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THE
STATUTES
OF
HIS MAJESTY'S PROVINCE
OF
UPPER-CANADA,
IN
NORTH-AMERICA.

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

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.



YORK, UPPER CANADA:

Printed by JOHN BENNETT, Printer to the King's Most Excellent Majesty:

First Session
Fourth Parliament. } C. 1. In the forty-fifth year of George the Third. A. D. 1805.

THE
STATUTES
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CHAP. I.

An ACT for altering the time of issuing Licences, for the keeping of a House or any other place of Public Entertainment, or for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the purpose of distilling Spirituous Liquors, and for repealing so much of an Act passed in the forty-third year of His Majesty's Reign, as relates to the periods of paying into the hands of the Receiver General, the Monies collected by the Inspector of each and every District throughout this Province, for such Licences.

[Passed 2d March, 1805.]

WHEREAS the time appointed by the Laws now in force, for the granting and taking out of Licences for the keeping of a House, or any other place of Public Entertainment, or for the retailing of Wine, Brandy, Rum or any other Spirituous Liquors, or for the having and using of Stills for the purpose of distilling Spirituous Liquors for sale within this Province, hath been found to be inconvenient; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled

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assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That the Licences to be granted by the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the keeping of a house or any other place of Public Entertainment, for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills, for the purpose of Distilling Spirituous Liquors for sale; to commence from the fifth day of April, now next ensuing, shall be extended, and continue in force to the fifth day of January one thousand eight hundred and six, and no longer, and that from the said fifth day of January one thousand eight hundred and six, and from the fifth day of January in every subsequent year, it shall and may be lawful for the said Governor, Lieutenant Governor or Person administering the Government, to grant Licences as aforesaid, for the purposes aforesaid, for one whole year next ensuing.

Licences for the present year, to extend only to the fifth day of January 1806, and from that day in every subsequent year, to extend for one whole year.

II. And be it Enacted by the Authority aforesaid, That the person or persons to whom such Licences shall be granted as aforesaid, for the purposes aforesaid, from the fifth day of April now next ensuing, to the fifth day of January one thousand eight hundred and six (being a period of nine months) shall pay or cause to be paid as heretofore, to the Inspectors of the Districts of this Province respectively, for the obtaining of the said last mentioned Licences in manner following; that is to say, for each and every of the said last mentioned Licences for keeping a House or other place of Public entertainment, or for the retailing of Wine, Brandy, Rum, or other Spirituous Liquors, the sum of two pounds five shillings lawful money of this Province, and for each and every of the said last mentioned Licences for the having or using of a Still or Stills for the purpose of Distilling Spirituous Liquors for sale, at the rate of elevenpence one farthing of like lawful money, for each and every Gallon, the said Still or Stills may contain.

Amount of the money to be paid for Licences for the present year.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Magistrates acting in each and every division in the several Districts of this Province, to appoint a day of Public meeting in each division, in either of the two last weeks of the month of December in each and every year, for receiving applications from such person or persons who desire to take out Licence or Licences, to commence from the fifth day of January one thousand eight hundred and six, or from the fifth day of January in any subsequent year, for the purpose of opening Public Houses within the said several divisions, under and by virtue of this Act, in like manner as heretofore such meetings have been held in either of the two last weeks in March, to receive applications from such persons as did desire to take out Licences for the purpose aforesaid, to commence from the fifth day of April then next ensuing; and that all the rules, regulations, restrictions, penalties, matters and things which are by any Act or Acts of the Legislature of this Province in force, touching and concerning the applying for, allowing, granting, obtain-

Time of the meeting of the magistrates for receiving applications for the taking out licences.

ing

ing or in any wise relating to all or any of the said Licences respectively here-
in before mentioned, except so far as they are varied or changed by this Act,
shall, and are hereby extended to such Licences respectively, as shall be granted
to commence from the fifth day of April next ensuing, and from the said fifth
day of January in the year one thousand eight hundred and six, and from the
fifth day of January in each and every subsequent year, under and by virtue
of this Act, any thing herein contained to the contrary notwithstanding.

Laws now in
force, to extend
to such licences
as shall be a-
ken subsequent
ther.

IV. *And be it further Enacted by the Authority aforesaid,* That so much of the
fifth clause of an Act passed in the forty-third year of His Majesty's reign in-
titled " An Act for the better securing to His Majesty, his Heirs and Suc-
cessors, the due collection and receipt of certain duties therein mentioned,"
as directs that the Inspector shall pay into the hands of the Receiver General
of this Province, all such monies as he shall receive once on or before the
first day of October, and once on or before the first day of April shall be re-
pealed, and the same is hereby repealed. And that from and after the passing
of this Act, each and every Inspector shall, twice in every year, pay or cause
to be paid into the hands of the Receiver General of this Province, all such
monies as he shall receive, that is to say, on the first day of June and on the
first day of January.

Times of pay-
ment by the In-
spector to the
Receiver Ge-
neral.

CHAP. II.

*An ACT to afford relief to those Persons who may be entitled to claim Lands in
this Province, as Heirs or Devisees of the Nominees of the Crown, in cases
where no Patent hath issued for such Lands.*

[Passed 2d March, 1805.]

I. **WHEREAS** it is expedient to afford relief to those persons, who may
be entitled to claim Lands in this Province, as heirs or devisees of
the nominees of the Crown in cases where no Patent hath issued for such
Lands, **Be it therefore Enacted** by the King's most excellent Majesty, by and
with the advice and consent of the Legislative Council and Assembly of the
Province of Upper Canada, constituted and assembled by virtue of, and under
the authority of an Act passed in the Parliament of Great Britain, intituled,
" an Act to repeal certain parts of an Act passed in the fourteenth year
of his Majesty's reign, intituled, " an Act for making more effectual provi-
sion for the government of the Province of 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 Pro-
vince, at any time within three years after the passing of this Act, to issue
such and so many Commissions under the Great Seal of this Province, to the
Members of the Executive Council thereof, his Majesty's Chief Justice of
the said Province, and the Justices of the Court of King's Bench therein,
for the time being, as he shall think fit, which said Commissioners, or any
three of them, of whom the said Chief Justice, or one of the said Justices
shall be one, in cases brought before them as such Commissioners, respecting
Lands within the said Province, where the nominee or nominees of the
Crown to these Lands, is or are dead, without having obtained his Majesty's

Preamble

Commissioners
to be appointed.

Letters

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Commissioners to ascertain who are the heirs or devisees of the nominees of the Crown to lands

Letters Patent for the same, in his, her, or their life times, shall, by and under the authority of such Commission or Commissions, have full power and authority in manner herein after mentioned, to ascertain, determine and declare who is, or are, the heir, or heirs, devisee, or devisees of the said nominee, or nominees of the Crown to such Lands.

Documents and evidences to be produced before the Commissioners.

II. *And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful to and for all and every person or persons, claiming any lot or lots of Land within this Province, as being the heir or heirs, devisee or devisees of the nominee or nominees of the Crown to such lands, for which said lot or lots, parcel or parcels of Land, his Majesty's letters patent have not been obtained, to come, either personally or by agent, duly authorized, before and produce to such Commissioners, or any three of them, whereof the said Chief Justice, or some one of the said Justices shall be one, all such documents and evidences as he, she, or they may possess, for the purpose of satisfying such Commissioners of the validity of such claim or claims, for which purpose such Commissioners, or any one of them are, and is hereby authorized and empowered to administer such oath or oaths, either to the party or parties claiming to be heir or heirs, devisee or devisees, of the nominee or nominees of the Crown, to the said lot or lots, parcel or parcels of land as aforesaid, or to the witness or witnesses appearing in support of such claim or claims, as shall be judged proper and expedient, and also by summons under the signature of any one of them the said Commissioners, to require the attendance of all and every such person or persons, whose evidence may be judged necessary, to ascertain the validity of any such claim or claims, or to explain the subject matter thereof, and in such summons, also, to order the production of all such books, papers, or documents, as shall be in the custody or power of any such person or persons whose attendance shall be so required by such summons, in such manner, as such Commissioner or Commissioners signing such summons shall deem expedient; which summons, all and every person or persons, to whom the same shall be directed, is and are, hereby required to obey, upon being duly served therewith, under the penalty of twenty pounds of lawful money of this Province, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

Commissioners to administer oath to the party, and to summon witnesses.

Penalty for not obeying the summons.

Nature of the testimony to be received.

Provided always nevertheless, and it is hereby declared, that the said Commissioners, acting under such authority as aforesaid, are hereby authorized and empowered, to receive such written or oral testimony as may be produced to them, whether the same be, or be not consistent with the rules of evidence laid down by the laws of England, and to give and allow such force and effect to such testimony as justice in each respective case shall in their judgment require.

Commissioners to determine & report upon the claims.

III. *And be it further Enacted by the Authority aforesaid,* That after the said commissioners shall, by virtue of the said commission, or commissions, have examined such claim or claims as aforesaid, they shall be at liberty, and they are hereby authorized either to reject such claim or claims, or to allow the same, as in their judgment, the justice and equity of the case may require, without any regard to legal forms and solemnities whatsoever, and to report

on the same accordingly, which said report shall be final and conclusive, and shall be addressed to the Governor, Lieutenant Governor, or Person administering the Government of this Province, in Council, and from thenceforth it shall and may be lawful for the said Governor, Lieutenant Governor, or Person administering the Government in Council, to issue His Majesty's Letters Patent, under the Great Seal of this Province, for the lot or lots, parcel or parcels of Land specified in said report, to, or in trust for, such person or persons, his, her, or their heirs and assigns, as are therein ascertained and declared by the said Commissioners, to be the heir or heirs, devisee or devisees, of the nominee or nominees of the Crown to the said lot or lots, parcel or parcels of Land respectively; *Provided nevertheless*, that the said letters patent so to be issued as aforesaid, shall have such and none other force, operation, or effect, in Law or in equity, touching and concerning any charge, incumbrance, lien, matter or thing, upon or relating to, the said lot or lots, parcel or parcels of Land, save and except the establishing the claim or claims of the person or persons, to or in trust for whom the said lot or lots, parcel or parcels of Land by the said letters patent shall be granted and conveyed, to be the heir or heirs, devisee or devisees, of the nominee or nominees of the Crown to the same, than if His Majesty's letters patent had been obtained for the said lot or lots, parcel or parcels of Land by the said nominee or nominees in his, her, or their life times, any thing herein contained to the contrary notwithstanding. *Provided also*, that nothing herein contained shall extend, or be construed to extend, to the claim or claims, of any person or persons, who shall be ascertained and declared by the said commissioners to be the heir or heirs, devisee or devisees of the nominee or nominees of the Crown, to any lot or lots, parcel or parcels of Land within this Province, other than to such lot or lots, parcel or parcels, of Land, as shall by the said Commissioners be specified in their said report as aforesaid, and that all claims, of what nature or kind soever to any Lands within this Province, other than to such Lands as shall be so specified and set forth by the said Commissioners, shall continue and remain as if this Act had never been made.

Letters Patent to issue.

Effect of the Letters Patent to be issued.

IV. *And be it further Enacted by the Authority aforesaid*, That where any such nominee or nominees, as aforesaid, in his, her, or their life times, and under his, her, or their hand and seal, hands and seals, shall have executed any written instrument giving, or purporting to give, any charge, incumbrance or lien, on any such lot or lots, parcel or parcels of Land, so claimed and allowed as aforesaid, it shall and may be lawful for the person or persons in whose behalf such instrument may have been executed, his, her, or their heirs, executors, administrators or assigns, to cause the same to be registered in the office or offices, of the Register or Registers, for the county or counties, in which any such lot or lots, parcel or parcels of Land shall respectively lie or be situated; and such written instrument shall have the same (and no other) force, validity and effect, than if such nominee or nominees had at the time of executing the same been in possession of a patent from the Crown for such lot, or lots, parcel or parcels of Land as aforesaid.

Instruments by which lands are charged to be registered.

V. *And be it further Enacted by the Authority aforesaid*, That any person or persons, to whom any Lands have been allowed by the Commissioners for the securing and ascertaining titles to Lands in this Province, under and by virtue

Commissioners to determine the claims of the heirs or devisees of persons of

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Sons allowed lands under former commissions, and report upon the same.

of certain Acts of the Legislature thereof, passed in the thirty-seventh, thirty-ninth, and forty-second years of his Majesty's reign, which said person or persons; is or are dead, without having obtained, his Majesty's letters patent for the same, may and shall for the purposes of this Act, be considered as the nominee or nominees of such Land, and the Commissioners to be appointed under and by virtue of this act, may and are, hereby authorized, to examine the claim or claims brought before them, by or in behalf of the heir or heirs, devisee or devisees of such person or persons as last aforesaid; and to hear and determine, such claim or claims in like manner, and under the same regulations, provisoes, and restrictions as are by this Act directed to be observed, with respect to the claim or claims brought before them; by the heir or heirs, devisee or devisees of any nominee or nominees of the Crown, and shall report thereon in like manner, and such report shall be final and conclusive, and have the same and no other force and effect; and it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, in like manner to issue his Majesty's letters patent for the lot, or lots, parcel, or parcels of Land, specified in such last mentioned report, to, or in trust for, such person or persons, his, her, or their heirs or assigns as are therein ascertained, and declared by the said Commissioners, to be the heir, or heirs, devisee or devisees, of the person or persons, to whom any Lands may have been allowed by the Commissioners acting under and by virtue of any former Act or Acts of the Legislature of this Province, herein before mentioned.

Letters Patent to issue to said heirs or devisees.

Report obtained by surprize, when to be reheard, & new claims to be let in.

VI. *And be it further Enacted by the Authority aforesaid,* That in case the said Commissioners, or either of them, shall, during their sitting, or within thirty days after they shall have signed the said report or reports, and before his Majesty's letters patent shall have issued in pursuance thereof, by representation from any person or persons claiming to be interested therein, be satisfied, or have reason to believe, that the said reports or either of them, so far as respects the allowance of the claim or claims, of any person or persons, to any lot or lots, parcel or parcels of Land specified therein, as being the heir or heirs, devisee or devisees as aforesaid, have been obtained by surprize, or have been erroneously made, and that justice requires, so far as respects the said claim or claims, that the said reports or either of them should be staid, then and in such case, it shall and may be lawful, to and for the said Commissioners, or any other Commissioners who may sit in the Execution of the said Commission, or any subsequent Commission, to rehear such claim or claims, or to let in any new claim or claims, of such other person or persons as may be, or pretend to be, such heir or heirs, devisee or devisees, as aforesaid to the said lot or lots of Land, and upon such rehearing, such Commissioners shall be at liberty to report upon the claim or claims, thereupon reheard, as if no report had before been made thereon, and such Commissioners shall be at liberty, if they shall judge it expedient to justice, to order such person or persons at whose instance such rehearing was obtained, to pay such sum or sums of money to the person or persons in whose favor a report shall have been first made, as they shall see just, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

Costs to be allowed by the Commissioners.

VII. *And be it further Enacted by the Authority aforesaid,* That the said Commissioners

Commissioners shall hold their sittings in the Town of York twice in the year, that is to say, during the first ten days in the month of June in each year, and the ten days next succeeding each and every session of the Legislature of this Province (except the present) that shall and may be held in each and every year during the continuance of this Act: *Provided always nevertheless*, that when the Commissioners shall have good reason to believe, that there will not be sufficient business to require their daily attendance throughout the term limited for their sittings as aforesaid, they may be at liberty to adjourn for any time within the same that may be consistent with the dispatch of such business as may be brought before them.

Place and time of sitting of the Commissioners.

VIII. *And be it further Enacted by the Authority aforesaid*, That the said Commissioners shall not proceed to examine any such claim or claims as aforesaid, unless notice specifying such claim or claims, and the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the township, or townships in which the lands so claimed do lie, be put up in some conspicuous part of the office of the Clerk of the Peace for the district in which any such lot or lots may be respectively situated, and until a certificate shall be produced to the said Commissioners, under the hand of the Clerk of the Peace of such district, that such notice hath been so put up for at least thirty days before the said claim or claims shall come to be heard before the said Commissioners: and for putting up such claim, and giving such certificate, it shall and may be lawful for the Clerks of the Peace to ask, and receive the sum of two shillings and six pence, and no more.

Notices to be put up in the Offices of the Clerks of the Peace, & produced to the Commissioners.

IX. *And be it further Enacted by the Authority aforesaid*, That in all cases in which, before the Commissioners shall have proceeded to decide upon the right to any particular lot or tract of land, two or more notices, by different persons shall have been fixed up in the office of the Clerk of the Peace, claiming adversely such particular lot or tract of land, it shall and may be lawful, to and for such Commissioners, to defer or delay the hearing of such adverse claims, or either of them, and to give to all, any, or either of such claimants, such further or enlarged time for the production of evidence, and for the decision of such claim or claims, as such Commissioners shall deem expedient to justice.

Proceedings of the Commissioners upon adverse claims.

X. *And be it further Enacted by the Authority aforesaid*, That the said Commissioners, or any three of them, of whom the said Chief Justice, or one of the said Justices shall be one, shall have power and authority, when and so often as the nature and circumstances of the case shall require it, to issue one or more commission or commissions, for the examination of witnesses, touching any such claim or claims as aforesaid, as may be brought before them.

Commissioners when to be issued for the examination of witnesses.

XI. *And be it further Enacted by the Authority aforesaid*, That in case any person or persons, who shall appear before the said Commissioners, to give evidence respecting any such claim or claims as aforesaid, shall wilfully or corruptly swear him, her, or themselves, in giving such evidence, he, she, or they shall incur the like pains and penalties, as would have been incurred upon a conviction of wilful and corrupt perjury, in any evidence given

Penalty of swearing falsely before the Commissioners.

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in his Majesty's Court of King's Bench in this Province, in any cause there depending.

Costs to be allowed by the Commissioners to witnesses, & how to be recovered.

XII. *And be it further Enacted by the Authority aforesaid,* That in all cases in which witnesses shall have duly appeared, to give evidence before such Commissioners, either voluntarily or in obedience to such summons as aforesaid, it shall and may be lawful to and for said Commissioners, to order and direct the party or parties who shall have produced such witness or witnesses, to pay such witness or witnesses, for his, her, or their loss of time and expences, such sum or sums of money as the said Commissioners in their judgment shall deem equitable and just, which order the party or parties, upon whom the same shall be made, is, and are, and he, she, and they, is and are hereby required and enjoined to obey, and such sum or sums of money, shall and may be recovered, and recoverable, under and by the authority of this Act, by action or suit in any of his Majesty's Courts of justice in this Province, due regard being had to their respective jurisdictions.

Clerk to be appointed by the Commissioners.

XIII. *And be it further Enacted by the Authority aforesaid,* That the said Commissioners shall have power and authority to employ some fit and proper person as Clerk to the said Commission, and that such Clerk shall be authorized to ask and receive for setting down, for hearing any claim, and for making up a report of the same, the sum of five shillings.

Fees allowed to the Clerk.

For a copy of the order respecting each claim, two shillings and six-pence.

For every summons signed by one or more Commissioner or Commissioners for the attendance of any witness or witnesses, two shillings and six pence.

For every Commission for the examination of witnesses, twenty shillings.

Act to be read at the General Quarter Sessions of the Peace.

XIV. *And be it further Enacted by the Authority aforesaid,* That this Act shall be read by the Clerk of the Peace, at the opening of every General Quarter Sessions of the Peace, which shall be held in each and every District of this Province, during the term for which it shall continue to be in force.

Continuance of the Act.

XV. *And be it further Enacted by the Authority aforesaid,* That this Act shall continue and remain in force until the first day of April in the year of our Lord one thousand eight hundred and eight and no longer.

CHAP. III.

An ACT to Regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly.

[Passed 2d March, 1805.]

Preamble.

WHEREAS the present mode of decision in this Province, upon Petitions complaining of undue Elections, or Returns of Members to serve in the Parliament thereof, is defective, for want of those sanctions and solemnities which are established by Law in other trials, and is attended with many inconveniencies :

For remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice, and consent of the Legislative Council, and Assembly; of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act, passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act to make more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That every petition, complaining of an undue Election, or return of a Member, or Members, to serve in the House of Assembly, shall contain the grounds and reason of complaint, and in case the House of Assembly, shall think such grounds and reasons (if true) sufficient to make the election void, a day and hour shall, by the said House be appointed, for taking the same into consideration, and notice thereof, in writing, shall be forthwith given by the Speaker, to the 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, either in person, or by their counsel or agents.

On complaints of undue election, a time to be fixed for considering thereof.

II. *Provided always*, That no such petition 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.

Time of taking the petition into consideration.

III. *And be it further Enacted by the Authority aforesaid*, That at the time appointed for taking such petition into consideration, and after reading the order of the day for that purpose, the House shall be cleared, and the Members thereof (excepting the Member or Members whose election shall be contested) with the Speaker, shall be sworn at the Table, well and truly to try the matter of the petition referred to them, and a true judgment give, according to the evidence; the Speaker shall then take the Chair, the doors shall be opened, and the petitioners, their counsel, or agent shall attend.

Manner of taking the petition into consideration.

IV. *And be it further Enacted by the Authority aforesaid*, That the witnesses for the petitioners shall be ordered by the Speaker to retire without the House, and the petitioners, their counsel, or agent, shall call them in one by one, for examination, and each and every witness, as aforesaid, shall be sworn at the Bar of the House, and the names of the witnesses, for either party, shall be given in to the Clerk of the House, before they are sworn.

Method of examining witnesses for the petitioner.

V. *And be it further Enacted by the Authority aforesaid*, That after the witnesses for the petitioners shall have been fully examined, the sitting Member, or Members, shall be requested by the Speaker, to make a defence, and the witnesses for the said sitting Member, or Members, shall be ordered to retire, shall be separately called in for examination, and shall be sworn in manner aforesaid; provided nevertheless, That whenever any Member of the House shall be a witness for either party, he shall not be obliged to retire, as aforesaid; but he shall be sworn in his place.

Method of examining witnesses for the sitting member.

VI. *And be it further Enacted by the Authority aforesaid*, That the said sitting Member, or Members, whose election shall be contested, as aforesaid, shall

Sitting member not allowed to vote in course of the trial.

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not be allowed to vote upon any question, which shall arise in the course of the trial, or upon the determination thereof.

No member to vote who has not attended during the whole of the trial.

VII. *Provided always*, That no such determination as aforesaid, shall be made, nor any question be proposed, unless there be a quorum of the House; and no Member shall have a vote on such determination, or any other question, or resolution, who has not attended during the whole of the trial.

Persons swearing falsely, shall incur the penalties of perjury.

VIII. *And be it further Enacted by the Authority aforesaid*, That the oaths by this Act directed to be taken, shall be administered by the Clerk of the House, and that any person who shall be guilty of wilful and corrupt perjury, in any evidence, which he shall give before the House, in consequence of the oath, which he 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.

CHAP. IV.

An ACT to ratify and confirm certain Provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties, and for carrying the same into effect; and also to continue an Act passed in the thirty-ninth year of his Majesty's reign, and continued by an Act passed in the forty first year of his Majesty's reign.

[Passed 2d March, 1805.

MOST GRACIOUS SOVEREIGN,

Provisional agreement recorded.

WHEREAS Articles of Provisional Agreement, were made, and entered into at Montreal, on the fifth day of July, in the forty fourth year of your Majesty's reign, by the Commissioners nominated and appointed on behalf of the Province of Upper Canada, by His Excellency Peter Hunter Esquire, Lieutenant Governor of the said Province, by commission, bearing date the twenty-second day of March, in the forty-fourth year of your Majesty's reign, in pursuance of, and under the authority of an Act, passed in the thirty-seventh year of your Majesty's reign, intituled, "An Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes therein mentioned," and the Commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the forty-fourth year of your Majesty's reign, intituled, "An Act for appointing Commissioners to treat with the Commissioners appointed, or to be appointed, on the part of Upper Canada, for the purposes therein mentioned," which agreement is as follows:—

The said Commissioners having met, and communicated to each other their respective powers and authorities, and having taken into consideration, and maturely deliberated upon the objects of their appointment, and finding, that no material alteration hath taken place in the relative situation of the two Provinces;

vinces, so as to require any change in the existing provisions, for ascertaining the respective proportion of duties, and allowance for drawbacks, on articles imported at the Port of Quebec, or otherwise, it is unanimously agreed, that the articles of agreement, at present subsisting between the two Provinces, be further continued, and be in force, as if they were here particularly inserted, until the first day of March, in the year of our Lord one thousand eight hundred and nine.

May it therefore please your most Excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That all and every part of the Provisional Agreement, herein before particularly mentioned, and every clause thereof, be ratified, approved, and confirmed, and the said Provisional Agreement, and every part and clause thereof, is ratified, approved, and confirmed accordingly, and shall have the same effect, force, and validity, for, and during the term of this Act, as if the existing Articles of Agreement were herein particularly set forth.

II. And whereas, an Act was passed in the thirty-ninth year of your Majesty's reign, intituled, "An Act to ratify, approve, and confirm the Provisional Agreement, made, and entered into by Commissioners on the part of this Province, and Commissioners on the part of the Province of Lower Canada," expired, and was at an end, on the first day of March, one thousand eight hundred and one; and whereas, the said Act was renewed, and continued, until the first day of March, in the year of our Lord one thousand eight hundred and five; and whereas it is expedient and necessary to renew, and continue the said Act, (except so much of the same, as relates to the suspending the operation of the sixth article, of the therein recited Provisional Agreement,) Be it therefore Enacted by the Authority aforesaid, That all, and every clause (excepting as herein before mentioned) obligation, penalty, fine, matter, and thing, in the said Act contained, be renewed, continued, and enacted accordingly; and all, and every clause, obligation, penalty, fine, matter, and thing therein contained, (except as herein before mentioned) shall have the same effect, force and validity for, and during the continuance of this Act, as if the same were herein particularly repeated and set forth.

39th Geo. 3^d
revived and
continued.

III. And be it further Enacted by the Authority aforesaid, That the Provincial Treasurer shall, and is hereby authorized and required, to receive the monies which now are, or hereafter may become due, and payable, from the said Province of Lower Canada, to this Province, pursuant, and by virtue of this Act, and of the articles of Provisional Agreement herein before ratified and confirmed, in the same manner, as he is directed by the above recited Act, hereby renewed and continued as aforesaid.

Provincial
Treasurer to
receive the mo-
nies from the
Province of
Lower Canada.

IV. And be it further Enacted by the Authority aforesaid, That this Act shall have

Continuance
of this Act.

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have force and effect, from the first day of March, in the year of our Lord one thousand eight hundred and five, and shall continue to be in force to the first day of March, in the year of our Lord one thousand eight hundred and nine, and no longer.

CHAP. V.

An ACT to alter certain parts of an Act, passed in the forty-second year of his Majesty's reign, intituled, "An Act to provide for the administration of Justice, in the District of Newcastle."

[Passed 2d March, 1805.]

Preamble.

WHEREAS the place appointed by law, for building a Gaol and Court House, in the district of Newcastle, is inconvenient for the inhabitants of the said district; Be it therefore Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act, passed in the forty-second year of his Majesty's reign, intituled, "An Act to provide for the administration of Justice in the district of Newcastle," as directs, that a Gaol and Court House shall be built in the town of Newcastle, shall be repealed, and that it shall and may be lawful, for his Majesty's Justices of the Peace, in and for the said district of Newcastle, or the greater part of them, in the first General Quarter Sessions, after the passing of this Act assembled, to appoint some fit and proper place, in either of the townships of Haldimand, or Hamilton, within the said district of Newcastle, where a Gaol and Court House may be built, in the same manner that a Gaol and Court House is at present directed to be built, within the said town of Newcastle, any law to the contrary notwithstanding.

Part of an Act passed in the forty-second year of his Majesty's reign repealed.

Magistrates of the district of Newcastle to appoint a proper place in the townships of Haldimand or Hamilton, for building of a gaol and Court House.

Gaol and Court House not to be built on any residue; or on private property, without permission.

Gaol & Court house to be built within two years.

II. *Provided*, That nothing in this Act, shall extend, or be construed to extend, to authorize the said Justices of the Peace, to fix the place for building the said Gaol and Court House, on any reserve of the Crown or Clergy, or on land belonging to any person, or persons, without permission first obtained, from the Government, or from the owner, or owners of said land.

III. *Provided always, and be it further Enacted by the Authority aforesaid*, That unless such Gaol and Court House shall be built, and finished, within two years, from the passing of this Act, so that prisoners may be confined in the one, and the different Courts of Justice be properly accommodated in the other, then, and in such case, this Act shall be, and the same is hereby declared to be null and void.

CHAP. VI.

An ACT to make provisions for further appointments of Parish and Town Officers throughout this Province.

[Passed 2d March, 1805.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act, passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of the fifth clause of an Act, passed in the thirty-third year of his Majesty's reign, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers, within this Province," as limits the number of overseers of the highways, to be chosen under, and by virtue of the authority of that Act, to six, be, and the same is hereby repealed.

Part of the 35d of Geo. III. repealed.

II. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the inhabitant householders assembled under, and by virtue of the authority of the said Act, in their annual Town Meetings, to choose and nominate, under, and agreeably to the provisions of the said Act, not less than two, nor more than twelve persons, to serve the said office of overseers of the highways, for such parish, town, or township.

Number of overseers of the Highways to be chosen at the Town Meetings.

CHAP. VII.

An ACT for the Relief of Insolvent Debtors.

[Passed 2d March, 1805.]

WHEREAS no special provision has been made by law, since the division of the Province of Quebec, for the support of Insolvent Debtors, detained in execution; and whereas it is inexpedient that the support of such, should depend upon the District, or the precarious charity of individuals, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act, passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority same, That if any prisoner, in execution for debt, shall apply to the Court, whence such execution

Preamble.

Prisoner in execution for debt, not worth

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five pounds, shall receive from the plaintiff five shillings weekly, so long as he shall be detained in prison for such debt.

cution issued, and make oath, that he or she, is not worth five pounds, the plaintiff, at whose suit he, or she is detained, shall be ordered by the said Court, by rule, to be served on the plaintiff, or the attorney, to pay to the defendant in execution, the sum of five shillings, weekly maintenance, so long as he, or the shall be detained in prison, at the suit of the plaintiff, and that such payment shall be made in advance, to the prisoner or gaoler, for his or her use, on Monday in every week; on failure of which, the Court from whence the execution issued, shall order the defendant to be released. *Provided always*, That the plaintiff shall not be obliged to make such payment, if he can prove, to the satisfaction of the Court, that the defendant has secreted, or conveyed away, his or her effects, to defraud his or her creditors.

CHAP. VIII.

An ACT to regulate the Curing, Packing, and Inspection of Beef and Pork.

[Passed 2d March, 1805]

Preamble.

WHEREAS by a law of the Province of Lower Canada, it has become necessary for such persons in this Province, as may deem it proper to cure and pack Beef and Pork, for foreign markets, to have the same cured and packed, under the authority of a law of this Province; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, Constituted and assembled by virtue of, and under the authority of An Act, passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, 'an Act, for making more effectual provision for the Government of the Province of Quebec, in North-America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful, for the Governor, Lieutenant Governor, or person administering the Government, from time to time, as to him may seem reasonable, to appoint one or more capable persons in each of the districts of this Province, to be Inspector, or Inspectors, of Beef and Pork, who shall thereupon be the Inspector, or Inspectors, for putting this Act in execution, with all the powers, and subject to all the penalties herein after described, and each of the Inspectors, before he enters upon the execution of his office, shall take, and subscribe, an oath before one of his Majesty's justices of the peace, in and for the district in which he shall reside, which oath, the said justice is hereby authorized to administer, in the words following viz. "I do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, execute, do, and perform, the office and duty of an Inspector, packer, and repacker, of Beef and Pork, according to the true intent and meaning of an Act, intituled, "An Act to regulate the curing, packing, and Inspection of Beef and Pork," and that I will not, directly, or indirectly, brand or suffer any Cask of Beef or Pork to be branded, but what shall be found and good," which oath he shall file, or cause to be filed, in the office of the Clerk of the Peace, for the district in which he shall be appointed Inspector, and the

Appointment of Inspectors of Beef and Pork.

Oath of the Inspectors.

Inspector

Inspector, or Inspectors of each and every District in this Province, in the month of June, in every year, shall make a return to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the whole number of barrels of Beef and Pork Inspected by him, or them, according to the direction of this Act, during the year preceding, designating the different sorts of Beef and Pork, and the District in which the same was Inspected.

II. *Provided always, and be it further Enacted by the Authority aforesaid,* That no person to be hereafter appointed an Inspector of beef or of pork, under the authority of this Act, shall deal in, buy, barter, or exchange any beef or pork, by him inspected, or to be inspected, under pain of the commission under which he acts, being null and void, except such beef or pork, as may be necessary for the consumption of his own family.

Inspector not to be a dealer in beef or pork.

III. *And be it further Enacted by the Authority aforesaid,* That no beef shall be hereafter packed or repacked in barrels, for foreign markets, unless it be of fat cattle, not under three years old, and that all such beef shall be cut in square pieces, as near as may be, not exceeding twelve pounds weight, nor less than four pounds weight; and that all beef which the said inspectors shall find, on examination, to have been killed at a proper age, to be fat and merchantable, shall be sorted and divided in three different sorts, for packing and repacking in barrels, to be denominated *mess*, *prime*, and *cargo*; *mess* beef shall consist of the choicest pieces of oxen, cows or steers, well fattened; the shin, shoulder and neck, shall be taken from the fore quarters, and the legs and leg rounds from the hind quarters; and each barrel containing beef of this description, shall be branded on one of the heads with the words, *Mess Beef*; that *prime* beef shall consist of choice pieces of oxen, steers, cows and heifers, amongst which there shall not be more than half a neck, and one flank, with the hock cut off; and one of the heads of all barrels containing beef of this description, shall be branded with the words *Prime Beef*; that *cargo* beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck, and three flanks without the hocks in each barrel, and shall be otherwise merchantable, and such barrel shall be branded on one of the heads with the words, *Cargo Beef*; and every barrel of beef shall be well salted, with not less than forty pounds of clean Saint Ubes, Isle of May, Lisbon, Furks Island salt, or other salt of equal quality, exclusive of a pickle, made as strong as salt will make it, and to each barrel of beef shall be added, not less than two ounces of saltpetre.

Quality of the beef to be packed.

Manner of sorting it.

Barrels to be branded.

Manner of pickling of beef.

IV. *And be it further Enacted by the Authority aforesaid,* That from and after the passing of this Act, every barrel, in which beef shall be packed, or repacked, shall be made of good seasoned white oak staves and heading, free from every defect, and shall contain two hundred pounds weight of beef, and shall not be of a larger guage than thirty gallons, and shall be hooped with fourteen good ash, hickory, or oak hoops, the heads to be made of good thick stuff, the hoops to be well set and drove.

Quality and size of the barrels for packing of beef.

V. *And be it further Enacted by the Authority aforesaid,* That one head of every barrel, in which beef or pork is packed, or repacked for foreign market, shall be branded with the weight it contains, the inspector's name, who shall

Manner in which barrels of beef & pork shall be branded.

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have inspected the same, with the name of the District where it was inspected, and also the addition of Upper Canada, in legible letters.

No inspector to act out of his District.

VI. *And be it further enacted by the Authority aforesaid,* That no inspector appointed by virtue of this Act, shall inspect, or brand any cask of beef or pork, out of the limit or district for which he shall be appointed, under the penalty of twenty shillings.

Penalty of refusing or neglecting to inspect.

VII. *And be it further Enacted by the Authority aforesaid,* That if any inspector of beef or pork, not then employed in the inspection and examination of beef or pork, according to the duties prescribed by this Act, or who shall not be incapacitated by sickness, shall, on application, on lawful days, and reasonable hours, to him made, for the examination of any beef or pork as aforesaid, refuse, neglect, or delay to proceed to such examination and inspection, for the space of two days after such application so made to him, the inspector so refusing, neglecting, or delaying to make such examination and inspection, shall, for each offence, forfeit the sum of forty shillings, current money of this Province, to the use of the person or persons injured by such delay.

Fees of the inspector.

VIII. *And be it further Enacted by the authority aforesaid,* That every inspector shall receive one shilling and six-pence, current money of this Province, for each barrel of beef or pork he shall salt, pack, inspect and pickle, exclusive of cooperage; and for every mile the said inspector shall travel, he shall be intitled to receive the sum of six-pence, all which salting, packing, inspecting, pickling, and travelling, shall be paid by the person or persons by whom he shall be employed.

Penalty for negligence or fraud in inspecting.

IX. *And be it further enacted by the authority aforesaid,* That if any of the inspectors appointed by virtue of this Act, shall be guilty of any neglect or fraud, in inspecting any beef or pork, contrary to the true intent and meaning of this Act, or shall brand any cask containing beef or pork, which has not been actually inspected agreeable to this Act, he or they, shall, for every such offence, forfeit a sum not exceeding forty shillings, current money of this Province, in case of neglect, and shall forfeit the sum of twenty pounds of like money, and be dismissed from his office, in case of fraud.

Penalty for intermixing beef or pork after branded.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall intermix, take out, or shift any beef or pork, out of any cask inspected or branded; as by this Act is required, or put in any other beef or pork for sale, contrary to the intention of this Act, the person or persons so offending, shall, for every such offence, forfeit the sum of ten pounds, current money of this Province.

Penalty for counterfeiting brand marks.

XI. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall counterfeit any of the aforesaid brand-marks, or impress, or brand the same on any cask, or casks of beef, or pork, he, she, or they, being thereof legally convicted, shall forfeit the sum of twenty pounds, current money of this Province.

Quality and size of the barrels for packing of pork.

XII. *And be it further enacted by the authority aforesaid,* That from, and after the passing of this Act, every barrel, in which pork shall be packed, or re-packed

packed for foreign markets, shall be made of good, seasoned, white oak staves and heading, free from every defect, and each barrel shall contain two hundred pounds weight of pork, and shall not be of a larger guage than thirty gallons, and the said barrels, in every respect, shall be hooped, and made in the same manner as in this Act provided, for barrels for packing and repacking beef.

XIII. And be it further Enacted by the Authority aforesaid, That there shall be two qualities of Pork, known, and distinguished by the names of Mefs, and Prime Pork, Mefs Pork shall consist of the rib p good, fat hogs, only, barrels containing such pork, shall be branded on one of the heads, with the words, Mefs Pork; Prime Pork shall consist of the next best pi-ces, with not more than six shoulders, or legs, with the shanks cut off, in one barrel, and one of the heads of every such barrel, shall be branded with the words, Prime Pork; and the pork so to be packed, shall be cut in pieces, as nearly square as may be, provided that all mefs pork, and prime pork, shall be cut, as nearly as possible, in pieces of four pounds wei ht, and that each barrel of pork shall be salted, with not less than fifty pounds of the same quality of salt, and the same kind of pickle, and to each barrel of pork shall be added, not less than two ounces of salt petre, as in this Act is provided, for packing and inspecting of beef, and that each bariel of pork, when so inspected and packed, shall be branded in the same manner, as in this Act is provided, for branding of beef, designating the different qualities; or denominations herein described.

Quality of the pork to be packed, and manner of packing it.

Manner of pickling it.

XIV. And be it further Enacted by the authority aforesaid, That for all beef and pork, that shall be inspected in this province, the inspector who shall have inspected the same, shall give unto the owner, or his agent, a certificate, under his hand and seal certifying, that such beef or pork is in every respect, packed and branded agreeable to the laws of the Province of Upper Canada, which certificate may be in the following form :

Certificates to be given by the Inspector.

“ I do hereby certify, that I have inspected barrels of Cargo, Mefs, or Prime Beef, cr Mefs, or Prime Pork, as the case may be, the property of and that the said Mefs, Prime or Cargo Beef, Mefs or Prime Pork, is in every respect packed, and branded, agreeable to the laws of the Province of Upper Canada.

XV. And be it further Enacted by the authority aforesaid, That nothing in this Act shall extend, or be construed to extend, to compel any person or persons, who may export beef, or pork from this province, to have the same Inspected, unless he, or they shall think proper so to do.

No person compelled to have his Beef or Pork inspected.

XVI. And be it further Enacted by the authority aforesaid, That all the fines and forfeitures, by this Act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon, and be examined into, heard

Fines and forfeitures under this act, how recoverable, & in what manner disposed of.

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adjudged, and determined, by the Magistrates, in Quarter Sessions assembled, and in order therto, it shall and may be lawful, to, and for any one of his Majesty's justices of the peace, within the district wherein the offence has been committed, to summon any person or persons to appear at the next General Quarter Sessions of the peace, to be holden in and for such district, and the magistrates in Quarter Sessions assembled, are hereby fully authorized, empowered, and required upon the appearance, or default, of such person or persons, to be summoned, to examine into the cause of such complaint, and thereupon, to proceed to give judgment, the one moiety of all such fines and forfeitures (except such as are herein before otherwise applied) when recovered, shall be immediately paid into the hands of the Receiver General, for the use of his Majesty, towards the support of the Government of this province, and shall be accounted for to his Majesty, through the Commissioners of his Majesty's Treasury, for the time being, in such manner and form, as his Majesty shall direct, and the other moiety, to the Inspector, or person who shall sue for the same.

Limitation of
time for com-
mencing of ac-
tions for any
thing done in
pursuance of
this act.

XVII. *And be it further enacted by the authority aforesaid, That if any action or suit, shall be commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit, shall be commenced within the space of six calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants, may give this Act, and the special matter, in evidence, at the trial to be had thereupon, and that the same was done in pursuance, and by authority of this Act; and if it shall appear so to have been done, then the Court shall find for the defendant or defendants, and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall, and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.*

CHAP. IX.

An ACT for applying a certain sum of money therein mentioned, to make good certain monies issued, and advanced by His Majesty, through the Lieutenant Governor, in pursuance of two addresses.

[Passed the 2d March, 1805.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS in pursuance of an address, of your Commons House of assembly, to Peter Hunter Esquire, Lieutenant Governor, of your Majesty's Province of Upper Canada, bearing date on the second

cond day of March, in the forty-fourth year of your Majesty's Reign, the sum of forty-five pounds nine Shillings and eight pence, has been issued and advanced, by your Majesty, through your Lieutenant Governor, to Isaac Swazé Esquire, for the payment of disbursements, made by him in the purchase of Hemp Seed, for use of this Province, and whereas, in pursuance of a certain other address of your said Commons House of Assembly, to your Majesty's Lieutenant Governor, bearing date the sixth day of March, in the year aforesaid, the further sum of two hundred and twenty-nine pounds eight shillings and seven-pence three farthings, has been issued, and advanced by your majesty, through your Lieutenant Governor, to the Clerks, and other officers of the two houses of parliament, for certain contingent expences attending the last and present Session of parliament, may it therefore please your majesty, that it may be enacted, and be it enacted by the King's most Excellent majesty, by and with the advice and consent of the Legislative Council, and Assembly of the province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled "an Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, that out of the surplus of any fund, or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued, and applied, the sum of two hundred and seventy-four Pounds eighteen shillings and three-pence three farthings, to make good the said two sums of money which have been issued and advanced, in pursuance of the aforesaid two addresses.

£274 18 3 $\frac{1}{2}$ to be issued from the Provincial Treasury, to make good the like sum paid in pursuance of the addresses of the Assembly.

How to be accounted for.

I. and be it further Enacted by the authority aforesaid, That the due application of the said sum of money, pursuant to the directions of this Act, shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs, and successors shall direct.

CHAP. X.

An ACT to amend an Act, passed in the forty fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty, a certain sum of money, for the further encouragement of the growth and cultivation of Hemp within this Province, and the exportation thereof."

[Passed 2d March, 1805.]

WHEREAS by an Act of the Parliament of this Province, made and passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for

Brought.

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for granting to his Majesty, a certain sum of money, for the further encouragement of the growth and cultivation of Hemp within this Province, and the exportation thereof," it was, among other things enacted, that the sum of forty pounds should be the rate, or price to be paid per ton for hemp, which may be purchased under, or in virtue of the said Act. And whereas it is found, on experience, that the said rate, or price of forty pounds per ton, is insufficient to compensate the labor of the cultivator of Hemp in this Province, for further encouragement thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act, passed in the Parliament Great Britain, intituled, " An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the sum of fifty pounds shall be the rate or price to be paid per ton, for any Hemp, which may be hereafter purchased under, or in virtue of the provision made in said Act of the forty-fourth year of his Majesty's reign, or in any former Act of the Parliament of this Province, any law or usage to the contrary in any wise notwithstanding.

Fifty pounds to be paid per ton for Hemp purchased under an Act passed in the forty-fourth year of his Majesty's reign.