty of the Clerk of the Peace to cause such Assessor or Assessors to be summoned by any one of His Majesty's Justices of the Peace, to appear at the next General Quarter Sessions of the Peace, or before any two Justices of the Peace to answer for such neglect or refusal; and if such Assessor or Assessors shall be convicted before the said Court or Justices of such neglect or refusal, or shall not appear before such Court or Justices, in obedience to such summons, due proof of the service thereof being first made, the Court, or Justices, shall impose a fine upon him or them, not exceeding Ten Pounds, nor less than Five Pounds:—*Provided nevertheless, That* nothing herein contained, shall be construed to authorise the said Court or Justices to levy the fine imposed upon any one Assessor from the goods or chattels of the other.

In case of neglect or refusal of Assessor to discharge duties, or in case no Assessors chosen, or in case of death, &c. Justices of General Quarter Sessions to appoint two persons to perform their duties;

VI. *And be it further Enacted by the authority aforesaid, That* in case of the neglect or refusal of the Assessor or Assessors, chosen and appointed at the Town Meeting, to discharge the duty hereby imposed upon him; or in case no Assessors are chosen and appointed at the Town Meeting, or in case of the death, removal, or sickness of any Assessor or Assessors, it shall be lawful for the

Justices assembled at the said Court of General Quarter Sessions, or any adjourned or Special Session, to appoint two fit and discreet persons to perform the duties of Assessors; and the Clerk of the Peace shall forthwith notify them, respectively, of their appointment, and such persons so appointed, or either of them, shall be liable to be proceeded against, at any adjourned meeting of the said Court, or before any two Justices of the Peace, for neglecting to take the oath of Assessor for the space of ten days after a notice of appointment shall have been served; or for any neglect or refusal to perform the duty by this Act required to be performed by Assessors, and shall be liable, upon conviction, on the oath of one or more credible witness or witnesses, to a like fine as is hereby prescribed respecting the Assessor or Assessors, chosen at the Town Meeting; and the Court, or Justices, before whom any conviction shall take place under this Act, shall continue to appoint another or other Assessor or Assessors, and to punish the same for neglect or refusal to act as such in the manner pointed out by this Act, until the duties hereby required, shall be performed.

And the Clerk of the Peace to notify them of appointment, and they shall be liable to be proceeded against, for neglecting to take oath;

Or neglecting to perform duties shall be liable to same fine as prescribed respecting Assessors chosen at Town Meetings.

Certain Justices to appoint other Assessors, and to punish for neglect &c. in manner pointed out by this Act.

VII. *And be it further Enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Peace to make out a General Return of the population of his district, from the several returns which he may receive from the Assessors, and to transmit the same to the Office of the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, on or before the first day of June, in each and every year; and if such General Return shall not contain the whole population of his district, he shall send in a return of such townships or places as may be deficient, as soon as practicable after he shall be enabled so to do, by the Assessor or Assessors of such townships or places.

Clerk of the Peace to make General Return of population, and transmit it to the Office of the Lieut. Governor;

And in case Return be deficient, shall supply that deficiency as soon as practicable.

Fees to be taken by
Clerk of the Peace,
Assessors, and Town
Clerk.

VIII. *And be it further Enacted by the authority aforesaid, That the Clerk of the Peace, Assessors, and Town Clerk, shall be entitled, for the duties by this Act imposed upon them, to demand and receive from the Treasurer of the district, from, and out of any monies in his hands for the public uses of the district, the sums following; that is to say:—*

The Clerk of the Peace, for each return, One Pound.

The Assessor, Three Pounds for every Hundred Pounds upon the Assessment Roll, in addition to the remuneration now afforded by Law.

The Town Clerk, Five Shillings for each Notification.

Provided that they shall not receive any reward until return filed and certificate produced.

Provided nevertheless, that the Assessor or Assessors of, or for any town, township, or place, shall not receive any fee or reward whatever for the performance of any duty, as Assessor or Assessors, until the return of the population in this Act required, shall have been filed in the Office of the Clerk of the Peace, and a certificate thereof produced to the Treasurer, any law to the contrary notwithstanding.

Fines and forfeitures with costs of conviction, to be recovered as herein directed,

IX. *And be it further Enacted by the authority aforesaid, That the fines and forfeitures imposed by this Act, except as is herein otherwise provided for, together with costs of conviction, shall and may be recovered before any two or more of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, or by the confession of the party, and shall and may be levied, by distress and sale of the goods and chattels of the person or persons convicted, under and by virtue of a warrant for that purpose issued by the Justices, or any two of them, before whom, he or they may have been convicted; one half of which fines shall be paid to the informer, or person who shall sue for the same, and the other half into the hands of the Treasurer, for the public uses of the district.*

And half paid to informer and other half into the hands of the Treasurer for the uses of the District.

C H A P. VIII.

AN ACT to make Permanent and Extend the Provisions of the Laws now in force for the Establishment and Regulation of Common Schools throughout this Province, and for granting to His Majesty a Further Sum of Money to Promote and Encourage Education within the same.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it would greatly tend to advance the happiness of society to Disseminate Moral and Religious Instruction among the people, and to render Permanent the Laws now in force relating to Common Schools: We, Your Majesty's dutiful and loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, most humbly beseech Your Majesty that it may be enacted, and

PREAMBLE.

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same,—

That for the benefit of all classes of His Majesty's subjects, and for the encouragement of Sunday Schools, and for affording the means of moral and religious instruction to the more indigent and remote settlements in the several Districts throughout this Province, there shall be annually paid, in addition to the sum now by law directed to be paid for the use and benefit of Common Schools, the further sum of One Hundred and Fifty Pounds; which said sum of One Hundred and Fifty Pounds shall be appropriated and applied in manner and form as is hereinafter directed.

£150 per annum, in addition granted for the encouragement of Common and Sunday Schools.

The money so granted to be at the disposal of the General Board of Education for this Province, for the purchase of books.

II. *And be it further Enacted by the authority aforesaid, That* the monies hereby granted shall be at the disposal of the General Board that is, or may be, appointed by the Governor, Lieutenant Governor, or person administering the Government of this Province, for the superintendance of Education within the same, to be by them laid out and expended for the purchasing of Books and Tracts, designed to afford moral and religious instruction; which said Books and Tracts, when so purchased, shall be distributed by the said General Board, in equal proportion, amongst the several District Boards of Education throughout this Province.

Which shall be distributed by the General Board to the several District Boards.

District Boards, at their discretion, to distribute such books, &c.

For the use of Sunday Schools, and the remote settlements.

III *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the several District Boards of Education to make and order at their discretion a distribution of such Books and Tracts for the use and encouragement of Sunday Schools, and to the benefit of the more indigent and remote settlements in their respective Districts.

8th clause 1st Geo. IV. ch 7th,

IV. *And be it further Enacted by the authority aforesaid, That* the eighth clause of an Act passed in the first year of the Reign of His Present Majesty, entitled, "An Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year

of His Majesty's Reign, entitled, ' An Act granting to His Majesty a Sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulation of the said Common Schools, ' " be, and the same is hereby repealed.

Repealed.

V. And be it further Enacted by the authority aforesaid, That the provisions of the above-recited Act, and so much of an Act passed in the fifty-sixth year of His Late Majesty's Reign, entitled, " An Act granting to His Majesty a Sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the Regulations of the said Common Schools, " as is now in force, shall be, and the same is hereby declared to extend to all Schools that are now, or may hereafter be, established and kept among the Indians who shall be resident within the limits of any organized County or Township within this Province, excepting such Schools as shall or may be otherwise provided for.—Provided nevertheless, That in all reports that may be made to the Board of Education before the first day of June next after the passing of this Act, from any School kept for the instruction and education of the children of the Indians, it shall not be necessary to certify to such Board, that the Trustees of the School so reporting were chosen on the first day of June last, any law or usage to the contrary in anywise notwithstanding.

The provisions of the above Act ;

And the 66th Geo. III. ch. 36r

To extend to the Indians.

Certificate in such cases dispensed with.

VI. And be it further Enacted by the authority aforesaid, That every Teacher of a Common School, before he shall be entitled to receive any portion of public money, shall be examined by the Board of Education in the District in which he shall have taught, or is about to teach, a Common School, or shall obtain a Certificate from at least one member of such Board, certifying his ability and fitness to teach the same, due regard at all times being had to the degree of education wanting, or to the branches necessary to be

No Teacher to receive any money before examination by the District Board ;

Or a certificate from at least one member of said Board certifying his ability.

X

taught in the Township, Village, or place in which such Teacher hath undertaken, or is about to undertake, to teach a Common School.

Monies hereby
granted;
How to be paid.

VII. *And be it further Enacted by the authority aforesaid, That the Monies hereby granted to His Majesty shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as shall for the purpose herein set forth, be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for by the Receiver General to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.*

Accounted for.

C H A P. IX.

AN ACT to Amend, and make perpetual an Act passed in the fifty-ninth year of His Late Majesty's Reign, entitled, "An Act to Repeal part of, and Amend the Laws now in force for Laying Out, Amending, and Keeping in Repair the Public Highways and Roads in this Province;" and also to Amend an Act passed in the fiftieth year of His Late Majesty's Reign, entitled, "An Act to Provide for the Laying Out, Amending, and Keeping in Repair, the Public Highways and Roads in this Province," and to Repeal the Laws now in force for that purpose.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to Amend and make Perpetual a certain Act of the Parliament of this Province, passed in the fifty-

ninth year of His Late Majesty's Reign, entitled, "An Act to repeal part of, and amend the Laws now in force, for Laying Out, Amending, and Keeping in Repair, the Public Highways and Roads in this Province:"—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Late Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same,—That the Fourteenth Clause of the said recited Act, shall be, and the same is hereby repealed.

14th clause 69th
Geo. III. ch. 8th, re-
pealed.

II. And be it further Enacted by the authority aforesaid, That any person liable to perform Statute Labour on the highways, (except such persons as being resident in any Town in this Province, shall be liable by law to perform more than six days labour,) may compound for such duty, if he or they think fit, by paying to the Officer herein-after mentioned the sum of Two Shillings and Sixpence for, and in lieu of, each day's duty or labour respectively, at the time, and in the manner directed by Law.

Every person liable to perform Statute labour, (except persons resident in any town liable to more than six days,) may compound by paying 2s. 6d. per diem, in lieu, &c.

III. And be it further Enacted by the authority aforesaid, That when any person residing in any Town in this Province shall be liable by law to work on the Highways and Roads more than six days in any one year, he shall, in lieu of such labour, pay to the Surveyor of Streets, to be appointed as is herein-after mentioned,

Persons resident in any town liable to more than 6 days labour shall in lieu thereof pay to the Surveyor of Streets on 1st May, in each year, 2s. 6d per diem.

for such Town, on or before the first day of May in each year, the sum of Two Shillings and Sixpence for, and in lieu of, each day's duty or labour respectively.

Justices of the Peace at any Session may appoint a Surveyor of Streets for every town in their District, and remove him at pleasure.

IV. *And be it further Enacted by the authority aforesaid, That* after the present year, the Justices of the Peace in and for the several Districts of this Province shall have power, at any general or adjourned Sessions of the Peace in and for such District, to appoint a Surveyor of Streets in and for each Town within their respective Districts, and to remove such Officer, so appointed, at their will and pleasure.

Surveyor of Streets to take an oath in open Court that he will faithfully perform his office.

V. *And be it further Enacted by the authority aforesaid, That* such Surveyor of Streets shall, before entering upon his office, take an oath in open Court, before such Justices, that he will well and faithfully execute the duties thereof, and shall, with two sureties, to be approved of by such Justices, enter into a Bond to His Majesty, His Heirs and Successors, in such sum as to the Justices may seem meet, to account well and truly for all such monies as shall come into his hands by virtue of his said office.

Shall enter into a Bond, with two securities.

Justices at any Special Session holden for that purpose may order Surveyor of Streets to amend any street, &c.

VI. *And be it further Enacted by the authority aforesaid, That* the Justices of the Peace, acting within their respective divisions for the time being, shall and may, (at any Special Session to be holden for that purpose,) order the Surveyor of Streets in any Town within their division, to make or amend any Street, High-way, or Road within such Town, as they shall think necessary; and the said Surveyor of Streets shall, within ten days after having received such order, summon such persons within the said Town as are obliged to perform Statute Labour, and order them to work on such part of the Streets, High-ways, or Roads within the said Town, or adjacent thereto, as they shall be directed to make or repair; and eve-

Within 10 days after Surveyor shall summon such persons as are liable, and order them to repair and amend such street, &c.

ry person neglecting or refusing to obey such order, shall be subject to the like penalties, to be recovered and applied in the like manner as in case of persons refusing to obey the order of any Overseer of Highways in this Province, under the laws now in force.

Penalty for neglecting and refusing.

VII. *And be it further Enacted by the authority aforesaid, That* the monies which shall be paid to any Surveyor of Streets under this Act, in commutation of labour, shall be expended by him, under the direction of the Justices acting within the division in which the Town is situated for which such Surveyor is appointed, in making or amending the Streets, High-ways, or Roads in such Town.

Commutation money to be expended by Surveyor of Streets under the direction of the Justices in making &c. streets, &c. in such town.

VIII. *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the Justices of the Peace acting within any division in any District of this Province, at any Special Sessions holden for that purpose, if they shall see fit, to direct the Surveyor of Streets, to be appointed under this Act for any Town within their division, to expend part of the monies to be paid into his hands; or to apply part of the Statute Labour to be done under his orders in amending any High-way or Bridge in the vicinity of such Town.

Justices at any Special Session may direct Surveyor to expend part of the money on statute labour in repairing any high-way or bridge in the vicinity of such town.

IX. *And be it further Enacted by the authority aforesaid, That* the Surveyors of Streets, and all persons acting under their directions, in the executions of such orders as they shall have received from the Justices of the Peace relative to the performance of their duty on Streets and High-ways, are hereby discharged from any action of Trespass which may be brought in any of His Majesty's Courts within this Province, for any act or acts that the said Surveyors, or any person or persons acting under their directions, as aforesaid, may in the execution of such orders or directions, have committed or done:

Surveyor and persons under him in executing orders of Justices relative to their duty, discharged from any action of trespass &c.

Laws of the Province relative to appointing Overseers of High-ways, or any town, repealed.

X. *And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, so much of the several laws of this Province as relates to the choosing or appointing of Overseers of High-ways for any Town, shall be, and the same is hereby repealed.*

Surveyor of Streets to be remunerated by order of Justices in General Quarter Sessions;

XI. *And be it further Enacted by the authority aforesaid, That the Justices of the Peace in and for each District of this Province, in General Quarter Sessions assembled, shall have power from time to time to limit and appoint, by order, the remuneration which shall be paid to the Surveyors of Streets in the several Towns within their respective Districts, and shall authorise the same to be deducted and retained by such Surveyors out of the monies which they shall receive by virtue of this Act.*

And he may detain the same out of such monies as he may receive.

If persons liable to pay money, neglect or refuse ten days after the demand,

XII. *And be it further Enacted by the authority aforesaid, That if any person liable to pay money, in lieu of Statute Labour, under this Act, shall refuse or neglect to pay the same to the Surveyor of Streets authorised to demand the same, within ten days after demand made for that purpose, it shall be lawful for any two Justices of the Peace acting within the division, upon proof thereof on oath, to issue their warrant for levying double the amount thereof, together with costs, by distress and sale of the goods and chattels of such person so neglecting or refusing, which money, so levied, shall be applied in the same manner as the composition money directed to be paid by this Act.*

Two Justices acting within the division, upon proof, may issue a warrant to levy double the amount, together with costs, &c.

Money so levied, how applied.

XIII. *And whereas the money received by Treasurers of Districts, and by them paid over to the Overseer of High-ways in the Township where the land lies, on which the said money was collected, may be more beneficially expended under the direction of*

the Justices of the Peace:—*Be it therefore Enacted by the authority aforesaid,* That the tenth clause of the said Act, in so far as relates to the same, shall be, and the same is hereby repealed: And that the Treasurer of each and every District of this Province shall, after the passing of this Act, pay to the order of the Magistrates, in Special Sessions of the Peace, in the month of March, in their respective divisions assembled, or any other Special Sessions within the divisions where such land is situated, all such sum or sums of money as may have been paid in or collected for the said rate of one-eighth of a penny per annum, to be by the said Justices of the Peace laid out, by contract or otherwise, to the best advantage on the High-ways within the Township where the land lies, from which the said rate was paid or collected.

10th clause 59th Geo III. ch. 8th, as far as relates to the payment of money by Treasurer to Overseers repealed.

Treasurer shall pay to the order of the Magistrates in Sessions, in the month of March, all such money as may have been collected by the rate of 1 s of 1d. per annum.

Such money so paid how to be laid out.

C H A P. X.

AN ACT to Repeal part of, and Amend an Act passed in the fiftieth year of His Late Majesty's Reign, entitled, "An Act to Provide for the Laying Out, Amending, and Keeping in Repair, the Public Highways and Roads in this Province, and to Repeal the Laws now in force for that purpose;" and also to Repeal part of, and Amend the Provisions of an Act passed in the fifty-ninth year of His Late Majesty's Reign, entitled, "An Act to Repeal part of, and Amend the Laws now in force for Laying Out, Amending, and Keeping in Repair the Public Highways and Roads in this Province."

[PASSED JAN. 19th, 1824.]

WHEREAS it is expedient to repeal part of, and amend an Act passed in the fiftieth year of His Late Majesty's Reign, entitled,

PREAMBLE.

“An Act for the Laying Out, Amending, and Keeping in Repair, the Public High-ways and Roads in this Province, and to Repeal the Laws now in force for that purpose;” and also to extend the provisions of the said Act, and also to repeal part of and amend the provisions of an Act passed in the fifty-ninth year of His Late Majesty’s Reign, entitled, “An Act to repeal part of, and amend the Laws now in force for Laying Out, Amending, and Keeping in Repair the Public High-ways and Roads in this Province:

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty’s Reign, entitled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,’” and by the authority of the same;—That the fifth clause of the said recited Act, and the sixth clause of the said last mentioned Act be, and the same are hereby repealed.

5th clause 30th Geo.
III. ch. 1st.

6th clause 59th Geo.
III. ch. 8th, repealed.

No road under 50th
Geo. III ch 1. to be
more than 66, or less
than 40 feet in width.

* This not to affect
any road now estab-
lished under the said
Act.

II. And be it further Enacted by the authority aforesaid, That no road hereafter to be laid out under the provisions of the said first recited Act shall be more than sixty-six, nor less than forty feet in the width:—*Provided always nevertheless,* That nothing in this clause contained shall extend, or be construed to extend, to affect any road now established under the provision of the said recited Act.

If any road shall be
altered, the new one
shall not be less in
width than the old.

III. Provided always nevertheless, And be it further Enacted by the authority aforesaid, That when any Road now or hereafter es-

established, shall be altered, it shall not be lawful for the Surveyor of Roads reporting such alteration, to lay out such New Road of a less width than the one proposed to be altered.

IV. *And be it further Enacted by the authority aforesaid, That* from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace, at their Special Sessions, in the month of March in each and every year, or at any General Quarter Sessions of the Peace, upon application in writing, signed by at least Twelve Freeholders residing in any Town, Township, or place, of this Province, requesting permission to lay out and apply part of the Statute Labour of such Town, Township, or place, on the high-ways and roads of any adjoining Town, Township, or place, for the said Justices, so assembled, to permit the same when it shall appear manifestly advantageous to the inhabitants making such application; in such proportion as to the majority of the said Justices then and there present may seem meet.

Justices of the Peace in March in each year or in General Quarter Sessions, by application in writing, signed by at least 12 Freeholders of any Town, may apply part of the statute labour of such Town on any Highways adjoining it if it shall appear advantageous, in such proportion as the majority may think fit.

V. *And be it further Enacted by the authority aforesaid, That* when any person or persons liable to the rate of one-eighth of a penny per acre on land, for the purposes of the high-ways, shall lay out any money on roads in the Town, Township, or place where the same is situated, or cause labour to be done thereon, the approbation of the Justices of the Peace, or the majority of them, assembled in any General Quarter Sessions for the District in which such land is situated, having been first obtained, it shall and may be lawful for the Justices, or the majority of them, so assembled at any subsequent Sessions, when application shall be made for that purpose, if it shall appear to them, or the majority of them, that the same has been judiciously laid out, and manifestly for the public advantage, by their order to the Treasurer of such District, the amount to be set off and allowed against any arrears that may have

When any person liable to 18 of 1d. per acre shall expend any money on roads in the town, where the same is situated; or cause it to be done, the approbation of the majority of the Justices in any General Quarter Sessions having been obtained; the said Justice, upon application in any subsequent Sessions, if it appear that the same has been laid out to advantage, to order the Treasurer to set off the amount against any arrears that may have or may accrue on said Lands, or such part as may appear expended for the good of the Town where it is situated.

already accrued, or may hereafter accrue, on the said lands, or such part thereof as may to them appear to have been expended for the general good of the Town, Township, or place where the same is situated.

When application is made where any road laid out or altered, those making it (after sale of old road and proceeds paid to the owner of the new) shall be liable to pay any sum which a Jury as by Law directed shall ascertain if the owner or agent &c. shall within 3 months from the date of the report of such New Road &c. make application for compensation according to law, no order shall issue for statute labour to be performed unless a discharge &c. be taken from the owner &c. or proof of tender of the value so ascertained. be proceeded to General Quarter Sessions.

Nothing in this Act to prevent the Justices from directing same to be paid out of the general fund of the District, if the same shall appear of manifest utility.

VI. *And be it further Enacted by the authority aforesaid,* That in all cases when application shall be made to any Surveyor or Surveyors of the High-ways, to have any New Road laid out, or any Road already laid out altered, those making the application, (after a sale of the Old Road, so altered, shall have taken place, and the proceeds of such sale been paid over to the owner of the land through which the New Road may pass,) shall be deemed liable to pay any further sum, which shall be ascertained by a Jury, in manner as by the laws now in force is directed; and in case the owner or owners, agent or agents thereof shall, within three months from the date of the report of such New Road, or the alteration of such Road or Roads, make application to be compensated for the land taken for the same, in manner as by the laws now in force is directed. no order shall issue directing Statute Labour thereon, unless a discharge or acquittal for the same, or release for the land taken for such purpose from the owner or owners thereof, or proof of a tender having been made for the value thereof, so ascertained, be produced to the General Quarter Sessions.—*Provided nevertheless,* That nothing in this Act contained shall extend, or be construed to extend, to prevent the said Justices of the Peace from directing the same to be paid out of the public money of the District. if to them it shall appear that the said alteration is of manifest utility to the public at large, and not of a local nature.

VII. And whereas much inconvenience has arisen by the sale of portions of the original Government appropriations and allowances for High-ways and Roads in the several Townships in this Pro-

vince:—*Be it therefore Enacted by the authority aforesaid, That the ninth clause of the Act passed by the Legislature of this Province in the fiftieth year of the Reign of His Late Majesty, King George the Third, entitled, "An Act to Provide for the Laying Out, Amending, and Keeping in Repair the Public High-ways and Roads in this Province, and to Repeal the Laws now in force for that purpose," be Repealed, and the same is hereby Repealed, so far as regards the aforesaid Government appropriations for such High-ways and Roads.—Provided always, That nothing in this Clause contained shall restrain any Surveyor of High-ways from Selling and Conveying any Road which he is now by Law authorised to Sell and Convey.*

9th clause of the 50th Geo III. c 1, as far as relates to the sale of Government appropriations and allowances for highways, &c. repealed.

This clause not to prevent any Surveyor from selling any road which he is legally authorised to sell.

VIII. *And be it further Enacted by the authority aforesaid, That any person liable to perform the duty imposed by this, or any other Law now in force, may compound for such duty, if he or she may think fit, by paying to the Overseer the sum of Five Shillings for each Cart or Waggon-Team, and Driver, for each day; and every person liable to perform such labour, may compound for the same, if he or she should think fit, by paying to the Overseer the sum of Two Shillings and Sixpence, for and in lieu of such day's duty or labour respectively, at the time, and in the manner directed by Law.*

Any person liable, may compound by paying Overseer 5s, per diem for each cart, &c.

And 2s. 6d. for each day's duty.

CHAP.

C H A P. XI.

AN ACT to Repeal an Act passed in the forty-first year of His Late Majesty's Reign, entitled, "An Act for Granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain, and other places;" and also an Act passed in the forty-third year of His Late Majesty's Reign, entitled, "An Act to Explain and Amend an Act passed in the forty-first year of His Majesty's Reign, entitled, "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places," and to Provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America into this Province; and also to Establish a Fund for the Erection and Repairing of Lighthouses," and to make more effectual Provision for the due Collection of Duties on Goods Imported into this Province.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to Repeal the Laws now in force for Securing the Payment of Duties, and to reduce the same into One Act, and also to Extend the Provisions thereof:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An

Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same,— That an Act passed in the forty-first year of His Late Majesty's Reign, entitled, "An Act for granting to His Majesty, his Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain, and other places;" also an Act passed in the forty-third year of His Late Majesty's Reign, entitled, "An Act to Explain and Amend an Act passed in the forty-first year of His Majesty's Reign, entitled, 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize imported from Great Britain, and other places,' and to provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America, into this Province; and also to establish a fund for the Erection of Light Houses," be, and the same are hereby repealed.

41st Geo. III. ch. 6.

And 49th Geo. III. ch. 2, repealed.

II. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, by Commission under his hand and seal at Arms, to nominate and appoint one or more Collectors at the Ports of Entry and Clearance, now or hereafter to be established.*

Appointment of Collectors.

III. *And be it further Enacted by the authority aforesaid, That*

Collectors to give security.

each and every Collector shall give security, by way of recognizance or obligation to His Majesty, with two sureties in Five Hundred Pounds each, and himself in One Thousand Pounds, for the due performance of his office.

May appoint Deputies.

IV. *And be it further Enacted by the authority aforesaid, That the said Collectors shall, and they are hereby authorised to appoint one or more Deputy, or Deputies, and that the said Collectors and Deputies shall have power and authority, and they are hereby required to seize and secure any Vessel, Boat, Raft, or Carriage, Goods, Wares, or Merchandize, which shall be liable to seizure under the authority of this Act, or under any other Laws of this Province, as well without as within their respective districts.*

Authority to seize.

Hours of attendance at Collectors' office.

V. *And be it further Enacted by the authority aforesaid, That the Collector or Collectors, Deputy or Deputies, of and for the said Ports, shall attend every day except Sundays, Christmas day, and Good Friday, at a certain place to be named for each port for the discharge of the duties of their respective offices, between the hours of nine and twelve of the clock in the forenoon, and three and six of the clock in the afternoon, from the first day of May to the first day of October, and from ten to three, from the first day of October to the last day of April, and shall not receive the Report or Entry of any Vessel, Boat, Raft, or Carriage, at any other place.*

Report of entries, where to be made.

Collectors, where and how to account to the Inspector General.

VI. *And be it further Enacted by the authority aforesaid, That the said Collectors shall make a report to the Inspector General of this Province, four times in every year, of all entries made at their Port or Ports of Entry, which Reports shall also severally comprise a faithful statement of all Duties paid or secured, and the proceeds of all Seizures and Penalties received, or which shall have accrued due within the periods following, that is to say, between the*

first day of January and the last day of March; the first day of April and the last day of June; the first day of July and the last day of September; and the first day of October and the last day of December; and that the first and last days of such periods shall be inclusive; and that the said Returns shall be transmitted to the office of the Inspector General, within forty days next after the expiration of every quarter, as aforesaid, and shall also report to the Inspector General all Seizures by him, or any of his deputies, made within twenty days after making the same; and the full amount of the Duties and Proceeds of all Seizures as shall in such Returns be stated to have come into the hands of such Collector or Collectors, shall, within the term of forty days, be paid by him or them into the hands of His Majesty's Receiver General for this Province.

Account of seizures to be rendered.

When proceeds of seizures, &c. duties received by Collectors shall be paid over.

VII. *And be it further Enacted by the authority aforesaid,* That if any Collector shall neglect or refuse to make such Report, or to pay such Duties, in manner and form as aforesaid, and within the times prescribed, he shall not be entitled to any per centage on the amount of Duties collected for the period in which such default shall be made.

Penalty if Collectors shall neglect to account.

VIII. *And be it further Enacted by the authority aforesaid,* That every Collector shall be authorised to retain the sum of Fifty Pounds per centum on the amount of Duties by him collected, until the same amounts to One Hundred Pounds per Annum, and no more.

Remuneration of Collectors.

IX. *And be it further Enacted by the authority aforesaid,* That the Master, or person having the charge or command of any Vessel, Boat, Raft, or Carriage, of what nature or kind soever, having Goods, Wares, or Merchandize on board thereof, arriving at, or com-

How Vessels, Boats, Carriages &c. are to be reported.

ing into, any Port of Entry, shall make a Report to the Collector of the arrival of any such Vessel, Boat, Raft, or Carriage, in the following form, namely:—

Name of Owner of Vessel Boat, Raft, or Carriage	Lading.	Whence Shipped.	Whither Destined.

[Signed]

A.— B.— Master,
or Person having Charge or Command :

And which form, if required, shall be furnished by the Collector, for which he shall receive the sum of One Shilling and Three-pence; and that if the Master, or person having the charge or command of any such Vessel, Boat, Raft, or Carriage, shall neglect or refuse to make such Report, he shall, for every such offence, forfeit and pay the sum of Five Pounds; and that it shall and may be lawful for the Collector to seize and detain such Vessel, Boat, Raft, or Carriage, until the said penalty shall be paid, or security given for the payment thereof, by Bond to His Majesty, on conviction of such neglect or refusal; and that if any Master, or person having the charge or command of any Vessel, Boat, Raft, or Carriage, shall make a False Report, such Vessel, Boat, Raft, or Carriage, and the Tackle, Apparel, Furniture, Cattle, Horse or Horses, and Harness thereunto respectively belonging, shall be forfeited, and liable to seizure by such Collector:—*Provided always*, That nothing in this clause contained, shall be construed to extend to require the Report of the

Fee.

Penalty in case of
failing to report.

On making a false
report.

Exemptions from
reporting.

arrival of any Carriage from any part of this Province.—*Provided also*, That nothing in this Act contained shall extend, or be construed to extend, to require the Report, in Writing, of any Boat owned, and managed by any inhabitant or inhabitants of this Province, and exclusively laden with any article, or articles, being the growth, produce, or manufacture thereof.

X. *And be it further Enacted by the authority aforesaid*, That no Goods, Wares, or Merchandize, upon which any duties are, or shall be by law imposed, shall be imported into this Province at any other place than a Port of Entry, nor be unladen until the duties payable on such Goods, Wares, and Merchandize shall have been first paid or secured; and the Master, or person having the charge or command of the Vessel, Boat, Raft, or Carriage, in or upon which the same shall be imported, shall have received a Permit in Writing so to do; and that all the Goods, Wares, or Merchandize which shall be imported into this Province, from the United States of America, and which shall not be entered according to the provisions of this Act, shall be forfeited, together with the Vessel, Boat, Raft, or Carriage in or upon which the same shall be found, or shall have been imported, and the Tackle, Apparel, Furniture, Cattle, Horse, or Horses, and Harness thereunto respectively belonging.

No dutiable goods to be imported except at a Port of Entry, or until duties have been first paid or secured.

Permit.

Forfeiture if illegally imported.

XI. *And be it further Enacted by the authority aforesaid*, That when the amount of duties imposed by law upon any Goods, Wares, or Merchandize lawfully imported into this Province at any one time, shall amount to Twenty Pounds, it shall and may be lawful for the Collector, or Deputy of the Port where such Goods, Wares, and Merchandize shall be entered, to take security for the due payment of such duties, one half within two months, and the other half in four months, after such importation, by bond in double the a-

When time may be given for the payment of duties, on taking security.

mount thereof, to His Majesty, from the Owner, or person importing the same, with one or more good and sufficient sureties, at the discretion of the Collector.

Permit to be given for removal of dutiable Goods from a Port of Entry to any other Port or place.

XII. *And be it further Enacted by the authority aforesaid,* That when any person or persons shall have occasion to remove from any Port of Entry, aforesaid, to any other Port or place, any Goods, Wares or Merchandize, (subject to the payment of any duty,) duly imported into any port, as aforesaid, on which the duties imposed by Law shall have been paid, or secured to be paid, the Collector, or Deputy of any such Port, upon requisition in writing for that purpose made, and signed by such person or persons, specifying the particular Goods, Wares, and Merchandize to be removed, and the number of Packages in which the same are contained, with their Marks and Numbers, shall, and he is hereby required to give a Permit in writing, signed by the said Collector or Deputy, specifying the particular Goods, Wares, and Merchandize to be removed, the number of the Packages containing such Goods, Wares, and Merchandize, with the Marks and Numbers, and certifying that such Goods, Wares, and Merchandize had been duly entered in that Port, and that the duties thereon had been paid, or secured to be paid; and the Collector or Deputy giving such Permit, shall limit therein the time within which such Goods, Wares, or Merchandize shall be removed from such Port, and also the time within which such Permit shall be in force.

Goods not to be unladen but in open day or at any other place than a Port of Entry without a special licence.

XIII. *And be it further Enacted by the authority aforesaid,* That no Goods, Wares, or Merchandize imported into this Province in or upon any Vessel, Boat, Raft or Carriage, from the United States of America, shall be unladen, or laid on land, from such Vessel, Boat, Raft, or Carriage, except in open day, that is to say, between

the rising and setting of the sun, nor at any other place than a Port of Entry, without a Special Licence for that purpose first had and obtained from the Collector, or Deputy, of the Port where the same shall have been entered; and if any Goods, Wares, or Merchandize shall be unladen or laid on land, contrary to the directions of this Act, the Master, or person having the command or charge of such Vessel, Boat, Raft, or Carriage, and every other person who shall knowingly be concerned in aiding therein, or in removing, or otherwise securing the Goods, Wares, or Merchandize, shall forfeit and pay double the value thereof.

Penalty.

XIV. *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the Collector or Deputy of any Port, after Entry made of any Goods, Wares, or Merchandize, on Suspicion of Fraud, to open and examine, in the presence of two or more credible witnesses, any package or packages thereof; and if, upon examination, they should be found to agree with the entries, the said Collector, or his Deputy, shall cause the same to be repacked at his own expense, and re-delivered to the owner thereof; but if any package or packages, so examined, should be found to differ in their contents from the entry, then the Goods, Wares, and Merchandize contained in such package or packages shall be forfeited. —*Provided always, That the said forfeiture shall not be incurred if it shall be made appear, to the satisfaction of the Collector, or Deputy, or to the Court in which a prosecution shall be had for the condemnation thereof, that such difference proceeded from mistake or accident, and not from any intention to defraud the Revenue.*

Officers may examine packages suspected to be untruly entered.

No forfeiture if there is no intention to defraud by such false Entry.

XV. *And be it further Enacted by the authority aforesaid, That* if any person or persons shall knowingly harbour, keep, conceal, purchase, sell, or exchange, any Goods, Wares, or Merchandize, il-

Penalty for concealing, buying, selling, or exchanging Goods illegally imported.

legally imported into this Province, he shall forfeit for every such offence, double the value thereof.

XVI. *And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall be the duty of each and every Collector in this Province to mark, by branding with a proper iron, to be by him provided for that purpose, all Kegs of Tobacco which may be entered at his office, specifying the number of the Keg, as inserted in his books, and also the name of the Port.*

Kegs of Tobacco to be branded.

Authority to search for and seize Goods suspected to be illegally imported.

XVII. *And be it further Enacted by the authority aforesaid, That the Collector or Deputy of any Port, or other person by either of them for that purpose specially appointed, shall have full power and authority to enter into and upon any Vessel, Boat, Raft, or Carriage in or upon which he or they shall have reason to suspect any Goods, Wares, or Merchandize, not reported, to be concealed, and therein and thereupon to search for, seize, and secure the same; and if any Collector or Deputy shall have cause to suspect that any Goods, Wares, or Merchandize, illegally imported, are harboured, kept, or secreted in any dwelling-house, shop, warehouse, or other building or place, it shall and may be lawful for such Collector or Deputy, upon making oath before a Justice of the Peace of the facts forming the grounds of such suspicion, to obtain a warrant to enter therein, (in the day-time only,) and there to search for any such Goods, Wares, or Merchandize, and if any such be found, to seize and secure the same.*

Commissioners of Customs to be appointed, with jurisdiction to levy seizures not exceeding a certain value.

XVIII. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, from*

time to time to appoint in each and every District, Three Commissioners of Customs, any two of whom shall be a quorum, to hear and determine, in a summary way, all informations exhibited before them for the condemnation of any Goods, Wares, or Merchandize, seized as forfeited under the provisions of this Act, when the value thereof, together with the vessel, boat, raft, or carriage in or upon which the same shall be found; or shall have been imported, shall not exceed Forty Pounds; and also to hear and determine, in like manner, all Informations which may be exhibited before them for Penalties to be recovered under and by virtue of this Act.—*Provided nevertheless*, That if the owner of any Goods, Wares, or Merchandize; or the owner or commander of any vessel, boat, raft, or carriage, seized as forfeited, or any person against whom any Information shall be exhibited before the said Commissioners for the recovery of any Penalty in the provisions of this Act, shall be desirous of having the same tried and determined in His Majesty's Court of King's Bench, and shall, previous to the said Commissioners giving Judgment thereon, enter into a Bond, with sufficient sureties, in the penalty of Fifty Pounds, conditioned for the payment of all costs, charges, and expenses already incurred, and such as may attend the condemnation of such Goods, Wares, and Merchandize, vessel, boat, raft, or carriage, attending the determination of any Information filed against him for the recovery of any such penalty, in case such person shall be convicted therein; the said Commissioners shall not determine upon the legality of such seizure, or proceed to the conviction of any person against whom any Information shall have been exhibited, as aforesaid, but shall forthwith report the proceedings had in the premises to the Inspector General of this Province, when the like proceedings shall be had in His Majesty's said Court of King's Bench, for the condemnation of such goods, wares, or merchandize, vessel, boat, raft,

And to try informations for penalties.

Such cases nevertheless to be removed to the King's Bench at the desire of the party.

On what terms.

or carriage, or for the recovery of such penalty as if the same had respectively exceeded the sum of Forty Pounds.

Clerk to the said Commissioners.

XIX. *And be it further Enacted by the authority aforesaid, That the said Commissioners shall from time to time have power to appoint a Clerk, whose duty it shall be to receive and file all Informations, and keep a Record of the proceedings of the said Commissioners.*

Commissioners may report the circumstances of any seizure for the information of the Lieutenant Governor in Council, who, in cases of forfeiture under this Act may order the seizure to be restored if cause appear.

XX. *And be it further Enacted by the authority aforesaid, That in all cases of seizure for any cause of forfeiture contained in this Act, the Commissioners of Customs for the District in which the same shall have been seized, shall, as well before as after the said seizure shall be claimed, have full power and authority to examine into the circumstances, and take affidavits of all facts relating thereto, and report thereon for the information of the Governor, Lieutenant Governor, or person administering the Government of this Province; and in case the Governor, Lieutenant Governor, or person administering the Government of this Province, in Council, shall deem it expedient and proper so to do, he may order the said seizure to be restored to the owner or owners, upon such terms as he may think fit to impose.*

Goods seized to be appraised.

XXI. *And be it further Enacted by the authority aforesaid, That within forty-eight hours after the seizure of any goods, wares, and merchandize under the provisions of this Act, supposed to be under the value of Forty Pounds, the Collector, or person seizing the same, shall cause such goods, wares, and merchandize to be duly appraised by the oath of two indifferent persons, which oath any Justice of the Peace is hereby authorized and required to administer; and that such appraisement shall be annexed to, and filed with, the information herein-before required to be exhibited before the said*

covered, (except in cases herein-before provided,) in His Majesty's Court of King's Bench in this Province, as penalties and forfeitures are heard and determined in His Majesty's Court of Exchequer in England; and in all cases of forfeiture and condemnation of any goods, wares, or merchandize, vessel, boat, raft, or carriage, horse or horses, tackle or furniture, by virtue of this Act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be divided as follows:—One-half to His Majesty, and the other half to the person seizing the same; and in all cases of Penalties recovered before any Commissioners of Customs, as herein-before directed, after deducting the costs of prosecution, one-half to be paid to the Receiver General of this Province, and the other half to the person exhibiting such Information.

And disposed of.

Monies how to be accounted for.

XXXIII. *And be it further Enacted by the authority aforesaid,* That all monies directed by this Act to be paid to His Majesty, shall be accounted for, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Clerks to Commissioners to report quarterly to the Inspector General.

XXXIV. *And be it further Enacted by the authority aforesaid,* That each of the said Clerks shall report to the Inspector General of this Province, quarterly, within forty days next after the periods following:—That is to say, between the first day of January and last day of March, the first day of April and last day of June, the first day of July and last day of September, and the first day of October and the last day of December,—a full and correct statement of the proceedings of the Commissioners, of whom he is Clerk, comprising a Schedule of the articles condemned; the value thereof, the name of the claimant, (if any,) the names of the persons against whom Information shall be exhibited for penalties, the amount of the penalties recovered, and the person at whose instance such Information shall have been filed.

sioners to entertain any claim of any goods, wares, and merchandize, vessel, boat, raft, or carriage, until the person exhibiting the same shall have entered into a Bond, with sufficient sureties, in the penalty of Twenty Pounds, conditioned for the payment of such costs as shall be awarded by the said Commissioners, in case the said goods, wares, and merchandize, vessel, boat, raft, or carriage, shall be condemned.

Provision for payment of costs, when the goods shall be adjudged to be restored, or being condemned shall be insufficient to pay the costs of condemnation.

XXV. *And be it further Enacted by the authority aforesaid,* That in case any proceedings shall be had for the condemnation of any goods, wares, or merchandize, vessel, boat, raft, or carriage, under the provisions of this Act, as well in cases when the goods seized shall be adjudged to be restored, or if condemned, shall be insufficient to pay the costs and expenses of the proceedings had respecting the same, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to discharge, satisfy, and pay all such costs and expenses out of any monies which shall be then in the hands of His Majesty's Receiver General of this Province, which shall have arisen out of any duties imposed, or to be imposed, on any goods, wares, and merchandize arriving from the said United States; and the said Receiver General is hereby required to pay and discharge all such warrant and warrants as shall for such purposes be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being,

Time and place of meeting for Commissioners.

XXVI. *And be it further Enacted by the authority aforesaid,* That the said Commissioners in each and every District, shall meet on the last Saturday of every month, at the Court-house in the Town in which the Quarter Sessions shall be holden for the purposes mentioned in this Act, in case any Information shall have been fil-

ed, and not decided upon, and notice thereof given by the said Clerk to the said Commissioners.

XXVII. *And be it further Enacted by the authority aforesaid,* That if any Collector, or Deputy, or other person aiding or assisting in the seizure of any vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, or furniture thereunto respectively belonging—goods, wares, or merchandize, or other thing whatsoever, shall be sued or prosecuted for, any thing done in virtue of the powers of this Act, he may plead the general issue, and give this Act, and the special matter in evidence; and if in such suit the Plaintiff shall be non-suited, or judgment be given against him, the Defendant shall recover double costs; and in case any Information shall be commenced and brought to trial on account of the seizure of any vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, or merchandize, or other things whatsoever, as forfeited by this Act, wherein a judgment shall be given for the claimant, and it shall appear to the Court before whom the same shall be tried, that there was a probable cause of seizure, the Court shall certify on the Record, that there was a probable cause for seizing the same, and in such case, the Defendant shall not be entitled to any costs whatsoever, nor shall the person who seized be liable to any action or prosecution on account of such seizure; and in case any action or prosecution shall be commenced and brought to trial against any person whatsoever, on account of the seizure of any such vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares or merchandize, or other thing, where no Information shall be filed, or exhibited, or brought to trial, to condemn the same, and a judgment shall be given upon such action or prosecution against the Defendant, if the Court before whom such action shall have

Protection of persons prosecuted for acts done under the authority of this Statute.

General issue:

Double costs-

How if probable cause of seizure appear.

been brought, shall certify, in like manner as aforesaid, that there was a probable cause for such seizure, then the Plaintiffs, (besides the vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize, or other thing or things, so seized, or the value thereof, where the same shall not have been restored,) shall not be entitled to above one shilling damages, nor to any costs of suit.

Sale of goods condemned under this Act.

XXVIII. *And be it further Enacted by the authority aforesaid,* That all such goods, wares, or merchandize, vessel, boat, raft, or carriage, horse or horses, cattle, harness, tackle, apparel, or furniture, which shall be forfeited and condemned by virtue of this Act, shall be advertised for sale at the Port where the same shall have been seized, eight days previous to such sale, and not less than fifteen days after such condemnation, and shall be sold by the Collector, or Deputy, of the Port where the same shall have been seized, by public auction, to the highest bidder.

Persons may be held to bail by Commissioners, on informations for penalties.

XXIX. *And be it further Enacted by the authority aforesaid,* That upon exhibiting or filing of any Information for the recovery of any penalty under the provisions of this Act, it shall be lawful for any one of the said Commissioners, upon affidavit first filed with the said Clerk by the person exhibiting such Information, that he is apprehensive the person against whom such Information shall be filed, will leave this Province without satisfying the said penalty, to issue a Warrant under his hand and seal, for the arrest and detention of such person, until he shall have given security for the payment of such penalty, in case he shall be convicted; and that such penalties, when such security shall not be required, may be recovered by distress and sale of the goods and chattels of any offender, and in default of such goods and chattels, it shall be law-

ful for the said Commissioners to commit the offender to the common gaol of the District where the offence shall be committed, for a period not longer than six months.

XXX. *And be it further Enacted by the authority aforesaid,* That if any Goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise, whether the duties have been paid for the same, or the same have been lawfully imported, or concerning the place from whence such goods are brought, then and in such cases, the proof thereof shall lie on the owner or claimant of such goods, and not on the officer or person who shall seize or stop such Goods.

Onus Probandi to lie on Claimant.

XXXI. *And be it further Enacted by the authority aforesaid,* That if the Importer or Owner of any Goods imported as aforesaid, shall refuse to pay the duties imposed thereon by law. it shall and may be lawful for the Collector, or his Deputy, where such goods shall be imported, and he is hereby required to take and secure the same, with the casks or other packages thereof, and to cause the same to be publickly sold within the space of twenty days after such refusal made, and at such times and places as such officer shall (having given at least four days public notice thereof,) appoint; which goods shall be sold to the highest bidder, and the money arising from such sale shall be applied to the payment of the legal duties, together with all charges occasioned by such sale, and the overplus, (if any,) shall be paid to such Importer or Owner, by the officer who may cause the same to be sold, on demand for that purpose made.

How if owner shall refuse to pay duties on goods imported.

XXXII. *And be it further Enacted by the authority aforesaid,* That all penalties and forfeitures declared by this Act, shall be re-

How penalties and forfeitures to be recovered.

covered, (except in cases herein-before provided,) in His Majesty's Court of King's Bench in this Province, as penalties and forfeitures are heard and determined in His Majesty's Court of Exchequer in England; and in all cases of forfeiture and condemnation of any goods, wares, or merchandize, vessel, boat, raft, or carriage, horse or horses, tackle or furniture, by virtue of this Act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be divided as follows:—One-half to His Majesty, and the other half to the person seizing the same; and in all cases of Penalties recovered before any Commissioners of Customs, as herein-before directed, after deducting the costs of prosecution, one-half to be paid to the Receiver General of this Province, and the other half to the person exhibiting such Information.

And disposed of.

Monies how to be accounted for.

XXXIII. *And be it further Enacted by the authority aforesaid,* That all monies directed by this Act to be paid to His Majesty, shall be accounted for, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Clerks to Commissioners to report quarterly to the Inspector General.

XXXIV. *And be it further Enacted by the authority aforesaid,* That each of the said Clerks shall report to the Inspector General of this Province, quarterly, within forty days next after the periods following:—That is to say, between the first day of January and last day of March, the first day of April and last day of June, the first day of July and last day of September, and the first day of October and the last day of December,—a full and correct statement of the proceedings of the Commissioners, of whom he is Clerk, comprising a Schedule of the articles condemned, the value thereof, the name of the claimant, (if any.) the names of the persons against whom Information shall be exhibited for penalties, the amount of the penalties recovered, and the person at whose instance such Information shall have been filed.

XXXV. *And be it further Enacted by the authority aforesaid,* That in case of the seizure of any Cattle, Horse, or Horses, or any perishable articles, it shall be lawful for the Collector, or Deputy, or person seizing the same, after legal appraisement thereof, to sell the same, in the same manner as if they had been condemned, and keep in his hands the proceeds of such sale, till the said Cattle, Horse or Horses, or perishable articles, shall be condemned, or ordered to be restored to the claimant; and that in case judgment shall be for the claimant, the Court before whom such matters shall be heard, shall order the Collector, or Deputy Collector, making such seizure, to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution.

Perishable articles, and also cattle, horses &c. seized may be sold before condemnation or trial.

XXXVI. *Provided always, And it is hereby further Enacted by the authority aforesaid,* That it shall and may be lawful for any Collector or Deputy Collector, and he is hereby required to deliver up to the claimant or claimants of any cattle, horse, or horses, or of any perishable article or articles, seized as aforesaid, upon such claimant or claimants; depositing in the hands of the Collector of the Port at which such seizure shall have been made, the sum of money at which such seizure shall have been appraised in manner herein-before enacted, at any time before the sale of such seizure, or upon giving security to the satisfaction of such Collector that the amount at which such seizure shall have been appraised shall be paid to His Majesty, His Heirs, or His Successors, to and for the public uses of this Province, within three months after judgment of condemnation shall have been had thereon.

Horses, cattle, or perishable article seized may be delivered to Claimant's on security before trial &c.

XXXVII. *And be it further Enacted by the authority aforesaid,* That the Collectors and Deputies of the said Ports shall cause to be affixed and kept in some public and conspicuous place in their

Collectors fees.

offices, a Table of the Fees to be taken and received by the said Collectors and Deputies; which Fees shall be as follows:—

For any Permit to unload any Vessel, Boat, or Batteau, under Five Tons Burthen,—One Shilling and Three-pence.

For any Permit to unload any Vessel, Boat, or Batteau of Five Tons, or upwards, and not exceeding Fifty Tons,—Two Shillings and Six-pence.

For any Permit to unload any Vessel, exceeding Fifty Tons,—Ten Shillings.

For any Permit to unload any Raft,—One Shilling and Three-pence.

For any Permit to unload any Cart, Sleigh, Waggon, or other carriage,—One Shilling and Three-pence.

For every Certificate of Goods, having paid Duty, with a Permit to remove the same,—Two Shillings and Six-pence.

For every Clearance, when required,—Five Shillings.

For every Bond for Payment of Duties,—Five Shillings.

No other or greater fee to be allowed.

XXXVIII. *And be it further Enacted by the authority aforesaid,* That no Collector, Deputy Collector, or Clerk, shall receive any other or greater fee than is set down for him in this Act for any business done by him under the Provisions thereof.

Clerks fees-

XXXIX. *And be it further Enacted by the authority aforesaid,* That the said Clerk shall be entitled to receive the following Fees:

For every Paper Filed,—Six-pence.

For every Judgment Recorded,—Five Shillings.

To be paid by the Collector, or person prosecuting; and when the said Judgment shall be for the Claimant, or Defendant, upon the

Certificate of the Commissioners of the existence of probable grounds for exhibiting an Information, the said Collector or Deputy shall be authorised to retain the amount expended in such prosecution out of any monies which may come into his hands as such Collector.

For every Copy of any Paper, per folio of seventy-two words, (to be paid by the person requiring, or for whose benefit the same shall be given,)—Six-pence.

For every Information by him drawn,—Five Shillings.

XL. And be it further Enacted by the authority aforesaid, That nothing in this Act contained, shall extend, or be construed to extend, to annul, or make void any existing Commission, issued under the authority of any law repealed by this Act, nor to affect any proceedings now pending under the provisions of any law repealed as aforesaid, but that the same shall proceed and be determined in the same manner as if this Act had never passed.

This Act not to affect any existing commission or proceedings.

XLI. Provided always, And be it further Enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to authorise any Collector to retain any Per Centage on Duties payable on any Goods, Wares, or Merchandize imported into this Province from the United States of America by or for any such Collector, either directly or indirectly.

Collectors not to retain per centage on duties paid on goods imported by or for themselves.

C H A P. XII

AN ACT to Compensate the Services of the Commissioners of Customs.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to Compensate the Services of the Commissioners of Customs, appointed under the Provisions of an Act passed in the present Session of Parliament, entitled, “An Act to Repeal an Act passed in the forty-first year of His Late Majesty’s Reign, entitled, ‘An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places;’” and also an Act passed in the forty-third year of His Late Majesty’s Reign, entitled, “An Act to Explain and Amend an Act passed in the forty-first year of His Majesty’s Reign, entitled; ‘An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America as are now paid on Goods and Merchandize imported from Great Britain, and other places;’” and to provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America into this Province, and also to establish a Fund for the Erection and Repairing of Light-Houses;” and to make more effectual provision for the due Collection of Duties on Goods imported into this Province:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same;—That it shall and may be lawful for the Collector of any Port of Entry in this Province to pay to the said Commissioners of Customs the sum of Ten Shillings each for every day which any such Commissioners shall actually attend at the place appointed for the discharge of the duties imposed upon them, pursuant to the provisions of the said recited Act.—*Provided always*, That a statement of such attendance shall be made upon, and certified, under oath, once in three months, by the Clerk of the the said Commissioners.

The Collector of any Port shall pay to the Commissioners of customs 10s. each per diem for every day they actually attend.

A statement of such attendance certified on oath shall be made every three months by the Clerk of said Commissioners.

II. And be it further Enacted by the authority aforesaid, That such statement shall be a sufficient voucher for the Inspector General of this Province, to credit the Collector paying the amount thereof, with the sum so paid in his quarterly account with the said Inspector General.

Such statement a sufficient voucher for Inspector General to credit the Collector in his quarterly account with the amount so paid.

C H A P. XIII.

AN ACT to Prohibit Banks from Carrying on Business in this Province, that do not return their Notes in Specie within the same.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is inexpedient that any Banks should be permitted to carry on Business in this Province that do not return their Notes in Specie within the same:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same.—

After 1st May 1824 no Bank, body politic or corporate, or persons on their behalf shall carry on business as Bankers, &c. which shall not redeem their notes at their Offices, in this Province, in the Current Coin thereof.

Nothing herein contained shall legalise any body which would have been illegal had this Act not passed.

That from and after the first day of May next, no Bank, Body Politic or Corporate, nor person or persons on behalf thereof, shall carry on the Business of Bankers, Goldsmiths, or Money-Brokers, which shall not redeem his or their Notes, Bills, and other Securities for Money, on demand, at his or their Office or Offices, Counting-Houses, or Places of doing Business, within this Province, in the current coin thereof.—*Provided always* That nothing herein before contained shall be construed to legalize any Body or Bodies

Corporate or Politic, or Body in the nature thereof, or any of their Acts, Matters, or Transactions of any kind or description whatsoever, which would have been illegal had this Act not been passed.

II. *And be it further Enacted by the authority aforesaid, That this Act shall be and continue in force for and during three years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.*

Continuance of this Act.

C H A P. XIV.

AN ACT to Repeal an Act passed in the Forty-Fourth Year of His Late Majesty's Reign, entitled, "An Act to Promulgate the Provincial Statutes, and also to Repeal so much of an Act passed in the Forty-First Year of the Reign of His Present Majesty as relates to Printing the Journals;" and to provide more adequate Remuneration for Printing Annually the Statutes of this Province.

[PASSED JAN. 19th, 1824.]

WHEREAS the sum of Eighty Pounds, allowed for the Annual Printing of the Laws of this Province by a certain Act of the Parliament thereof, passed in the forty-fourth year of His Late Majesty's Reign, entitled, "An Act to Promulgate the Provincial Statutes, and also to Repeal so much of an Act passed in the forty-first year of the Reign of His Present Majesty as relates to Printing the Journals," is inadequate, from the increase in the annual

PREAMBLE.

number of Laws, and of the copies thereof required to be Printed since the passing of the said Act :—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Late Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same ;—That from and after the passing of this Act, the fourth clause of the said Act, passed in the forty-fourth year of His Late Majesty's Reign, shall be, and the same is hereby repealed.

4th clause 44th Geo.
III. ch. 5th, repealed.

Persons employed to print the Laws of this Session may make out an account against the Government, which shall be paid and accounted for in the same manner as other accounts against Government.

The Printing of the Statutes hereafter provided for in the Contingent charges of Public Service.

II. And be it further Enacted by the authority aforesaid, That the person who shall be employed to Print the Laws of this Province, passed in the present Session of Parliament, may make out an account against the Government of this Province for the same, which account shall be paid, and the monies accounted for in the same manner as other accounts against the Government for similar services; and that after the present year, the expense of Printing annually the Statutes of this Province shall be provided for in the same manner as other contingent charges for the Public Service.

C H A P. XV.

AN ACT to Continue for a limited time an Act passed in the Second Year of His Majesty's Reign, entitled, "An Act to make Provision for the Improvement of the Internal Navigation of this Province, as amended by an Act passed in the Third Year of His Majesty's Reign, entitled, 'An Act to Amend and Extend the Provisions of an Act passed in the Second Year of His Majesty's Reign, entitled, 'An Act to make Provision for the Improvement of the Internal Navigation of this Province, (except so much thereof as is thereby repealed,) and to grant a further sum of money for such Improvement.'"

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

WHEREAS an Act of the Parliament of this Province was passed in the second year of His Majesty's Reign, entitled, "An Act to make Provision for the Improvement of the Internal Navigation of this Province," which Act was amended by an Act passed in the third year of His Majesty's Reign, entitled, "An Act to Amend and Extend the Provisions of an Act passed in the second year of His Majesty's Reign, entitled, 'An Act to make Provision for the Improvement of the Internal Navigation of this Province;'" AND WHEREAS it is expedient to continue for a limited time the said first-recited Act, as amended by the said second-recited Act, excepting as is herein-after provided for; and also to make further Provision for the Improvement of the Internal Navigation of this Province;

PREAMBLES

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, beseech Your Majesty that it may be enacted:—and

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province ;'" and by the authority of the same.—That the said first-recited Act, as amended, excepting so much thereof as relates to the sum of Two Thousand Pounds thereby granted for the purposes thereof, be, and the same is hereby continued.

2d Geo. IV. ch. 2d,
as amended by 3d Geo.
IV. ch. 1, continued.

£1000 in addition
granted for the purposes
of the 2d Geo. IV.
ch. 2d.

II. And be it further Enacted by the authority aforesaid, That there be granted to His Majesty the sum of One Thousand Pounds, to be appropriated, applied, paid, and accounted for, in such manner and form as is provided for in the said first-recited Act.

Continuance of this
Act.

III. And be it further Enacted by the authority aforesaid, That this Act shall continue and be in force for two years, and no longer.

Commissioners may
cause a survey of the
Isthmus between
Presque-Isle Harbour
and Bay of Quinty, and
Estimates of the sum
necessary.

IV. And be it further Enacted by the authority aforesaid, That the said Commissioners shall have power to cause a survey to be made by competent persons of the isthmus between the Presque Isle Harbour, in the Newcastle District, and the head of the Bay of Quinty, and estimates to be prepared of the sum necessary to connect the same by a Navigable Canal.

C H A P. XVI.

AN ACT to Amend and Extend the Provisions of an Act passed at the last Session of Parliament, entitled, "An Act to Provide for Constructing a Navigable Canal between Burlington Bay and Lake Ontario."

[PASSED JAN. 19th, 1824.]

WHEREAS an Act was passed at the last Session of this present PREAMBLE.
Parliament, entitled, "An Act to provide for making a Navigable
Canal between Burlington Bay and Lake Ontario," and providing
for a loan of Five Thousand Pounds, Province Currency, to carry
the same into effect, redeemable in sixteen years, by means of a
Toll to be thereon established:—AND WHEREAS it is found from
the experience of the past season, that the produce of the said Toll
will greatly exceed the sum estimated, and enable the Commission-
ers, to be appointed by virtue of the said Act, to construct the
same on a more extensive scale, and also to reduce the rate of Toll
established by the said Act:—

BE IT THEREFORE ENACTED by the King's Most Ex-
cellent Majesty, by and with the advice and consent of the Legis-
lative Council and Assembly of the Province of Upper Canada, con-
stituted and assembled by virtue of, and under the authority of an
Act passed in the Parliament of Great Britain, entitled, "An Act
to Repeal certain parts of an Act passed in the Fourteenth Year
of His Majesty's Reign, entitled, 'An Act for making more effec-
tual Provision for the Government of the Province of Quebec, in
North America, and to make further Provision for the Government

of the said Province,'” and by the authority of the same;—That for the purpose of making a Canal, on a more extensive scale, between Burlington Bay and Lake Ontario, than that proposed by the above-recited Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, so soon after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise, by loan, the further sum of Three Thousand Pounds, Province Currency, in addition to the sum of Five Thousand Pounds, authorised to be borrowed by the said Act, and to grant Debentures for the same, in the same manner, and on the same terms, regulations, and conditions, and to be redeemed in the same time as in the said Act is directed for the redemption of the said sum of Five Thousand Pounds, the said additional sum of Three Thousand Pounds, to be issued on the Warrant of the Governor, Lieutenant Governor, or person administering the Government of this Province, in favour of the Commissioners to be appointed by virtue of the first-recited Act, to be by them applied in causing the said Canal to be constructed upon a more extensive scale than is therein directed, at the discretion of the said Commissioners, and to be accounted for through the Lords Commissioners of His Majesty's Treasury, in the same manner as is directed by said Act.

Receiver General to raise a loan of £3000 in addition to the £5000 authorised by 4th Geo IV ch 8th, under the same regulations.

Governor to issue his Warrant in favour of the Commissioners to be appointed under said Act.

How applied,

And accounted for.

Such Commissioners to have power to lower the rate of toll.

Such abatement not to leave a less sum than will pay the interest of the sum borrowed, and redeem the principal within 15 years.

M. And be it further Enacted by the authority aforesaid, That the said Commissioners so to be appointed by virtue of the before-recited Act, shall have full power and authority to lower the rate of Toll to be taken for passing and repassing the said Canal, in such manner, and in such proportion as they shall think fit.—Provided nevertheless, That such abatement of Toll shall not leave a less sum than is requisite to discharge the annual interest on the sum borrowed, and a sum sufficient to redeem the principal in a

period not exceeding sixteen years after the same shall have been actually borrowed.

III. *And be it further Enacted by the authority aforesaid, That the Commissioners so to be appointed shall have full power and authority to make such rules and regulations as to them may seem meet, regulating the passing of vessels, boats, rafts, and craft, into and through the said Canal, and to alter and amend the same from time to time as they may deem proper; and also regulating the discharging of Ballast, as well within Burlington Bay as in Lake Ontario adjacent thereto; a copy of which Regulations the said Commissioners shall cause to be stuck up in not less than three public places adjacent to Burlington Bay; and should any person or persons, masters of vessels, or others, evade or infringe such Rules or Regulations, they, and each of them, shall, on conviction thereof upon the oath of one or more credible witness or witnesses, before one or more Justice or Justices of the Peace, pay a fine not exceeding the sum of Five Pounds for each offence, and in default of payment thereof, shall be confined in the common gaol of the District for the period of Twenty Days; unless said fine, and reasonable costs, to be fixed by the said Justice or Justices, thereon accruing, are sooner paid, the said fine so to be levied to be transmitted by the Justice or Justices imposing the same, to His Majesty's Receiver General of this Province once in every six months, to be by him applied to the general purposes of this Province, and accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty may be pleased to direct.*

Commissioners shall have full power to make regulations from time to time as they see fit.

Copy of such regulation, to be affixed in not less than three public places near Burlington Bay.

Persons infringing them (on the oath of witness) convicted before a Justice to pay a fine not exceeding £5.

Or, in default, to be imprisoned 20 days, unless the fine and costs be paid.

Such fines to be transmitted to the Receiver General every six months.

How applied.

And accounted for.

IV. *And be it further Enacted by the authority aforesaid, That if at any time after the passing of this Act, His Majesty's Government should think fit to aid in making the said Canal, upon a scale*

Should His Majesty's Government think proper to enlarge the Canal so as to admit vessels of war.

The Commissioners to cause the same to be enlarged in proportion to the sum provided to be contracted for, according to 4. Geo. 4th. C. 8th.

to admit vessels of war, it shall be the duty of the Commissioners to be appointed by virtue of the before-recited Act, to cause the same to be constructed on an enlarged scale, equal to the sum which may be so provided; the same to be contracted for in the same manner and conditions as is directed by the said Act.

No boat &c. belonging to His Majesty passing through Canal to pay toll.

V. *And be it further Enacted by the authority aforesaid, That nothing in this Act, or in the before-recited Act contained, shall extend, or be construed to extend, to authorise the levying any toll or dues upon any vessel, boat, or other craft, or property belonging to His Majesty, His Heirs or Successors, passing through or into the said Canal.*

9th Sec. 4th Geo. C. 3th as respects dimensions of proposed Canal repealed.

VI. *And be it further Enacted by the authority aforesaid, That so much of the ninth section of the said Act, passed in the fourth year of His Present Majesty's Reign as respects the dimensions of the proposed Canal, shall be, and the same is hereby repealed; and that the said proposed Canal shall not contain less than twelve feet depth of water, nor be less than seventy-two feet in width at the top.—Provided nevertheless, That the said Commissioners so to be appointed, shall not contract for any part of the said work, unless the whole is contracted for to be done on the scale herein mentioned for the said sum of Eight Thousand Pounds.*

Canal not to be less than 12 ft deep, and 72 wide at top.

Commissioners not to exceed the sum of £8,000.

C H A P. XVII.

AN ACT to Incorporate certain persons therein mentioned under the style and title of "The Welland Canal Company."

[PASSED JAN. 19th, 1824.]

WHEREAS George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, William Hamilton Merritt, and others, have petitioned to be incorporated for the purposes of this Act:—

PREAMBLE:

Petition of certain persons to be incorporated.

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:— That the said George Keefer, Thomas Merritt, George Adams, William Chisholm, Joseph Smith, Paul Shipman, John Decow, and William Hamilton Merritt, or either of them, together with all such persons as shall become Stockholders of the Company hereinafter mentioned, shall be, and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, and by

Incorporation of a Company to be called the Welland Canal Company.

the name of "The Welland Canal Company;" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also that they and their successors, by the same name of "The Welland Canal Company," shall be in Law capable of purchasing, having, and holding, to them and their successors, any estate, real, personal, or mixed, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient.

Directors of said Company empowered to survey the Country between River Welland and Lake Ontario, and said River & the Ouse.

To have and hold the line, &c. of two intended Canals with the necessary Locks, &c.

On convenient Sites to erect Mills, &c. as may be required, and to purchase the same for the use of the Company.

No person compelled by this Act to sell such site, &c.

II. *And be it further Enacted by the authority aforesaid, That the Directors of the Welland Canal Company shall have full power and authority to explore the country lying between the River Welland, in the District of Niagara, and Lake Ontario, and between the said River Welland and the Grand River, or Ouse, in the said District, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of two intended Canals, with their necessary locks, towing-paths, basons, and railways, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with the said Grand River, as near the mouth as practicable, and also to select such convenient scites for such and so many mills, manufactories, warehouses, and other erections as may be required by the said Company for the purposes thereof, and to purchase the same to and for the use of the said Company.—Provided always, That nothing herein-before contain-*

ed shall extend, or be construed to extend, to compel the owner or owners of any mill-seat to sell, convey, or otherwise depart with, the same to the said Company.—*Provided also*, That the owner or owners of any mill-seat or mill-seats using any additional supply of water brought thereto by the said Canal, shall pay a reasonable compensation therefor to the said Company, to be determined as herein-after provided for determining any damage done to property by the said Company.

The owner of Mills using any additional supply of Water by means of such Canal to pay a reasonable compensation.

III. *And be it further Enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered, from and after the passing of this Act, to supply the said Canal, whilst making and when made, with water from all such brooks, springs, streams, water-courses, hollows, or other repositories of water, as shall be found in making the said Canal, or within the distance of one thousand yards, (except as herein-before or herein-after mentioned,) from any part of the said Canal, or from any reservoir or reservoirs to be made for supplying the said Canal with water; and the said Company are hereby also authorised and empowered, by themselves and their deputies, agents, servants, and workmen, to make one or more reservoir or reservoirs, and such or so many feeders, tunnels, and aqueducts for supplying the said reservoirs and Canal with water, and conveying water from any such reservoir or reservoirs to the said Canal, as to them shall seem necessary and proper, (excepting as herein-after or above-mentioned;) and for the purposes aforesaid, the said Company, and their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of, or belonging to, the King's Majesty, his Heirs or Successors, or to any other person or persons, bodies politic or corporate, (excepting as is herein-before provided,) and to survey and

Company to supply the Canal with water from springs &c. found in making same within 1000 yards therefrom, (except as before and after mentioned.

Empowered to make one or more reservoirs and feeders & to supply Canal with water.

For this purpose may enter upon Lands of His Majesty or other persons, (except as provided for) and survey such parts as they think necessary for making Canal and reservoirs, &c.

take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal, and any such reservoir or reservoirs, feeders, tunnels, and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, and using in the said intended navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may be dug or got in the making of the said Canal, or in making of any reservoir or reservoirs, feeders or aqueducts, or out of any lands or grounds of any person or persons adjoining or laying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing, or repairing the said Canal, or other the said works, or which may hinder, prevent, or obstruct the making, using, completing or maintaining the same; and also to make, build, erect, and set up in and upon the said Canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, wears, pens for water, tanks, reservoirs, drains, wharves, quays, landing-places, and other works, ways, roads, and conveniences, as the said Company shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, repair, amend, widen or enlarge the same, or any other of the conveniences above-mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and from the said Canal, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of, and belonging to, the said navigation; and also place, lay, work, and manufacture the said materials on the grounds near to the place or places where the said works, or any of them, are, or shall be, intended to be made, erected, repaired, or done,

And such matters &c. as are necessary or making, &c. such Navigation.

May bore, dig, &c. carry away, and lay rubbish, soil, clay, stone &c. for making said Canal &c. on the grounds of persons adjoining.

May erect on said Canal, or lands adjoining, Bridges, Tunnels, &c.

May from time to time alter, repair, &c. if necessary.

May place, work, &c. materials on grounds adjoining.

and to build and construct the several locks, bridges, works, and erections belonging thereto; and also to make, maintain, repair, and alter any fences or passages over, under, or through the said Canal, or the reservoirs and tunnels, aqueducts, passages, gutters, water-courses and sluices respectively, which shall communicate therewith; and also to make, set up, and appoint drawing-boats, barges, vessels, or rafts, passing in, through, along, or upon the said Canals, as they, the said Company, shall think convenient; and to construct, erect, and keep in repair, any piers, arches, or other works, in, upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said Canal, and the towing-paths on the sides thereof; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal, in pursuance, and within the true meaning of this Act; they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction, in manner herein-after mentioned, for all damages to be sustained by the owner or occupiers of such lands, tenements, or hereditaments.—*Provided*, That nothing in this Act contained shall extend, or be construed to extend, to authorise the said Company to divert, or take away, for the use of the said Canal, the water of any stream or river, so as to injure any mills within the limits of the said intended Canal, without the consent of the owner or owners thereof.

May repair and alter fences.

May make and appoint boats, barges, &c. on said Canal.

May construct and keep in repair, piers, arches, &c. on any brook, river, &c. for making &c. said Canal and towing paths.

And other matters and things necessary & convenient for the purposes of this Act.

Doing as little damage as possible and making satisfaction as hereinafter mentioned.

Not to take away any water belonging to any mills, without the consent of owner, &c.

IV. *And be it further Enacted by the authority aforesaid*, That should the owner or owners, occupier or occupiers, of any mill-seats on the line of the said Canal, or within five hundred yards thereof, consider the same in any manner injured, or the value thereof in any way depreciated, from the erection of rival estab-

Should owners of mill-seats on the line of the Canal, or within 500 yds. thereof, consider the same injured or value diminished from rival establishments, or by means of the Canal, the Company required to

purchase the same at a fair valuation, to be ascertained by Arbitrators as hereinafter provided.

This not to compel any person to sell such mill-seat.

Company in making such Canal, may take as much water as they think necessary from Niagara, Grand, and Welland Rivers.

May erect a Pier at the mouth of the River Welland and other places.

And as many wharves, quays, &c. as may be necessary for transporting, &c.

No such erections to obstruct the navigation, &c.

Not to prejudice any establishment of the Royal Navy, or other public department, &c.

ishments, or from any other cause growing out of the cutting and making the said Canal, and for the compensation of which no provision is made in this Act, it shall and may be lawful for the said Company, and they are hereby required to purchase the same at a fair valuation, founded on an average of former years, to be ascertained by arbitrators, as herein-after provided, to ascertain the value of lands and tenements to be purchased, or the amount of damages in any case sustained.—*Provided always*, That nothing herein contained shall extend, or be construed to extend, to compel the said owner or owners, occupier or occupiers of any such mill-seats, to sell, convey, or otherwise dispose of the same to the said Company.

V. *And be it further Enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, in constructing and making the said Canal, from Lake Ontario to the River Welland, and from the said Grand River to the River Welland; to take and appropriate for the use of the said Canal as much water as they may find necessary from out of the Niagara River, the said Grand River, and River Welland; and it shall be lawful for the said Company to erect at the mouth of the River Welland a Pier, and at the points of departure of the said Canal from the said Grand River, and from the River Welland, and at the place of its termination at Lake Ontario, such and so many wharves, quays, piers, forebays, locks, and other erections, as may be necessary for the use of the said Company, and the purposes of transport on the said Canal.—*Provided always*, That no such erection, work, or device of the said Company, shall obstruct the navigation of the said River Welland, or the said Grand River, or in any manner prejudice any establishment, work, or depot of or for the use of the Royal Navy, or other department of the public service, now formed and

situate at or near the mouth of the Grand River, or River Welland, or upon the banks thereof, or be placed on any ground more than one hundred yards distant from such points of departure and termination, as aforesaid, and that the powers of obtaining any land for that purpose shall be governed by the provisions herein contained.

Power of obtaining land for such purposes governed by provisions herein contained.

VI. *And be it further Enacted by the authority aforesaid, That* after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said Canal, and other purposes and conveniences herein-before mentioned, it shall and may be lawful for all bodies, politic communities, corporations, aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femmes-coverts, or other person or persons, who are, or shall be, possessed of, or interested in, any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell, and convey unto the said Company all, or any part of, such lands or grounds which shall from time to time be set out and ascertained as aforesaid; and that all such contracts, agreements and sales, shall be valid and effectual in Law to all intents and purposes whatsoever, any law, statute, or usage to the contrary thereof in any wise notwithstanding; and the amount thereof shall be established in the manner herein-after mentioned, for the determination of the value of lands or other tenements to be purchased by the said Company, and of the amount of damages committed thereby.

After ground ascertained to be necessary for making the Canal, all bodies, corporations, trustees, &c. not only for themselves, heirs, &c. but also for those whom they represent, whether infants, &c. femmes-coverts, idiots, &c. interested in such land may sell the same and all such sales shall be valid. Amount to be ascertained as hereinafter mentioned.

VII. *And be it further Enacted by the authority aforesaid, That* the Directors of the said Company shall be, and the same are hereby empowered, to contract, compound, compromise, and agree, with the owners and occupiers of any land through or upon which

The directors may contract with the owners of land through which the Canal shall pass, for the absolute purchase of so much as they require.

they may determine to cut and construct the said intended Canal, with all necessary and convenient locks, towing-paths, rail-ways, and other erections and constructions contemplated by this Act, to be cut, erected, constructed, and built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she, or they shall and may be entitled to recover from the said Company in consequence of the said intended Canal, locks, towing-paths, rail-ways, and other constructions and erections being cut and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one indifferent person, and for the said Directors to nominate and appoint an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the said persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said intended Canal, to be appointed by the said Directors, within eight days after notice be given them by the said Directors for that purpose, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required

Or for damages occasioned by said Canal, &c.

In case of disagreement, each party to nominate Arbitrators, who, together with one chosen by Ballot by said Arbitrators the majority of whom shall award the sum to be paid by the company.

Arbitrators to attend within eight days after notice at a place appointed by the Directors, there to decide.

Arbitrators to be sworn by a Justice of the Peace to assess the damages well and truly.

to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment.—*Provided always*, That no arbitrator shall be compellable to attend any such meeting of the arbitrators aforesaid, who shall usually reside more than fifty miles from the place of meeting.

No Arbitrator compelled to attend if not residing within fifty miles of the place of meeting.

VIII. *And be it further Enacted by the authority aforesaid*, That any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case, a reference may be again made to arbitrators, as herein-before provided.

Such award may be set aside by the Court of K. B. the same as ordinary submission.

Reference again to Arbitrators.

IX. *Provided always, And be it further Enacted by the authority aforesaid*, That if any part of the said Canal shall pass through any tract of land in the possession of any tribe or tribes of Indians in this Province, or if any act occasioning damage to their property or their possessions shall be done under the authority of this Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the property, possessions, or rights of other individuals; and that in any arbitration required for settling the amount of such compensation, the chief officer of the Indian department within this Province is hereby authorised and required to name an arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any such case, shall be paid to the said chief officer of the Indian department to the use of the said Indians.

Property of the Indians to be ascertained the same as other individuals.

Arbitrator on their part to be named by the Chief Officer of their department, to whom the sum awarded shall be paid.

X. *And be it further Enacted by the authority aforesaid*, That when and so often as it shall be necessary to cut into any highway, in order to conduct the said Canal through the same, the said Company of Proprietors shall, within one month, cause to be con-

If it be necessary to cut into any highway, Company within one month shall build a bridge under the penalty of £5 per day.

structed a secure, sufficient, and commodious bridge, for the passing of carriages, in order to re-establish the communication between the several parts of such high-ways, under the penalty of Five Pounds currency for each and every day after the expiration of the said time which the said Company shall neglect to construct such secure, sufficient, and commodious bridge, as aforesaid.

Any proprietor of land may (at his own cost) erect bridges to connect his property, separated; but not to obstruct the navigation more than the other bridges.

XI. And as the division of lands may render the erection of new bridges over the said Canal necessary, *Be it further Enacted by the authority aforesaid,* That every proprietor of land who may chuse, at his own cost and charges, to erect any bridge to communicate with the several parts of his property, separated by the said Canal, may do so, provided such bridge do not present more obstacles to the navigation of the said Canal than the neighbouring bridges erected thereon.

Any person destroying any work erected by this Act, shall pay the damages and costs to be recovered by action, or committed to the gaol for a time not exceeding 3 months.

XII. *And be it further Enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break, throw down, damage, or destroy any bank, lock, gate, sluice, or any works, machine, or device to be erected or made, by virtue of this Act, or do any other wilful act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, or maintaining the said Canal, every such person or persons so offending, shall forfeit and pay to the said Company the value of the damage, proved by the oath of two or more credible witnesses, to have been done; such damages, together with costs of suit in that behalf incurred, to be recovered by action in any court of law in this Province, having jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time, not exceeding three months, at the discretion of the Court before which such offender shall be convicted.

XIII. *And be it further Enacted by the authority aforesaid,* That if any person shall float any timber upon the said Canal, or shall suffer the loading of any boat, or vessel, or raft navigating in or upon the said Canal, so as by such over-loading, to obstruct the passage of any other boat, vessel, or raft, and shall not immediately, upon due notice given to the owner, or person having the care of such boat, vessel, or raft, so obstructing the passage aforesaid, remove the same, so as to make a free passage for the other boats, vessels, or rafts, every such owner or person floating such timber, or having the care of such boat, vessel, or raft so obstructing the passage, as aforesaid, shall forfeit and pay for every such offence, the sum of Five Pounds currency; and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said Canal, every such person shall, for every such offence, forfeit a sum not exceeding Five Pounds currency; which said respective forfeitures shall be paid to the Company, to be by them applied for the purposes of the said navigation.

Every person obstructing the Canal with boat, timber, &c. and upon due notice not removing the same shall forfeit £5.

Persons throwing gravel, &c. in the Canal shall forfeit not more than £5.

Such forfeitures, how applied.

XIV. *And be it further Enacted by the authority aforesaid,* That if any boat, vessel, or raft shall be placed in any part of the said Canal so as to obstruct the navigation thereof, and the person having the care of such boat, vessel, or raft shall not immediately, upon the request of any of the servants of the said Company made for that purpose, remove the same, he shall, for every such offence, forfeit a penalty of Ten Shillings of lawful money of Upper-Canada for every hour such obstruction shall continue; and it shall be lawful for the agents or servants of the said Company to cause any such boat, vessel, or raft to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the loading thereof, or any part of such loading, until the charges occasioned by such unloading and removal are paid;

Persons placing any vessel, &c. so as to obstruct the navigation and not removing the same at request, shall pay 10s. for every hour.

Company may cause such boat, &c. to be unloaded and removed;

And may detain the same until all charges are paid.

If any boat, &c. is sunk in Canal, and the owner not drawing up the same, the Company, &c. may do it, and detain the same until all expenses are paid.

and if any boat or vessel shall be sunk in the said Canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time, weigh or draw up the same, it shall be lawful for the agents or servants of the said Company to cause such boat or vessel to be weighed or drawn up, and to obtain and keep the same until payment be made of all expenses necessarily occasioned thereby.

Owners of land adjoining may use pleasure boats, or boats for conveying cattle from one fence to the other, without the interruption of the Company, &c. without paying toll, (not passing through a lock without consent).

XV. *Provided always, And be it further Enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said Canal to use any pleasure-boats, or any boats upon the said Canal for the purpose of husbandry, or for conveying cattle from one farm, or part of a farm or lands, to any other farm or lands of the same owner or occupier, (not passing through any lock without the consent of the said Company, their successors, or their principal agent for the time being,) without interruption from the said Company, or their successors, and without paying any rate or duty for the same, so as the same be not made use of for the carriage of any goods, wares, or merchandize to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said intended Canal, or the towing-paths thereof.

But not for the carriage of goods, &c. to market, or for the purposes of gain; and not to obstruct the navigation.

If the weirs, flood-gates, &c. give way, Company or their servants, &c. may enter upon any land and dig and take stone, gravel &c. for the purpose of repairing the same, doing as little damage as possible, and making reparation within six months, as before mentioned.

XVI. And whereas it may hereafter happen, from floods or from some unexpected accident, that weirs, flood-gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands, or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt, to prevent further damages, *Be it therefore further Enacted by the authority aforesaid,* That when and so often as any such case may happen, it shall be lawful for the said Company from time to time, or for

their, or any of their, servants, agents, or workmen, without any delay or interruption from any person or persons whomsoever, to enter into any lands, grounds, or hereditaments adjoining or near to the said intended Canal, or branches, reservoirs, or trenches, or any of them, (not being an orchard, garden, or yard,) and to dig for, work, get, and carry away and use all such stones, gravel, and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons, interested in such lands, grounds, or hereditaments, or any of them, doing as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in, such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall have been demanded, for all damages which shall or may be done by means of such accident, and means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them; which damages, and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained, and determined by the ways and means herein-before described with respect to other damage done by the making and completing the said navigation.

XVII. *And be it further Enacted by the authority aforesaid,* That the said Company shall and may, in such parts of the said Canal as shall not be of sufficient breadth for admitting a boat, vessel, or raft to turn about, or ly, or for two boats, or other vessels or rafts to pass each other, to open or cut proper spaces or places in the lands adjoining to the said Canal, at convenient distances from each other, for the turning, lying, and passing of any such boat, vessel, or raft, and that the said boats, vessels, and rafts, being hauled or navigated upon the said Canal, shall, upon meeting any other boat

Directors &c. may cut spaces for boats to turn and lie in, in adjoining lands.

Boats meeting shall go back and lie in such spaces as the

majority of directors
under their hands shall
direct.

or vessel, stop at, or go back to, and ly in the said places or spaces, in such manner as the said Directors, or the major part of them, under their hands shall direct and appoint.

President, &c. may
regulate the toll.

XVIII. *And be it further Enacted by the authority aforesaid,* That it shall and may be lawful for the President and Directors of the said Company to regulate from time to time, and establish the rates of Toll payable by persons navigating upon the said Canal; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the Tolls collected upon the said Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares and merchandize transported in and along the same.—*Provided always,* That if at any time after the expiration of five years from the time of the commencement of the navigation upon any part of the said Canal, the Legislature shall deem the Tolls levied thereon excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than twenty per cent. on the capital actually expended in making the said Canal.

Shall if required
exhibit to the Legi-
lature the amount col-
lected and expended.

And of goods &c.
transported.

After five years from
commencement of
navigation, the Legis-
lature if they deem the
tolls too high, may
reduce them at a rate
not less than 20 per
cent on capital ex-
pended.

Such Canal from L.
Ontario to the River
Welland, (as survey
by Mr. H. Tibbet) to
be completed in five
years.

XIX. *And be it further Enacted by the authority aforesaid,* That the said Company, to entitle themselves to the benefit and advantages to them granted by this Act, shall, and they are hereby required, to make and complete the said Canal, railway, towing-paths, and other erections required for the navigation thereof, (as laid down in the Report of Mr. Hiram Tibbet, engineer,) from Lake Ontario to the River Welland, within five years from the date hereof, and from the River Welland to the said Grand River, within seven years from the date hereof, so as to be navigable for boats, barges, and rafts, otherwise this Act, and every matter and thing herein contained, shall cease, and be utterly null and void.—*Pro-*

And from Welland
to Grand River in se-
ven years.

So as to be naviga-
ble for Boats under
forfeiture of charter.

vided nevertheless, That the said Company shall be entitled to all the advantages of this Act, in as much as relates to the cut to the River Welland, in case they complete and finish that part of it within the time limited by this Act.

If the cut to the River Welland is finished in five years, they shall be entitled to the privileges of this Act as far as relates to the same.

XX. *And be it further Enacted by the authority aforesaid,* That the said Company shall, at their first general meeting held after any part of the Canal shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act; and that it shall and may be lawful for the Directors of the said Company to alter the the said rates at any subsequent meeting, after giving three months public notice of the same, and that a schedule of rates shall be affixed on the different public places on the route of the said Canal.

After any part of the Canal is finished, the Company at a general meeting to fix the rate of toll.

Directors may alter the same after three months notice.

Schedule to be affixed in public places,

XXI. *And for preventing disputes touching the damage of any boat, barge, or other vessel navigating upon the said Canal, Be it further Enacted by the authority aforesaid,* That the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or vessel to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of Forty Shillings currency; and it shall be lawful for the said Company, or their Toll-gatherer, or such person or persons as shall be appointed by them for that purpose, and such owner or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel, which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues; and if such owner or master shall refuse or decline to choose a person in his behalf, as aforesaid, then the person appointed by the said Company, or their Toll-gatherer, shall have alone the power of ascertaining such tonnage.

Persons refusing to have their boats measured shall forfeit 40s.

Company or their toll gatherer and owner of Boats shall choose a person to ascertain the measurement of the same, whose decision shall be evidence of the tonnage in all questions about the toll.

If the owner shall refuse to choose, the person chosen by the company shall ascertain it.

Persons allowed to use with horses the private road for the purposes of transportation;

And to navigate the Canal with boats, and use the quays.

And towing-paths at a rate to be established by the Company.

Said dues to be paid to persons, and at places which the Directors shall appoint.

May sue for the same if refused:

Or detain such vessel, &c. until payment thereof.

Stock of said Company not to exceed £40,000.

XXII. *And be it further Enacted by the authority aforesaid, That all persons whatsoever shall have free liberty to use, with horses, cattle, and carriages, the private roads and ways to be made as aforesaid, (except the towing-paths,) for the purpose of conveying any goods, wares, merchandize, timber, and commodities whatsoever, to and from the said Canal, and also to navigate on the said Canal with any boats, barges, vessels, or rafts, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber, and commodities, and also to use the said towing-paths, with horses for drawing and hauling such boats and vessels, upon payment of such rates or dues as shall be established by the said Company.*

XXIII. *And be it further Enacted by the authority aforesaid, That the said several dues shall be paid to such person or persons, at such place or places near to the said Canal, in such manner, and under such regulations, as the said Directors shall direct or appoint; and in case of denial, or neglect of payment of any such rates or dues, or any part thereof, on demand to the person or persons appointed to receive the same, as aforesaid, the said Company may sue for and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such boat, vessel, barge, or raft, for, or in respect whereof, such rates or dues ought to be paid, and detain the same until payment thereof.*

XXIV. *And be it further Enacted by the authority aforesaid, That the whole amount of the stock, estate and property which the said Company shall be authorised to hold, including the capital stock or shares herein-after mentioned, shall never exceed in value Forty Thousand Pounds.*

XXV. *And be it further Enacted by the authority aforesaid,* That each share in the said Company shall be Twelve Pounds Ten Shillings Provincial Currency and the number of shares shall not exceed Three Thousand and that Books of Subscription shall be opened in the several Assize Towns in this Province, within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners assembled at a meeting to be called by any one of them in the town of Niagara for that purpose, shall direct.

Each share to be £12 10s.

Number of shares not to exceed 3,000.

Books of subscription within 2 months shall be opened in all the assize towns, by such persons, & under such regulations as the majority of petitioners to meet at Niagara shall direct.

XXVI. *And be it further Enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's subjects, or others, to subscribe for any number of shares, (not exceeding, in the first instance, eighty,) the amount whereof shall be due and payable to the said Company in the manner herein-after mentioned, that is to say, ten per cent. on each share so subscribed, shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors herein-after mentioned, and the remainder by instalments of not more than ten per cent. at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof.—*Provided,* That no instalment shall be called for in less than thirty days after public notice shall have been given in all the newspapers in every District of this Province where any stock shall have been subscribed.—*Provided always,* That if any Stockholder or Stockholders, as aforesaid, shall neglect or refuse to pay to the said Company the instalment due on any share or shares held by him, her, or them, at the time required by law, such Stockholder or Stockholders shall forfeit such share, as aforesaid, with the amount previously paid thereon; and the share or shares shall be sold by the Directors at public auction, after having given thir-

Persons taking any number of shares (not more than 50 in first instance,) shall pay 10 per cent on each share immediately after election of directors.

The remainder by instalments of not less than 10 per cent. as the Directors shall appoint.

Thirty days notice to be given in all the Newspapers in District where stock is subscribed.

Stockholders refusing to pay the instalment shall forfeit their shares, & the amount previously paid thereon. Directors may sell the same at auction, and may apply the proceeds, with the amount previously paid for the use of the Company.

The purchasers shall pay the instalment required, besides the purchase money, immediately, and before certificate of transfer.

ty days notice, and the proceeds thereof, together with the amount previously paid thereon, shall be accounted for and applied in like manner as any other funds of the said Company.—*Provided always*, That such purchaser or purchasers shall pay to the said Company the amount of the instalment required, over and above the purchase-money of the share or shares to be purchased by him, her, or them, as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such share or shares so to be purchased, as aforesaid.

If the whole number of shares shall not be subscribed within two months after opening the books, any person may increase his subscription.

XXVII. *And be it further Enacted by the authority aforesaid*, That if the whole number of shares shall not be subscribed within two months after the books of subscription shall have been opened, as aforesaid, then and in such case, it shall and may be lawful for any former subscriber to increase his, her, or their subscription; and that after the first instalment shall have been paid to the said Company, the said shares shall become transferable on the books of the said Company.—*Provided always*, That until the said Canal shall be completed from the River Welland to Lake Ontario, no part of the funds paid in shall be applied to any other purpose whatsoever, and after the same is completed, not more than Five Thousand Pounds shall be expended in the erection of machinery, until the cut to the said Grand River is completed; and the said Company shall proceed to the completion of the whole with as little delay as possible.

After first instalment, shares transferable.

Until the Canal is complete from River Welland to Lake Ontario, no money to be expended for any other purpose.

Not more than five thousand pounds shall be expended in erecting machinery, until the whole Canal is finished.

After £5000 subscribed, subscribers may call a meeting to elect directors.

XXVIII. *And be it further Enacted by the authority aforesaid*, That so soon as Five Thousand Pounds shall have been subscribed, it shall and may be lawful for such subscribers, or any of them, to call a meeting at some place to be named, (in the Town of Niagara,) for the purpose of proceeding to the election of the number of

Directors herein-after mentioned ; and such election shall then and there be made by a majority of shares, voted for in manner herein-after prescribed, in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in April succeeding their election ; and the Directors so chosen shall, as soon as a deposit amounting to Five Hundred Pounds, upon the shares subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Company.—*Provided always*, That no such meeting of the said subscribers shall take place until a notice is published in all the Newspapers in this Province, at the distance of not less than thirty days from the time of such notification.

Directors shall be elected by the majority of shares voted for.

Directors so elected shall serve until the first Monday in April, succeeding such election.

Directors so soon as they receive £500 to commence operations.

No meeting of the subscribers until at least thirty days notice in all the newspapers.

XXIX. *And be it further Enacted by the authority aforesaid*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by Five Directors, one of whom shall be chosen President, who shall hold their offices for one year, which Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected on the first Monday in April in every year, at such time of the day, and at such place, near the line of the said intended Canal, as a majority of the Directors for the time being shall appoint ; and public notice shall be given by the said Directors in the different newspapers printed within this Province, of such time and place, not more than sixty, nor less than thirty days previous to the time of holding the said election ; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons, or by proxy ; and all elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors, except as is herein-after directed ; and if it should happen at any election that

The affairs of the company to be managed by five Directors of whom one shall be President.

Such Directors, &c. how chosen and elected.

two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall, by plurality of votes, appear to be chosen as Directors, then the said Stockholders, herein-before authorised to hold such election, shall proceed by ballot a second time, and by plurality of votes, determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of five; and the said Directors, so soon as may be after the said election, shall proceed, in like manner, to elect by ballot one of their number to be President, and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than three of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of such person or persons, above the said number, and who shall have the fewest votes, shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last-described person or persons, who are hereby declared ineligible, as aforesaid; and the President for the time being shall always be eligible to the office of Director, but Stockholders not residing within the Province shall be ineligible; and if any Director shall absent himself from this Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, or if the office of President, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.—*Provided always, That no person shall be*

The Directors by ballot to elect a President.

Two Directors shall be ineligible the next year.

If more than 3 elected, the election of those having fewest votes to be void.

The President for the time being, shall always be eligible to the office of Director.

If any Director shall absent himself for 6 months from the Province, his Office shall be void.

Such vacancies how filled up.

A Director must be a Stockholder of at least 10 shares.

eligible to be a Director who shall not be a Stockholder to the amount of at least ten shares.

A Director must be a stockholder of at least 10 shares.

XXX. *And be it further Enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, (except at the first election,) according to the following rates, that is to say, at the rate of one vote for each share, not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

Stockholders to have votes according to the number of shares.

XXXI. *And be it further Enacted by the authority aforesaid,* That in case it should at any time happen that an election of Directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful, on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

If Directors not elected on the proper day, charter not void.

But may elect the same on any other day, according to their bye laws.

XXXII. *And be it further Enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Company as to them, or to the majority of them, shall appear advisable; and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeable to the ratios herein-before established, at a general meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts which shall have remained unpaid after the expiration of the

Dividend to be made half-yearly, by the Directors if they think it advisable.

If required by the stockholders a general statement to be given once in 3 years, or oftener.

original credit, for a period of treble the term of that credit, and of the surplus profits, if any, after deducting losses, dividends, and expenditures.

Directors for the time being may make such laws as they think necessary.

XXXIII. *And be it further Enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching the duty and conduct of the officers, clerks, and servants employed by the said Company, and all such other matters as appertain to the business of the said Company, and shall also have power to appoint as many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet.—*Provided,* That such rules and regulations be not repugnant to the laws of this Province.

And appoint officers, clerks, &c. with proper salaries.

No bye law to be contrary to the laws of this Province.

Treasurer, with two securities to give bond.

XXXIV. *And be it further Enacted by the authority aforesaid,* That every Treasurer, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

The penalties for infringing such bye laws, upon proof before two Justices of the Niagara District shall be levied by distress, by warrant of the Justices.

XXXV. *And be it further Enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any rule, order, or bye-law of the said Company, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is herein-before directed, shall, upon proof of the offences respectively before any two Justices of the Peace for the District of Niagara, either by confession of the party or parties, or by the oath of one credible witness, (which oath such Justices are

hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the goods and chattels of the parties offending; by warrant under the hand and seal of such Justices, (which warrant such Justices are hereby empowered to grant,) and the overplus, after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand to the owner or owners of such goods and chattels; and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common gaol of the District of Niagara, there to remain without bail or mainprise, for such time as such Justices may direct, not exceeding twenty days, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; all which said penalties and forfeitures, when levied and satisfied in manner aforesaid, shall be paid to the said Company, to be by them applied for the purposes of the said navigation.

If no distress, the party refusing to pay the penalty and costs shall be committed to the gaol of the Niagara District for a time not exceeding 20 days.

Such penalties, how applied.

XXXVI. *And be it further Enacted by the authority aforesaid,* That the land and ground to be taken and used for the said Canal, the towing-paths, and the ditches, drains, and fences to separate any such towing-paths from the adjoining lands, shall not exceed forty yards in breadth, except in such places where the said Canal shall be raised higher, or cut above five feet deeper, than the present surface of the land; and in such places where it shall be judged necessary for boats, and other vessels and rafts, to turn, ly, or pass each other, not more than sixty-five yards in breadth in any of those places, without the consent of the owner or owners of such land or ground respectively, under his, her, or their hand or seal, in writing, first had and obtained; nor shall any land or ground be let out, ascertained, contracted for, or sold, for the purpose of ma-

The Canal not to exceed 40 yards in breadth, including ditches, drains, &c.

Except where boats are to lie and pass each other,

Without the consent of the owners of the land adjoining.

king any navigable cut, trench, or sluice, to convey goods or other things to or from the said Canal, without such consent, as aforesaid, any thing in this Act contained to the contrary notwithstanding.

At the expiration of 30 years His Majesty may assume the property of the Canal, by paying to the company, their heirs, &c. the full amount of their shares, and an advance of 25 per cent.

XXXVII. *And be it further Enacted by the authority aforesaid,* That after a period of thirty years after the making and completing of the said Canal, it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereon belonging, or in any wise appertaining, upon paying to the said Company, their heirs, executors, administrators, and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing of the said Canal, together with such further sum as will amount to twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such Company; and the said Canal shall, from the time of such assumption, in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place or stead of the said Company, their heirs and assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

And shall belong to His Majesty in the stead of the company, for all the purposes of this Act.

All actions brought for any thing done in pursuance of this Act, must be brought in 6 months.

XXXVIII. *And be it further Enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons for any thing done, or to be done, in pursuance of this Act, or in execution of the powers and authorities, or the orders and directions herein-before given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease, and not afterwards;

and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act, and the special matter in evidence, at any trial to be had thereon, and that the same was done in pursuance, and by the authority of this Act; and if it shall appear to be so done, or if any action or suit shall be brought after the time herein-before limited for bringing the same, then a verdict shall be given for the defendant.

Defendants may plead the general issue and give the special matter in evidence.

If brought after the expiration of 6 months a verdict for defendant.

XXXIX. *And be it further Enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever the Right of His Majesty, His Heirs and Successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided.

Nothing in this Act contained shall affect the right of His Majesty, or any other person, except as herein provided.

XL. *And be it further Enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

This Act a Public Act.

C H A P. XVIII.

AN ACT to Repeal part of, Continue, and Amend the Laws now in force imposing a Duty on Licences to Innkeepers within this Province.

[PASSED JAN. 19th, 1824.]

WHEREAS an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled "An Act to Alter the Laws now in force for Granting Licences to Innkeepers, and to give to the Justices of the

PREAMBLE.

Peace, in General Quarter Sessions assembled, for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences;” and to continue for a limited time by an Act passed in the second year of His Present Majesty’s Reign, entitled, “An Act to Continue for a limited time a certain Act of the Parliament of this Province, passed in the fifty-ninth year of His Late Majesty’s Reign, entitled, ‘An Act to Alter the Laws now in force for granting Licences to Innkeepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled, for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences,’” will shortly expire; and whereas it is expedient to continue the same, except such parts thereof as are hereby repealed, and further to Amend the said Act,—

BE IT THEREFORE ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, “An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,’” and by the authority of the same:—

That from and after the first day of March next, so much of the second clause of the said Act, passed in the fifty-ninth year of His Late Majesty’s Reign as relates to the adjournment of the General Quarter Sessions to the last Monday in December, and the third clause of the said Act, shall be, and the same are hereby repealed; and that the Magistrates in General Quarter Sessions assembled in in each and every District in this Province, at their meeting next preceding the fifth day of January, shall have power and authority

After 1st March, 1824. 2d clause 59th Geo. III. ch. 2, as relates to the adjournment of General Qtr. Sessions to last Monday in December.

And 3d clause repealed.

Justices in Sessions, at the preceding meeting may adjourn until 5th January, or to the Monday after if 5th January be on Sunday

to adjourn the General Quarter Sessions to the fifth day of January in each and every year, or if the same shall be on a Sunday, then to the Monday following; for the purpose of receiving applications and granting approvals to Innkeepers, and for other purposes specified in the said Act.

for the purposes of granting licences to Innkeepers.

II. *And, be it further Enacted by the authority aforesaid, That the said first-recited Act, except such parts thereof as are hereby repealed, shall continue and be in force for four years, and from thence to the end of the then next ensuing Session of Parliament.*

Continuance of 69th Geo. III. ch. 23.



C H A P. XIX.

AN ACT to Continue and Amend an Act passed in the fifty-eighth year of His Late Majesty's Reign, entitled, "An Act to Continue the Laws now in force for granting an additional Duty on Shop-Licences," and to require Persons selling Spirituous Liquors by Whole Sale to take out a Licence for that purpose.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

WHEREAS an Act passed in the fifty-eighth year of His Late Majesty's Reign, entitled, "An Act to Continue the Laws now in force for granting an Additional Duty on Shop Licences," will shortly expire; and whereas it is expedient to continue and amend the said Act,—

PREAMBLE.

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Late Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same;—That the said recited Act shall continue and be in force for and during the continuance of this Act.

After 1st June, 1824, and 5th January in every other year, every shopkeeper, &c. selling spirituous liquors, by whole-sale, and not having taken out a licence to retail, shall take out a licence and pay £5. for the same.

II. *And be it further Enacted by the authority aforesaid, That from and after the first day of June next, and from and after the fifth day of January in each and every ensuing year, there shall be taken out a Licence by every Merchant, Shopkeeper, Trader, or Dealer, who may sell or vend any Wines, Brandy, or other spirituous liquors by whole-sale, that is to say, Three Gallons, or upwards, and who has not taken out any 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.*

Wholesale licences to be issued the same as the retail.

III. *And be it further Enacted by the authority aforesaid, That the Licences to whole-sale dealers, as aforesaid, shall be issued in the like manner as Licences are by law directed to be issued to retail dealers in wines, brandy, and other spirituous liquors.*

Wholesale persons selling without licence after 1st June, liable to the same penalties as persons selling by retail.

IV. *And be it further Enacted by the authority aforesaid, That any person or persons who shall sell or vend any wines, brandy, or other spirituous liquors by whole-sale, after the first day of June*

next, without having first obtained a Licence so to do, as hereinbefore enacted, shall be subject to the like penalties as by law are imposed on any person or persons selling wines, brandy, or other spirituous liquors by retail, without a Licence authorising such person or persons so to do; which penalties shall be levied, collected, and appropriated in the same manner as other penalties are by the provisions of this Law ordered to be levied, collected, and appropriated.

Such penalties how levied and accounted for.

V. And whereas doubts have been entertained whether, under the existing Laws, any individual taking out a Shop Licence can, under the authority of such a Licence, sell spirituous liquors, by retail, in more than one shop within the District, *Be it therefore further Enacted and declared by the authority aforesaid, That no Shop Licence to be hereafter taken out shall be considered to authorise the person taking out the same to retail spirituous liquors in more than one shop or place, any thing in any former Law to the contrary thereof notwithstanding; and that in every application for a Shop Licence, after the passing of this Act, the premises or shop to which such Licence is meant to extend, shall be particularly specified, and the same shall also be inserted in the Licence to be issued thereupon.*

Persons taking out licences to retail the same, shall not sell in more than one shop.

The shop to which such licence shall extend, shall be particularly described therein.

VI. *And be it further Enacted by the authority aforesaid, That if it shall appear, upon any prosecution for selling liquor by retail, without Licence, that the shop which shall have been mentioned in any Licence shall have been removed; and the business wholly transferred to any other place within the District, such shop being the same in respect of which the complaint shall have been instituted, shall and may be considered as Licenced, notwithstanding the provision herein-before contained.*

If the shop be removed & the business wholly transferred, the same shall be considered as licenced.

VII. *And be it further Enacted by the authority aforesaid, That*

The provisions of this Act not to extend

to prohibit persons
selling liquor distilled
from grain raised on
their own farms.

Or Distilleries.

nothing in this Act contained shall extend, or be construed to extend, to prohibit any person or persons from exposing to sale, and vending by whole-sale, such liquors as they obtain from the distillation of grain raised upon their own farms, or to prohibit any person who shall have taken out, or who may hereafter take out, a Licence for the distillation of spirituous liquors, from selling such liquors by whole-sale in his distillery, only as he shall have distilled without taking out the licence required by this Act.

Money raised under
this Act to be paid to
the Receiver General.

How accounted
for.

VIII. *And be it further Enacted by the authority aforesaid, That* the money to be raised and collected under this Act shall be paid unto His Majesty's Receiver General of this Province for the time being, to and for the use of His Majesty, His Heirs and Successors, and to and for the uses of this Province, to be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall direct.

Continuance of this
Act.

IX. *And be it further Enacted by the authority aforesaid, That* this Act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

C H A P. XX.

AN ACT to Alter the Times of holding the Terms of Hilary and Michaelmas.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to enact as is herein-after enacted,—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled; 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That from and after the end of the next ensuing term of Hilary,—Hilary Term shall begin on the first Monday in the month of January, and end on the Saturday of the week ensuing; and that Michaelmas Term shall begin on the first Monday after the twenty-fifth day of October, and end on Saturday of the week ensuing.

Hilary Term to commence first Monday in Jan.

Michaelmas Term first Monday after 25th Oct.

II. And be it further Enacted by the authority aforesaid, That so much of 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 in this Province," as relates to the beginning and duration of the said Terms of Hilary and Michaelmas, be, and the same is hereby Repealed.

2d. Clause 2d. Geo. 4th Chap. 1st. as relates to Hilary & Michaelmas Terms repealed.

C H A P. XXI.

AN ACT to Repeal part of an Act passed in the last Session of Parliament, entitled, "An Act vesting in the hands of certain Commissioners therein named, all the Stock, Debts, Bonds, and Property of the Pretended Bank of Upper-Canada, lately established at Kingston, for the benefit of the Creditors of that Institution, and to make further Provision for Settling the Affairs of the said Pretended Bank.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to Repeal part of an Act passed in the last Session of Parliament, entitled, "An Act vesting in the Hands of certain Commissioners therein named all the Stock, Debts, Bonds, and Property of the pretended Bank of Upper-Canada, lately established at Kingston, for the benefit of the Creditors of that Institution," and to make further Provision for settling the Affairs of the said pretended Bank :—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,' " and by the authority of the same :—That

so much of the last clause of the said recited Act as restrains the persons therein named from selling, conveying, or transferring their personal estate, be, and the same is hereby repealed.

10th clause and 22d 4th Geo IV. so far as relates to prevent certain persons from selling personal estate repealed.

II. *And be it further Enacted by the authority aforesaid, That* from and after the passing of this Act, it shall and may be lawful for the Board for settling the affairs of the pretended Bank of Upper-Canada, lately established at Kingston, in this Province, and they are hereby required to receive of and from any person or persons indebted to the said pretended Bank, or to any person or persons in trust for the said Bank, in payment of the debts due thereto, any Notes or Bills of the said Bank, or other security for money given thereby, or any Certificates which may have been, or shall hereafter be, issued by the said Board, of the amount found due by the said Bank to the holder or holders thereof.—*Provided always, That the said Board shall not receive such Bills or Notes as aforesaid, nor grant any Certificates therefor, as aforesaid, after the expiration of nine callendar months from the passing of this Act.*

The Board for settling the affairs of the Bank of U. C. may receive in payment for debts due the said institution, any notes of the bank or certificates of the board.

Time limited for receiving the same and granting certificates.

III. *And be it further Enacted by the authority aforesaid, That* the said Board shall, at the end of nine months, and after the expiration of that period, at the end of every succeeding six months, make and declare a dividend and dividends at each time respectively, of all monies paid to them, as Commissioners for settling the affairs of the pretended Bank of Upper-Canada, applying the same in equal proportion to the payment of each Certificate issued as aforesaid, excepting such Certificates as may be held by any of the late Directors or Officers of the late pretended Bank; which sum, so appropriated and paid, shall be endorsed on the back of such Certificate at the time of payment by the person receiving the same, or by the Clerk of the said Board.

At the end of nine months from this date, and every six months after, dividends shall be made.

Exception as to Directors and Officers.

Dividend to be endorsed on certificate.

Board may bring action for money had and received, against makers and indorsers of notes, &c.

And give the same in evidence.

Board may burn Bill redeemed, in the presence of one or more Directors.

Account to be entered in a book and signed by the Director & Clerk of the Board, good evidence of the number burned.

IV. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said Board to bring any action, or actions, for money had and received to the use of the said Board, against any person or persons who are makers, indorsers, or acceptors of any Bill of Exchange or Promissory Note due to the said pretended Bank, or who are indebted to the said Bank in any other manner by simple contract, and to give the said Bill or Bills of Exchange, or Promissory Note or Notes, or other matters, as evidence thereof, whether the same shall have been made payable at the said pretended Bank or not, and whether the same shall have been presented there for payment or not.*

V. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said Board, from time to time at their discretion, to burn and destroy the Bills or Notes, aforesaid, by them redeemed, in the presence of one or more of the Directors named in the said recited Act, having first taken an account of the said Notes so to be burned and destroyed, which account, entered in the books of the Board, and signed by the Director or Directors present, as well as the Clerk of the Board, shall be good and sufficient evidence of the destruction of the Notes so burned and destroyed.*

C H A P. XXII.

AN ACT to Sanction and Make Valid an Agreement made at Montreal on the fifth day of August, 1823, by the Arbitrators appointed for Upper and Lower Canada, under the authority of an Act of the Parliament of Great Britain, passed in the third year of His Majesty's Reign, entitled, "An Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," for obtaining a Survey of the River Saint Lawrence, and for the Appointment of Commissioners for that purpose.

[PASSED JAN. 19th, 1824.]

WHEREAS by the thirtieth clause of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the third year of His Majesty's Reign, entitled, "An Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," it is, among other things, enacted, that the expense of Improving the Navigation of the waters of the River Saint Lawrence shall in future be defrayed by such measures, and in such proportions, as the Arbitrators to be appointed under the provisions of the said Act shall determine, upon the prayer of either Province.—*Provided always*, That no such determination shall be carried into effect until sanctioned and enacted by the Legislature of both of the said Provinces.—**AND WHEREAS** an Address was presented by the House of Assembly of this Province at the last Session of the Provincial Parliament, praying His Excellency the Lieutenant Governor to direct the attention of the Arbitrators appointed under the authority of the said recited Act, on behalf of this Province, to the subject of the im-

PREAMBLE.

provement of the waters of the River Saint Lawrence, by providing for the Survey thereof by an Engineer properly qualified for that purpose.—And whereas, in conformity to such request, the Arbitrators having taken the subject into consideration, did, by a public instrument under their hands and seals, agree as follows:—

Determination of the Arbitrators for the Provinces of Lower and Upper-Canada, appointed under the authority of the Act of 3d GEO. IV. Chap. 119. respecting the Improvement of the Navigation of the River Saint Lawrence.

Agreement of the Arbitrators of the two Provinces relative to the survey of the River St. Lawrence.

WE, the under-signed Arbitrators, appointed under the provisions of an Act of the Imperial Parliament, 3d GEO. IV. Chap. 119, in pursuance of the Thirtieth Section of the said Act, have had under our consideration a letter from Andrew William Cochran, Esquire, Secretary to His Excellency the Governor in Chief administering the Government of the Province of Lower Canada, dated 22d July, 1823, enclosing certain Reports relating to the Navigation of the River Saint Lawrence, together with an Address from the House of Assembly of Upper-Canada to His Excellency the Lieutenant Governor of that Province, praying that a Survey may be taken, with a view of ascertaining what Improvement may be made in the Navigation of the waters of the River Saint Lawrence, and that the amount of certain duties heretofore levied in Lower Canada, under an Act of the Legislature of that Province, (48th Geo. III.) and remaining unexpended, may be appropriated to the purpose of defraying the expense of the said Survey.—Upon which subject we have agreed and determined to recommend,—

FIRST, That as a preliminary measure, Three Commissioners should be appointed in the usual manner, to inquire into the present state of the River, to suggest improvements in the Navigation

thereof, and to procure Plans and Estimates of the Improvements they may recommend.

SECOND, That the Improvement of the Navigation of the River Saint Lawrence, being an object of common interest to both Provinces, the sum remaining unexpended of the duties heretofore levied in Lower Canada, under the Act before-mentioned, should be appropriated generally to that purpose, without reference to boundaries.

Signed at Montreal, in Lower Canada, this twenty-fifth day of August, in the Year of Our Lord One Thousand, Eight Hundred, and Twenty-Three.

[Signed] *J. BABY, (L. S.)
Arbitrator for Upper-Canada.*

[Signed] *L. HALE, (L. S.)
Arbitrator for Lower-Canada.*

[Signed] *ROB. MORROUGH, (L. S.)
Third Arbitrator.*

And Whereas it is expedient to assent to and ratify the said agreement, on the part of this Province:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Govern-

ment of the said Province,'” and by the authority of the same:—

The said agreement sanctioned and enacted.

That the above-recited agreement, and every matter and thing therein-contained, in so far as respects this Province, shall be, and the same is hereby Sanctioned and Enacted:

Commissioners under this Act, how appointed.

II. *Provided always, And be it further Enacted by the authority aforesaid,* That the Commissioners so to be appointed, shall be appointed in like manner as is provided for the appointment of the Arbitrators under the authority of the said first-recited Act, or in such manner as may be agreed upon between the Executive Government of both Provinces.

C H A P. XXIII.

AN ACT granting to His Majesty a Sum of Money to enable His Majesty to Compensate the Services of the Arbitrator appointed under the Act of the Imperial Parliament passed in the third year of His Majesty's Reign; entitled, “An Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces;” and also to Compensate the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

PREAMBLE

WHEREAS it is expedient to grant to Your Majesty a sum of Money to compensate the services of the Arbitrator appointed in

behalf of this Province, under the provisions of the Act of the Imperial Parliament passed in the third year of Your Majesty's Reign, entitled, "An Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," and also to compensate the services of the Secretary who accompanied the said Arbitrator during the several negotiations in Lower Canada,—We Your Majesty's dutiful and loyal subjects, the Commons of Upper-Canada, beseech Your Majesty that it may be enacted,— and

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same;—That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this Province, and in the hands of the Receiver General unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Five Hundred Pounds, to enable His Majesty to compensate the said Arbitrator and Secretary for their said services.

£500 granted to His Majesty to remunerate certain persons therein named.

II. And be it further Enacted by the authority aforesaid, That the said sum of Five Hundred Pounds shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieu-

How to be paid.

And accounted for.

tenant Governor, or person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

C H A P. XXIV.

AN ACT to authorise the Governor, Lieutenant Governor, or Person administering the Government of this Province, to treat with the Holder of any Government Debenture, heretofore issued for postponing the period of payment of the same; and to authorise the Loan of a further Sum, upon the security therein mentioned, to be applied towards the service of the present year.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS in the present state of uncertainty with respect to the amount of Revenue due this Province on account of its proportion of Duties received at the Port of Quebec, as well with respect to the probable time of its receipts, it is expedient to authorise the Governor, Lieutenant Governor, or person administering the Government of this Province, to treat with the Holders of any Debentures issued under the provisions of the Act of this Province passed in the second year of His Present Majesty's Reign, entitled, "An Act to authorise the Governor, Lieutenant Governor, or person administering the Government of this Province, to borrow a sum of money upon the securities therein mentioned, to be applied

in discharging the arrearages due to Militia Pensioners," for the postponement of the period appointed for the payment of the said Debentures, or any part thereof respectively:—And Whereas it is further expedient to provide authority for raising by loan, if it should be necessary, such sum as may be sufficient for the services of the present year, charging the same upon the monies which may be received from the Province of Lower Canada on account of duties which may hereafter be levied at the Port of Quebec:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled. "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, through His Majesty's Receiver General for the time being, to treat with the person or persons holding any of the Debentures issued under the authority of the said Act, passed in the second year of His Present Majesty's Reign, for the postponement of the period for the payment of the said Debentures, or of any of them, or of any part of the sum secured by the said Debentures, or by any of them respectively, to such time or times as to the Governor, Lieutenant Governor, or person administering the Government of this Province, shall seem meet.—*Provided always*, That after notice being given to the holder of any Debenture, of which the period of payment shall have been so postponed by the Governor, Lieutenant

The Lieut. Governor &c. through the Receiver General, may treat with persons holding debentures under 2d Geo. IV. ch. 5th, for the postponement of payment.

After notice given that the sum due on any debentures will be paid on such a day, if same not presented, interest shall cease.

Governor, or person administering the Government of this Province, or by the Receiver General thereof, either before or after the period to which the payment shall have been so postponed, that the sum due upon the same is ready to be paid, or if after notice of such readiness to pay shall have been inserted for one month in the Upper-Canada Gazette, the said Debenture shall not be presented for payment, the interest thereon shall, after one month from the time of such notice being given, or after one month after the the expiration of the month for which such notice shall have been published in the Upper-Canada Gazette, wholly cease to accrue and be payable.

After the holders, &c. of any debenture have agreed to postpone the payment, no warrant shall issue until the time of postponement, unless the Governor, &c. shall think proper, notwithstanding 11th sec. 2d Geo. IV. ch. 5.

II. *And be it further Enacted by the authority aforesaid, That* if the holder or holders of any such Debentures, as aforesaid, or his or their agent or agents, shall, by indorsement thereon; under the signature of His Majesty's Receiver General of this Province for the time being, or by any agreement or memorandum in writing, signed as aforesaid, agree to the postponement of the period for the payment of the sum, secured by the said Debenture, or of any part thereof, to a certain period to be named, then and in such case; no warrant shall be made for the payment of the said sum, or of any part thereof respectively, until the period shall arrive to which the payment shall have been so postponed, unless it shall seem proper to the Governor, Lieutenant Governor, or person administering the Government of this Province, so to do, any thing contained in the eleventh section of the said Act, passed in the second year of His Present Majesty's Reign, to the contrary in any wise notwithstanding.

Governor, &c. may authorise Receiver General to raise a loan not exceeding £25,000.

III. *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, so soon

after the passing of this Act as he may deem expedient, to authorise and direct His Majesty's Receiver General of this Province to raise by loan from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures authorised to be issued under this Act, such sums of money, not exceeding Twenty-five Thousand Pounds, as may be required in addition to the Revenue which shall be actually received by the Receiver General of this Province, for the purpose of defraying the charges legally authorised to be incurred on account of the public service of this Province for the present year.

IV. *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the Receiver General, now or for the time being, to cause or direct any number of Debentures to be made out for any such sum or sums of money, not exceeding in the whole the said sum of Twenty-five Thousand Pounds, as any person or persons, body politic or corporate, shall agree to advance on the credit of the said Debentures; which Debentures shall be prepared and made out in such method and form as His Majesty's Receiver General shall think most safe and convenient; and that for each loan three several Debentures shall issue at the same time, bearing date on the day on which the same shall actually be issued, and being each for the payment of the one-third of the sum so advanced at the expiration of one, two, and three years respectively, with interest at six per cent. per annum, from the date of each Debenture, until the same shall be discharged.—*Provided always, That every such Debenture shall and may be signed by the said Receiver General of this Province for the time being.*

Receiver General to make out debentures for the money so borrowed.

Form of debenture, and how issued and made payable.

Receiver General must sign debentures.

V. *And be it further Enacted by the authority aforesaid, That* all such Debentures, with the interest thereon, and all charges in-

The interest and all charges thereon, how paid.

cident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by, or out of, the monies that shall come into the hands of the Receiver General of this Province, to and for the public uses of this Province, on account of the proportion payable to this Province of duties which already have been, or may hereafter be, levied and received in the Province of Lower Canada upon Goods imported into this Province.

Debentures to pass current with all Receivers and Collectors.

VI. *And be it further Enacted by the authority aforesaid,* That the Debentures which shall be lawfully issued by the authority of this Act, and shall from time to time remain undischarged and uncanceled, shall and may, after the period therein appointed for the payment thereof, be received and taken, and shall pass and be current to all and every the Receivers and Collectors in this Province of the Customs, or of any Revenue or Tax whatsoever, granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, His Heirs or Successors, under or by virtue of any Act of the Parliament of Great Britain, or of the Provincial Parliament, or otherwise; and also at the office of the Receiver General of this Province, from the said Collectors and Receivers, or from any person making any payment there to His Majesty, His Heirs or Successors, upon any account, or for any cause whatever; and that the same in the hands of such Collectors and Receivers, and in the hands of the Receiver General of this Province, shall be taken and deemed as Cash, and as such shall be charged against and credited to such Collectors and Receivers, and to such Receiver General aforesaid respectively, in their accounts with each other, and with His Majesty, His Heirs and Successors.

And with the Receiver General.

How interest on the same to be allowed.

VII. *And be it further Enacted by the authority aforesaid,* That the interest which shall from time to time be due upon any Debenture which may be so issued, shall be allowed to all persons, bo-

dies politic and corporate, paying the same to any Collector or Receiver of any of His Majesty's Revenues in this Province, to the respective days whereupon such Debenture shall be so paid.—*Provided always*, That no interest shall run or be paid upon or for any such Debenture during the time such Debenture, so paid, shall remain in the hands of any of the said Receivers or Collectors, but for such time the interest on every such Debenture shall cease.

Where interest shall not be allowed.

VIII. And to the end that it may be known for what time such Debenture bearing interest shall from time to time remain in the hands of such Collectors or Receivers, as aforesaid,—*Be it further Enacted by the authority aforesaid*, That the person or persons who shall pay any such Debenture, so bearing interest, to the Receivers or Collectors of any of His Majesty's Revenues or Taxes, shall at the time of making such payment, put his or their name or names, and write thereupon in words at length, the day of the month and year in which he, she, or they so paid such Debenture, bearing interest; all which the said Receivers and Collectors respectively shall take care to see done and performed accordingly; to which respective days the said Collectors and Receivers shall be allowed again the interest which he or they shall have allowed or paid upon such respective Debentures, upon his or their paying the same into the hands of the Receiver General, as aforesaid.

How to ascertain that the interest of the same shall be suspended.

IX. *And be it further Enacted by the authority aforesaid*, That if any person or persons shall forge or counterfeit any such Debenture, as aforesaid, which shall be issued under the authority of this Act, and uncanceled, or any stamp, endorsement, or writing thereon or therein, or tender in payment any such forged and counterfeited Debenture, or any Debentures with such counterfeited endorsement or writing thereon, or shall demand to have such counterfeited Debenture, or any Debenture with such counterfeited en-

Capital felony to forge any debenture or indorsement, or to utter the same with intent to defraud.

endorsement or writing thereon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the Debenture so tendered in payment or demanded to be exchanged, or the endorsement or writing thereon or therein to be forged or counterfeited, and with the intent to defraud His Majesty, His Heirs and Successors, or the persons appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer, as in cases of felony, without benefit of Clergy.

Before each Session the Receiver General shall transmit to the Governor, &c. accounts of debentures, &c. issued under this Act, that the same may be laid before the Legislature.

X. *And be it further Enacted by the authority aforesaid,* That the Receiver General of this Province for the time being shall, before each Session of the Parliament of this Province, transmit to the Governor, Lieutenant Governor, or person administering the Government of this Province, a correct account of the numbers, amounts, and dates of the different Debentures which he may have issued under the authority of this Act, of the amount of the Debentures redeemed by him, and the interest paid thereon respectively, and also of the amount of the Debentures outstanding, and unredeemed at the periods aforesaid, and of the expense attending the issuing of the same, and of carrying this Act into execution, to be laid before the Legislature of this Province.

What time interest accruing on debentures shall be paid.

XI. *And be it further Enacted by the authority aforesaid,* That the interest growing due upon the said Debentures shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same endorsed on each Debenture at the time of the pay-

ment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the parties respectively; and the Governor, Lieutenant Governor, or person administering the Government of this Province, shall, after the thirtieth day of June, and the thirty-first day of December in each year, issue warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken, as aforesaid.

Warrants to be issued therefor.

XII. *And be it further Enacted by the authority aforesaid,* That the Receiver General of this Province, and the persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances as the Governor, Lieutenant Governor, or person administering the Government of this Province, and the Executive Council thereof, shall adjudge to be reasonable, and shall direct to be allowed them for their respective services in the execution of this Act; and that the same shall be paid in discharge of such warrant or warrants as the Governor, Lieutenant Governor, or person administering the Government of this Province, shall from time to time issue for that purpose.

Remuneration to the Receiver General and others.

XIII. *And be it further Enacted by the authority aforesaid,* That a separate warrant shall be made to the Receiver General by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, for the payment of each Debenture issued under the authority of this Act, as the same may become due, and be presented in favour of the lawful holder thereof; and that such Debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

Debentures when due to be paid and cancelled.

XIV. *And be it further Enacted by the authority aforesaid,* That

After debentures are due the Governor, &c. may give notice to the holders to present the same.

If not presented within 6 months after notice, interest to cease.

at any time after the said Debentures, issued under the authority of this Act, or any of them, shall respectively become due, according to the terms thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, if he thinks proper so to do, to direct a notice to be inserted in the Upper Canada Gazette, requiring all holders of the said Debentures to present the same for payment according to this Act; and if, after insertion of the said notice for three months, any Debenture then payable shall remain out more than six months from the first publication of such notice, all interest on such Debentures, after the expiration of the said six months, shall cease, and be no further payable in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

How to be paid and accounted for.

XV. And be it further Enacted by the authority aforesaid, That all monies required to be paid by the authority of this Act shall be paid by the Receiver General in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and shall be accounted for to His Majesty by the Receiver General of this Province, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

C H A P. XXV.

AN ACT for granting to His Majesty a Sum of Money in aid of the Funds for defraying the Expenses of the Administration of Justice, and Support of the Civil Government of this Province.

[PASSED JAN. 19th. 1824.]

MOST GRACIOUS SOVEREIGN,

WHEREAS Your Majesty's faithful Commons have voluntarily and freely resolved to grant to Your Majesty a Supply to defray certain charges for the Administration of Justice and support of the Civil Government of this Province,—We Your Majesty's dutiful and loyal subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, beseech Your Majesty that it may be enacted,— and PREAMBLE.

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;'" and by the authority of the same;—That from and out of the rates and duties raised, levied,

£3720 granted to His Majesty in aid of the mnds already appropriated towards defraying the charges of the Civil Government.

and collected to and for the public uses of this Province, and in the Hands of the Receiver General unappropriated, there be granted to His Majesty the sum of Three Thousand, Seven Hundred and Twenty Pounds Sterling; which said sum of Three Thousand, Seven Hundred and Twenty Pounds shall be applied in aid of the Funds already appropriated by an Act of the Parliament of Great Britain passed in the fourteenth year of His Late Majesty's Reign, entitled, "An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in North America," towards the following services for the year One Thousand, Eight Hundred and Twenty-four, that is to say:—

For the Administration of Justice for the year one thousand, eight hundred and twenty-four, (including the expenses of a Second Circuit.)

The Government Office.

The Receiver General's Office.

The Surveyor General's Office.

Executive Council Office.

Secretary and Register's Office, (including the sum of Fifty Pounds, to be added to the Salary of the Clerk in these Offices.)

Inspector General's Office.

Government Printer.

Repairs, &c. of the Government House.

Casual and other Expenses.

How to be paid and accounted for.

and shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and shall be accounted for to His Majesty through the Lords Commissioners of His Majesty's

Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

II. *Provided always, And be it further Enacted by the authority aforesaid,* That an account in detail of all monies paid under the authority of this Act be transmitted to be laid before the Commons House of Assembly at the next ensuing Session of Parliament:—*And Provided also,* that so much of the said sum as may remain unexpended, shall be subject to the future disposition of Parliament.

Account of expenditure to be laid before Parliament.

CHAP. XXVI.

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 JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

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 Three Hundred and Forty Pounds, Four Shillings and a Halfpenny 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

PREAMBLE:

of the Provincial Legislature; May it, therefore, please Your Majesty that it may be enacted, and

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That 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, Three Hundred and Forty Pounds, Four Shillings and a Halfpenny, to make good the said sum which has been issued and advanced, in pursuance of the aforesaid Address.

£2340 4s. 0d. 1-2
granted to His Majesty
to make good so
much advanced by the
Lieutenant Governor,
pursuant to address.

How paid and ac-
counted for.

II. And be it further Enacted by the authority aforesaid, That the due application of the said sum of money, pursuant to the direction of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, may be graciously pleased to direct.

C H A P. XXVII.

AN ACT to Increase the Salary of the Assistant Adjutant General of Militia.

[PASSED JAN. 19th, 1821.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient to Increase the Salary of the Assistant Adjutant General of this Province:—

PREAMBLE.

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That so much of the second clause of an Act passed in the last Session of the present Parliament, entitled, "An Act to provide a Salary for the Adjutant General of Militia in this Province, and for other purposes therein mentioned," as grants to His Majesty annually the sum of One Hundred and Fifty Pounds, to provide a Salary for an Assistant Adjutant General, be, and the same is hereby repealed.

Such part of 2nd clause 4 Geo. IV. ch. 6, as relates to Assist. Adjutant General repealed.

II. And be it further Enacted by the authority aforesaid, That

£200 per annum
granted to His Majesty
for a salary or Assist-
adjutant General.

from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this Province, there be granted annually to His Majesty, His Heirs and Successors, the sum of Two Hundred Pounds, to provide a Salary for the Assistant Adjutant General of this Province.

How to be paid,

III. *And be it further Enacted by the authority aforesaid, That* it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, from time to time to issue his warrant or warrants to the Receiver General of this Province for the said sum of money, half-yearly, and the said Receiver General shall account to His Majesty, His Heirs and Successors, for the same through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

And accounted for.

C H A P. XXVIII.

AN ACT for the Relief of James Carrol.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

PREFAMBLE.

WHEREAS it appears by the petition of James Carrol, a private Militia-man in the late Provincial Artillery Corps, that during the late war with the United States of America, he contracted a disease, while on service, which has produced total blindness, and has

thereby been rendered altogether unable to procure the common necessaries of life: And whereas it is desirable and proper, under such circumstances, to make provision for the said James Carrol in future: May it, therefore, please Your Majesty that it may be enacted, and

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That from and after the passing of this Act, there be granted annually to His Majesty, His Heirs and Successors, during the natural life of the said James Carrol, the sum of Twenty Pounds, to enable him to provide a pension for the said James Carrol; which said sum shall commence and become payable from and after the passing of this Act.

An annuity of £20 granted to James Carrol.

II. And be it further Enacted by the authority aforesaid, That the sum herein declared payable, shall be paid by the Receiver General of this Province out of the monies that now are, or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, in discharge of such warrant or warrants as may therefor from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, may please to direct.

How to be paid and accounted for.

C H A P. XXIX.

AN ACT granting to His Majesty a Sum of Money for the purposes therein mentioned.

[PASSED JAN. 19th, 1824.]

MOST GRACIOUS SOVEREIGN,

PREAMBLE.

WHEREAS it appears by the Petition of the Inhabitants of West Gwillimbury, in the Home District of this Province, that they are separated from the old settled townships by an impassable swamp; and also that the said inhabitants are unable, without assistance, to construct the bridges, and causeways necessary to obviate the evil complained of:—And Whereas it appears by another Petition of the inhabitants of the newly settled townships in the rear of the Rice Lake, in the Newcastle District, that they are almost wholly cut off from communicating with the old settlements in front thereof for a great part of the year, by reason of the impassable state of the ice, and also that their resources are insufficient for the completion of a bridge across the River Trent, at the foot of the Rice Lake:—And Whereas it is expedient that a sum of money should be granted to aid the said persons in the contemplated improvements; May it please Your Majesty that it may be enacted:—and

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of

an Act passed in the Parliament of Great Britain, entitled, “An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;’” and by the authority of the same:—That from and out of the duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this Province, and unappropriated, there be granted to His Majesty the sum of Two Hundred and Fifty Pounds Provincial currency, to be distributed, appropriated, and applied as hereinafter directed; which said sum of Two Hundred and Fifty Pounds shall be paid by the Receiver General of this Province in discharge of any warrant or warrants which may for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and shall be accounted for to His Majesty by the Receiver General of this Province, through the Lords Commissioners of His Majesty’s Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

£250 granted to His Majesty.

How paid and accounted for.

II. *And be it further Enacted by the authority aforesaid, That of the said sum of Two Hundred and Fifty Pounds hereby granted, One Hundred and Fifty Pounds shall be appropriated and applied to the improvement of the Road in the Township of West Gwillimbury aforesaid; and the residue, being One Hundred Pounds, shall be appropriated and applied in aid of the resources of the inhabitants of the Townships in rear of the Rice Lake, for the erection of a Bridge across the River Trent, at the foot of the Rice Lake, in the Newcastle District.*

How said sum shall be distributed and applied.

III. *And be it further Enacted by the authority aforesaid, That*

Commissioners to be appointed.

it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to appoint one Commissioner in each of the said Districts, whose duties it shall be to receive the said sums, appropriated as aforesaid, and apply them to the purposes aforesaid respectively; and shall render an account, in detail, to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the sums so received and applied in their respective Districts, to be laid before the Legislature.

C H A P. XXX.

AN ACT to make more ample Provision for Regulating the Police of the Town of Kingston.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it is expedient to make more ample Provision for Regulating the Police of the Town of Kingston :—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making

more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;” and by the authority of the same;—That an Act passed in the fifty-sixth year of His Late Majesty’s Reign, entitled, “An Act to Regulate the Police within the Town of Kingston,” be, and the same is hereby repealed.

56 Geo. III. ch. 33 repealed.

II. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates assembled in General Quarter Sessions for the Midland District, or the majority of them, to make, ordain, constitute, and publish, such prudential rules and regulations as they may deem expedient, relative to the Harbour of Kingston, to watching, paving, lighting, keeping in repair, cleansing and improving the Streets of the said Town, regulating Slaughter-houses and Nuisances, to enforce the said Town Laws relative to Horses, Swine, or Cattle of any kind running at large in Towns; relative to the Inspection of Weights and Measures, Fire-men and Fire-companies; and also to Regulate the Assize of Bread.—Provided always, that nothing herein contained shall extend, or be construed to extend, to the regulating or ascertaining the price of any commodities, or articles of provisions, other than Bread that may be offered for sale.—Provided also, That such Rules and Regulations be not contrary to, or inconsistent with, the Laws and Statutes of this Province.*

Magistrates in Session, or majority, may make certain rules, &c. relative to the Town of Kingston.

Not to extend to regulating the price of any thing but bread.

Such rules not to be contrary to law.

III. *And be it further Enacted by the authority aforesaid, That the Magistrates in Quarter Sessions assembled for the Midland District, or the major part of them, in the month of April in each and every year, may raise by Assessments, from the persons rated upon any Assessments for property in the Town of Kingston, a sum not exceeding One Hundred Pounds in any one year, for purchasing and keeping in repair Fire-Engines, Ladders, Buckets, and*

Justices in Quarter Sessions may receive a sum of money for certain purposes by Assessment.

other utensils for the extinguishing of fires, and for making any other necessary improvements in the said Town, exclusive of the sum such person may be rated for in and upon any other Assessment of this Province; and in order to carry the said Assessment into effect, it shall be the duty of the Clerk of the Peace for the Midland District to select from the General Assessments of the said Midland District, a list or Assessment of the Ratable Property that each and every person owns or possesses in the said Town of Kingston, ready to be laid before the Magistrates in Quarter Sessions assembled for the Midland District in April in each and every year.

Duty of the Clerk
of the Peace.

Such assessment,
how estimated;

IV. *And be it further Enacted by the authority aforesaid,* That such Assessment, aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any Assessment he may possess or hold in the said Town of Kingston, and subject to such rules and regulations as may be made by the Magistrates in Quarter Sessions for the said District, for the purpose of raising, collecting and paying any sum collected to the Treasurer of the said District, which said sum shall be applied from time to time, in such manner, for the purposes aforesaid, as the Magistrates in Quarter Sessions assembled, or a majority of them, shall direct and appoint.

And applied.

Power of the Justices
in Session for punishing
offenders.

V. *And be it further Enacted by the authority aforesaid,* That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such rules and regulations for the purposes aforesaid, may make, ordain, limit, and provide such reasonable fines against the offenders of such rules and regulations as they may think proper, not exceeding Forty Shillings for any one offence, to be prosecuted be-

fore any Commissioner of the Peace of the Town of Kingston, upon the oath of one credible witness, and to be levied by warrant, under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that the one moiety of the sum so levied shall go to the informer, and the other shall be paid to the Treasurer of the said District for the use of the said Town.

VI. *And be it further Enacted by the authority aforesaid,* That in every case where any person, after twenty-four hours notice left in writing at the dwelling-house of such person, shall refuse or neglect to do, or cause to be done, any service or work regarding the Police, which, by any rule made as aforesaid, he or she may be required to do, it shall and may be lawful for any Justice or Justices before whom the complaint shall have been brought, to direct the Road-master for that division, or any Constable, to employ some other person, for reasonable consideration, to perform such service or work so refused or neglected to be done; and the person who shall have disobeyed such rule or order, shall, over and above the penalty annexed to the breach of the same, pay such reasonable sum as shall have been allowed to the person who performed the service or work in his or her stead; which additional sum shall be levied in like manner as is herein provided in respect to the penalties for offences against this Act.

Manner of proceeding in case of any person refusing to perform any work. &c. required by such rules.

VII. *And be it further Enacted by the authority aforesaid,* That every such rule and regulation so made as aforesaid, before it shall have effect, shall be published in some Public Paper in the said Town, and also be posted up in three or more public places in the said Town.

Manner of publishing such rules, &c.

CHAP.

C H A P. XXXI.

AN ACT for the Relief of Hiram Spafford.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS by a certain Act passed in the fifty-fourth year of His Late Majesty's Reign, entitled, "An Act to declare certain persons therein described, Aliens, and to vest their estates in His Majesty," it was therein provided, that nothing in the said Act contained should be construed to prevent persons interested in the said lands from traversing any inquisition or office respecting the same, at any time within one year after the peace shall be established between His Majesty and the United States of America, or within one year after the filing of such inquisition.—And Whereas Hiram Spafford of Brockville, in the District of Johnstown, has not been able to avail himself of such provision, whereby His Majesty has become seized in law of certain real estate claimed by the said Hiram Spafford, under and by virtue of an inquisition returned to His Majesty's Court of King's Bench; that is to say, Twenty Acres of Lot number Two, in the Tenth Concession of the Township of Lansdown; and also about Six Acres of a certain part of Lots numbers One and Two in the Tenth Concession of the said Township:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year

of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,' and by the authority of the same:— That it shall and may be lawful for the said Hiram Spafford, at any time within six months from the passing of this Act, to traverse all or any inquisition or office, whereby the real estate in the said lands has been vested in His Majesty, and the Commissioners aforesaid, as forfeited.—*Provided always*, That before any traverse or traverses to the said inquisition, or any of them, shall be received or filed in the office of His Majesty's Court of King's Bench, the said Hiram Spafford, or his heir, shall enter into a Bond to His Majesty in the penalty of Fifty Pounds, conditioned for the payment of all such costs as His Majesty may be put to in and about defending the said Traverse, in case judgment shall be given thereon for His Majesty, His Heirs, and Successors, or the said Hiram Spafford shall fail in prosecuting the same with effect.

Hiram Spafford allowed to traverse within six months any inquisition whereby his real estate may be affected, upon giving security for costs.

C H A P. XXXII.

AN ACT to Authorise the Justices of the Peace of the Midland District to Loan a further Sum of Money for the purposes therein mentioned.

[PASSED JAN. 19th, 1824.]

WHEREAS it appears by the Petition of the Magistrates of the Midland District, that the sum of money they are authorised to borrow, by the provisions of an Act passed in the second year

PREAMBLE.

of His Majesty's Reign, entitled, "An Act to Authorise His Majesty's Justices of the Peace for the Midland District, to obtain by Loan a Sum of Money for the purpose of Erecting a Gaol and Court-house in the Town of Kingston," is insufficient for the purposes therein mentioned:—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That the Magistrates of the said Midland District may, and they are hereby authorised and empowered, at their discretion, to borrow a sum of money, not exceeding One Thousand Pounds, in addition to the sum of Three Thousand Pounds, which they are, by the aforesaid law, authorised and empowered to borrow.—*Provided always*, That any sum or sums of money, so borrowed by the said Magistrates under the authority of this Act, shall be appropriated and applied in the same manner, and be redeemed by the like means as are pointed out and enacted by the Law herein-before mentioned.

Justices of the Midland District authorised to raise a loan not exceeding £1000 in addition, for building a Gaol and Court House.

Money so raised, how appropriated and applied.

C H A P. XXXIII.

An Act to Alter, Amend, and Repeal part of an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to Provide for the Erection of a Gaol and Court-house in and for the Home District."

[PASSED JAN. 19th, 1824.]

WHEREAS by an Act passed in the fourth year of His Majesty's Reign, entitled, "An Act to provide for the Erection of a Gaol and Court-house in and for the Home District," it is enacted in the Second Clause, that the same shall be under the like limitations and restrictions as are required by the Eighth and Ninth Clauses of an Act passed in the thirty-second year of the late King, entitled, "An Act for Building a Gaol and Court-house within every District within this Province, and for Altering the Names of the said Districts:" And Whereas it has been found impracticable to complete the building of the said Gaol and Court-house within the period limited by the last recited Act:—

PREAMBLE.

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government

2d clause 4th Geo.
IV. ch. 24 as regards
the 9th clause 32 Geo.
III. ch. 8th, repealed.

of the said Province,'” and by the authority of the same :—That so much of the Second Clause of an Act passed in the fourth year of His Majesty’s Reign, entitled, “An Act to Provide for the Erection of a Gaol and Court-house in and for the Home District,” as directs its operation to be under the limitation of the Ninth Clause of the said before-recited Act, passed in the thirty-second year of His Late Majesty’s Reign, shall be, and the same is hereby repealed.

C H - A P. XXXIV.

AN ACT to enable the Presbyterian Congregation of York to purchase one or more Parcels of Ground sufficient for the Erection of a Church and Burying-ground.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS Jesse Ketchum, William Stevenson, Peter M’Phail, Harvey Shepard, and John Ross, on behalf of themselves and others, members of the Presbyterian Congregation resident in the Town of York, have, by Petition, requested a Legislative authority to enable the Petitioners, as Trustees in this behalf, and the Trustees hereafter to be chosen annually by the said Congregation for the same purpose, to purchase one or more convenient parcel or parcels of ground in the said Town and Township of York, and to hold the same in perpetuity, for the erection of a Place of Worship, with other necessary Buildings, and a Burying-ground :—

BE

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That it shall and may be lawful for the said Jesse Ketchum, William Stevenson, Peter M'Phail, Harvey Shepard, and John Ross, or any two or more of them, as such Trustees, and their successors in office, annually to be chosen by the said Congregation, in all times hereafter, according to their present mode of vote, by the Pew-holders for the time being, to purchase, have, hold, receive, and take, a conveyance of any such convenient parcel or parcels of ground in the said Town and Township of York, not exceeding Three Acres in the whole, as they may be enabled to contract for, for the purposes aforesaid; and that it shall and may be lawful for the said Trustees, so purchasing such parcel or parcels of ground, and their successors, as aforesaid, to have and to hold the same to and for the uses and purposes aforesaid; in perpetuity for ever.

Certain persons therein named as Trustees for the Presbyterian Congregation, to purchase lands in trust.

II. And in order to prevent the failure of such estate in succession, *Be it further Enacted by the authority aforesaid*, That the Trustees for the time being, and their heirs, shall continue to be the Trustees for the purposes of this Act, till the new election of others, as herein-before mentioned, notwithstanding the expiration of the year for which such Trustees for the time being may have been chosen.

Trustees, how to be chosen and appointed.

C H A P. XXXV.

AN ACT to enable the Justices of the Peace of the District of Johnstown to Erect a New Gaol and Court-house, or Repair the Old One, and to Erect New Bridges over Yonge and Irish Creeks.

[PASSED JAN. 19th, 1824.]

PREAMBLE.

WHEREAS it appears by the Petition of the Grand and Petit Jurors at the last Assizes holden in and for the District of Johnstown, that the Gaol of the said District is insufficient for the safe keeping of Prisoners, with a proper regard to their health and morals: And whereas it also appears by the Petitions of other inhabitants of the said District of Johnstown, that the Bridge across the Yonge Creek, in the Township of Yonge, and also the Bridge across Irish Creek, in the Township of Wolford, in the said District, are almost impassable, and that the Statute Labour is wholly insufficient to erect new, or repair the old ones, and that the funds raised by the present assessments of the said District are inadequate to the purposes aforesaid;—it is therefore expedient that a sum of money, sufficient to defray the expense of erecting a new, or the extension and repair of the present Gaol, and also the erecting of New Bridges across the said Creeks, be raised and levied by an additional rate upon the inhabitants of the said District:—

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority

of an Act passed in the Parliament of Great Britain, entitled, “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled, ‘An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province;’” and by the authority of the same;—That the Justices of the Peace for the District of Johnstown, in General Quarter Sessions assembled, in the month of February next, shall be authorised, and they are hereby authorised, by such means as to them shall seem most fitting and convenient, to procure different plans and elevations of a New Gaol and Court-house, or for the extension and reparation of the old one; and also plans and elevations of Bridges to be built across the said Creeks, or either of them, to be laid before them for the purpose of selecting and determining upon one of the said plans and elevations for the said Gaol and Court-house, and for each of the said Bridges, which shall be approved of by the greater part of the said Justices then and there assembled, as aforesaid.

Magistrates of the District of Johnstown to procure plans of Gaol and Court House to be erected in said District, or the repair of the old one;

And plans of Bridges to be erected, &c.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the said Justices, so assembled as aforesaid, in the name, and on the behalf of the inhabitants of the said District, to contract, and they are hereby enabled and authorised to contract with any person or persons who shall be willing to build the said Gaol and Court-house upon the ground allotted for that purpose in the Town of Brockville, or extend and repair the old one; or who shall be willing to build the said Bridges, or either of them, at any one of the places at which a bridge has heretofore been built, to be determined upon by the said Justices, so assembled as aforesaid, according to the plans approved of, as aforesaid, for the said Gaol and Court-house, and

And may contract for the building or reparation of the same.

After notice given
in some newspaper in
said District.

Bridges; and for that purpose the said plans and elevations shall remain and continue in the office of the Clerk of the Peace of the said District for general inspection; and public notice shall be given in some Newspaper circulated in the said District, to all persons willing to contract for the building of a New Gaol and Court-house, or for the extension and repair of the old one, and for building the said Bridges, to deliver in, within a certain limited time, written proposals, or offers, (sealed,) of the sum of money for which he or they will engage to build such Gaol and Court-house, or extend and repair the old one, or build the said Bridges, or either of them, conformably to certain articles and conditions to be agreed upon by the said Justices then present, as aforesaid; and that the said Justices shall, on a day for that purpose previously to be fixed, openly examine the said proposals, so delivered in as aforesaid, and shall be empowered to contract with such person or persons as shall offer to undertake and perform the works, or either of them, upon the most advantageous terms to the District:—*Provided*, the person or persons making such proposals, shall give good and sufficient security for the due performance of their contract; and *Provided also*, that the said Bridge to be built across Yonge Creek, aforesaid, shall be built of Stone, or some other durable materials.

Persons making proposals must give security.

Justices in Session allowed to levy an assessment.

Not to exceed five years, and not more than one penny in the pound.

III. *And be it further Enacted by the authority aforesaid*, That it shall and may be lawful for the said Justices, in General Quarter Sessions assembled, to levy, by assessment to be made on each and every inhabitant house-holder in the said District, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose in the said District, for not more than five successive years from and after the passing of this Act, an additional rate, not exceeding one penny in the pound, to be applied for the purposes herein-before mentioned, and not otherwise.

IV. *And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said Justices, assembled as aforesaid, in February next, by an order of Court, to 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, Five Hundred Pounds, to be applied for the purposes herein-before mentioned, and not otherwise.*

May raise a loan not exceeding £2,500 for purposes of this Act.

And be it further Enacted by the authority aforesaid, That the money so borrowed, under the authority of this Act, shall not bear greater interest than six per centum per annum, and that the Treasurer of the said District for the time being shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than Five Hundred Pounds from and out of the rates and assessments coming into his hands under the authority of this Act.

Not more than six per cent. interest to be paid for said loan.

CHAP. XXXVI.

AN ACT for the Relief of John Putman Clement.

[PASSED, JAN. 19th, 1824.]

WHEREAS, under the operation of an Act of the Parliament of this Province, passed in the fifty-eighth year of the Reign of His Late Majesty, King George the Third, entitled, 'An Act for vesting in Commissioners the estates of certain traitors, and also the estates of persons declared aliens, by an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to declare certain persons therein described aliens, and to vest their estates in His Majesty, and for applying the proceeds thereof towards com-

PREAMBLE.

compensating the losses which His Majesty's subjects have sustained in consequence of the late war, and for ascertaining and satisfying the lawful debts and claims thereupon," the estate in fifty acres of land, being the south half of Lot number One Hundred and Seven in the Township of Niagara, formerly occupied by one John Putman Clement, claiming to be the legal proprietor thereof, has been vested in the Commissioners appointed under and by virtue of the said Act, and sold by them as therein directed:—And Where, as the said John Putman Clement has, by his petition, set forth, that he was prevented, by misapprehension, from traversing the inquisition in due time, by virtue of which the said lands became so forfeited; and that the person who purchased the same at the sale of the said Commissioners, was cognizant of his title to the said land, and that the same was erroneously returned as forfeited: And whereas it is desirable to afford to the said John Putman Clement an opportunity of exhibiting his claim to the said land, and trying the merits of such claim:—

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same:—That it shall and may be lawful for the said John Putman Clement at any time within six months from the passing of this Act, to traverse all or any inquisition or office whereby the real estate in the said land has been vested in His Majesty and the Commissioners aforesaid, as forfeited.

John P. Clement allowed to traverse within six months any inquisition affecting certain land in Niagara.

II. *And be it further Enacted by the authority aforesaid,* That if judgment be given for the Traverser upon his plea, it shall and may be lawful for the said Commissioners, upon proof being produced to their satisfaction that the purchaser of the said land, at the sale thereof by the said Commissioners, or other person holding the same at the time of passing this Act, was, at the time of his acquiring the same, cognizant of the titles of the said John Putman Clement thereto; and that the same was erroneously returned as forfeited, upon a transcript of the said judgment, under the seal of the Court, being filed with them, to execute a Deed of Bargain and Sale to the said Claimant of the lands in fee simple; which Deed, being fully registered in the Register Office of the County, within six months from the date thereof, shall be good and valid in Law, notwithstanding the former Deed thereof by them given; and shall vest the estate in the said land in said Claimant, any law, matter, or thing, to the contrary thereof notwithstanding.—*Provided always nevertheless,* That nothing in this Act contained shall be construed to deprive any person or persons who, before the passing of this Act, may have purchased the said land, or any part thereof, from the purchaser or purchasers thereof, at the sale, by order of the said Commissioners, or from any Assignee or Assignees of such purchaser, or purchasers, of his or their right to recover by law the amount of purchase-money which shall have been paid by him or them for the same to such purchaser or purchasers, or assignee or assignees respectively.

If judgment be given for traverser, Commissioners under 54 Geo III ch 9th, shall give a deed for the same;

Which being registered in six months, shall be valid.

Nothing in this Act to hinder any assignee of, or purchaser, to recover the purchase money.

III. *And be it further Enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, out of the monies now in the hands of the special Receiver appointed under and by virtue of the above-recited Act, to repay the purchaser or purchasers of the said land, at the sale thereof, by order of the said Commissioners, the monies paid and advanced by them for

Commissioners to repay the original purchaser the purchase money with interest.

the purchase of the said lands, or any part thereof, together with the interest thereon accrued and due; and that for this purpose the said Commissioners shall and may issue their warrant or debenture on the said Special Receiver in favour of the said purchaser or purchasers, which warrant or debenture, when paid, shall be a sufficient discharge of the said Special Receiver.

How paid.

Traverser, if he succeed, may take possession of any buildings upon paying for them.

IV. *And be it further Enacted by the authority aforesaid.* That if any purchaser or purchasers of the said property hath or have, since the sale thereof, by order of the said Commissioners, and before the passing of this Act, erected any buildings thereon, the Traverser of the said inquisition, if he shall succeed in his traverse, shall, before he shall be entitled to take possession of the premises, under any conveyance to him thereof made by the said Commissioners, under the directions of this Act, pay to the persons entitled thereto such sum of money as the said Commissioners shall determine to be the value of such buildings, as aforesaid.

The said John P. Clement to give security for costs.

V. *And be it further Enacted by the authority aforesaid.* That before any traverse to the said inquisition shall be received or filed in the Office of His Majesty's Court of King's Bench, the said John Putman Clement, or his heirs, shall enter into a Bond to His Majesty in the penalty of Fifty Pounds, conditioned for the payment of all such costs as His Majesty may be put unto in or about the defending the said traverse, in case judgment shall be given thereon for His Majesty, His Heirs or Successors, or the said John Putman Clement shall fail in prosecuting the same with effect.

C H A P. XXXVII.

AN ACT to authorise James Miles to Convey to Trustees a Lot of Land, for the purposes therein mentioned.

[PASSED JAN. 19th, 1824.]

WHEREAS James Miles of Vaughan, in the Home District, Esq. hath, by petition, requested Legislative authority to dispose of Lot number Forty-Six, in the First Concession of the said Township of Vaughan, containing Two Hundred and Ten Acres, for religious and charitable purposes, to Mercy Miles and Robert Marsh, and the Elders for the time being of the Presbyterian Congregation of the Townships of Vaughan and Markham, having a Church or Place of Worship erected on the said Lot of Land, as Trustees in this behalf, and to the Elders of the said Congregation, to be hereafter annually appointed for the same purpose, and to hold the same in perpetuity for the erection of a Place of Worship, and other necessary buildings, and for such other purposes as in and by the said conveyance shall be declared of and concerning the said Lot:

PREAMBLE.

BE IT THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to Repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government

J. Miles, Esq. authorized to convey certain lands to the persons in trust, for the Presbyterian Congregation of Vaughan, and to hold in perpetuity.

of the said Province," and by the authority of the same:—That it shall and may be lawful for the said Mercy Miles and Robert Marsh, as such Trustees, and the Elders of the said Presbyterian Congregation for the time being, and their successors in office, to be annually appointed according to their present mode, to purchase, and for the said James Miles to convey the said Lot of Land herein-before mentioned, and to have, hold, receive, and take, a conveyance of the same, for the purposes aforesaid, and to, for, and upon, such other purposes, uses, and trusts, as shall by any conveyance or conveyances, to be executed and passed between the said parties, be declared of and concerning the same, to have and to hold the same, to and for such uses and purposes, to the said Mercy Miles and Robert Marsh, and the Elders, for the time being, of the said Presbyterian Congregation of the Townships of Vaughan and Markham, and to their successors in the said office of Elders of the said Congregation, so to be annually appointed, in perpetuity for ever.

