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# STATUTES

OF

## UPPER-CANADA,

PASSED IN THE

*Third Session—Eighth Provincial Parliament.*

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TO WHICH ARE PREFIXED

CHAPTER LV. OF 52d GEO. III.—AND CHAPTERS XLIV. XLV. AND CXIX. GEO. IV.

IMPERIAL PARLIAMENT.

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BY AUTHORITY.

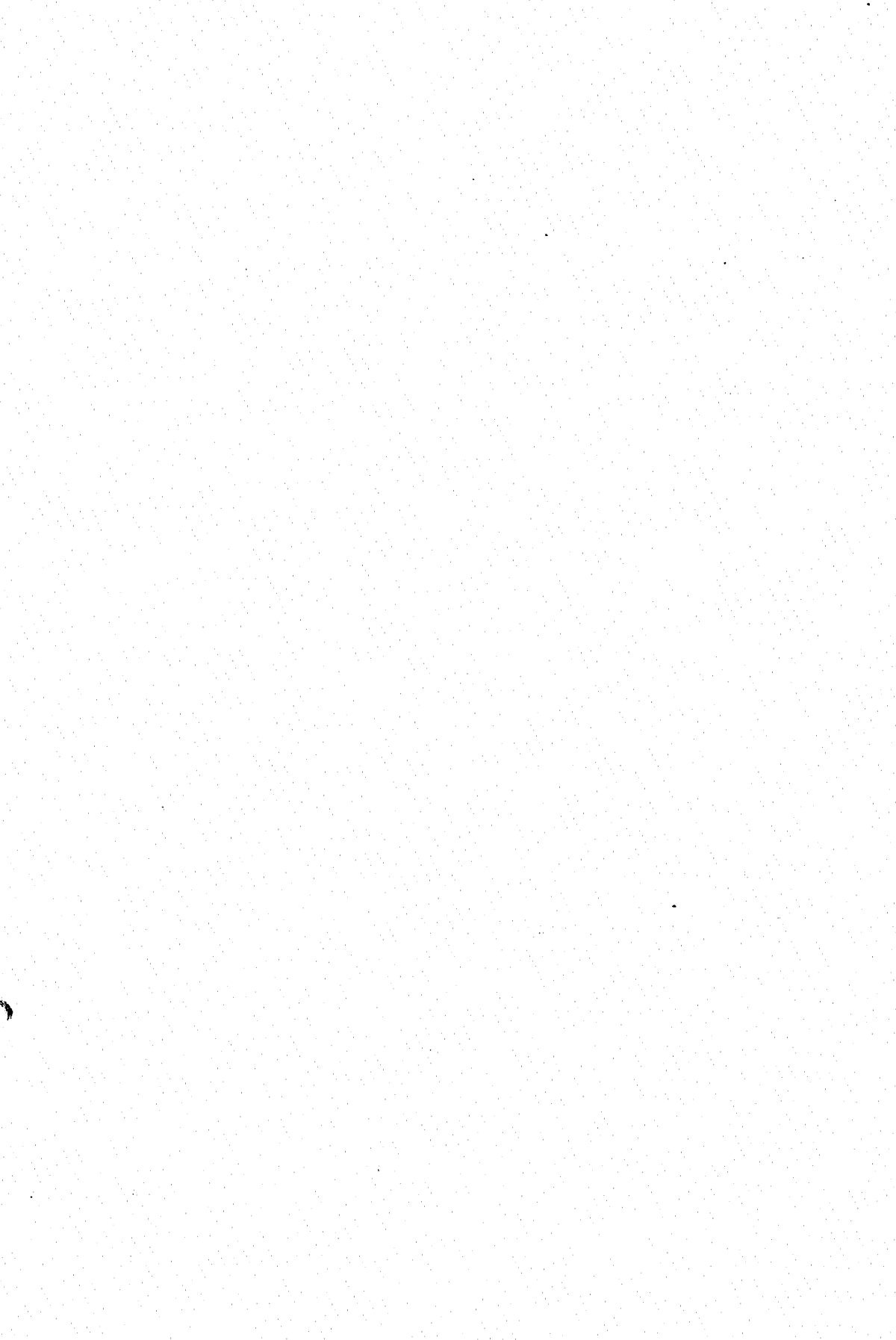


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SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR.  
ANNO DOMINI, 1823.

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ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

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C H A P. LV.

An Act to prevent Foreign Goods of certain descriptions being brought from the United States of America into Canada; and to allow a greater quantity of Worsted Yarn to be exported from Great Britain to Canada.

[Passed 5th May, 1812.]

**W**HEREAS it is expedient that Foreign Goods and Commodities, not of the growth of the territories of the United States of America, should not be brought from the said territories by inland navigation or land carriage into the Province of Upper and Lower Canada, to the prejudice of the trade carried on by sea from the United Kingdom to the said Provinces; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That no Goods or Commodities whatsoever, except Goods and Commodities of the growth, produce, or manufacture of the territories of the United States of America, shall be brought from the territories of the United States of America by inland navigation or land carriage, into the Provinces of Lower or Upper Canada, under the penalty of the forfeiture of the said goods or commodities, or the value thereof, together with the vessel or carriage in which the same shall be brought; to be sued for, recovered, and distributed in the like manner as is directed in any Act in the case of offences being committed against the Laws of Customs in any of His Majesty's Plantations in Africa and America.

No goods, except of American produce, shall be brought from the United States into Canada on penalty of forfeiture.

II. And whereas the quantity of Worsted and Woollen Yarn permitted to be exported by an Act passed in the forty-seventh year of His present Majesty, entitled, "An Act for allowing the exportation annually of a limited quantity of Worsted Yarn to Canada," is found not sufficient for the Indian Trade in Canada; Be it therefore enacted, That from and after the passing of this Act, it shall and may be lawful for His Majesty, by and with the advice of His Privy Council, to permit the exportation of any quantity of Worsted or Woollen Yarn, not exceeding twenty thousand pounds weight in any one year, from the port of London, to be transported to the Province of Lower Canada, in such proportions, at such times, in such manner, and subject

47 G. 3. chap. 9.  
His Majesty may permit any quantity of Worsted Yarn to be exported from London to Lower Canada not exceeding 20,000 lbs. yearly.  
28 G. 3. chap. 38.

to such regulations and restrictions as shall be directed and appointed by His Majesty, by and with the advice aforesaid, any thing in an Act passed in the twenty-eighth year of His present Majesty's Reign, entituled "An Act to explain, amend, and reduce into One Act of Parliament, several Laws now in being, for preventing the exportation of Live Sheep, Rams and Lambs, Wool, Woolfels, Mortlings, Shortlings, Yarn, and Worsted, Cruels, Coverlids, Waddings, and other manufactures, or pretended manufactures, made of Wool slightly wrought up, or otherwise put together, so as the same may be reduced to and made use of as wool again, Mattrasses, or beds stuffed with combed wool, or wool fit for combing, Fullers Earth, Fulling Clay, and Tobacco-pipe Clay, from this Kingdom, and from the Isles of Jersey, Guernsey, Alderney, Sark, and Man, into foreign parts: and for rendering more effectual an Act passed in the twenty-third year of the reign of King Henry the Eighth, entituled, 'An Act for the Winding of Wool,' to the contrary notwithstanding.

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ANNO TERTIO

GEORGII IV. REGIS.

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C H A P. XLIV.

An Act to regulate the Trade between His Majesty's Possessions in America and the West Indies, and other places in America and the West Indies.

[Passed 24th June, 1822.]

Acts regulating the Importation and Exportation of certain Articles into and from certain Colonies in America and the West Indies hereby repealed; viz.

**W**HEREAS divers Acts of Parliament have been from time to time passed, for regulating the Importation and Exportation of certain articles into and from certain Territories, Islands and Ports, under the Dominion of His Majesty, in America and the West Indies; and it is expedient that the said several Acts should be repealed, and other provisions made in lieu thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, an Act passed in the twen-

ty-eighth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands and the Countries belonging to the United States of America, and between His Majesty's said Subjects and the Foreign Islands in the West Indies;" also, an Act passed in the twenty-eighth year of the Reign of His late Majesty King George the Third, intituled "An Act to allow the importation of Rum and other Spirits from His Majesty's colonies or plantations in the West Indies, into the Province of Quebec, without payment of duty under certain conditions and restrictions;" also, an Act passed in the twenty-ninth year of the Reign of His said late Majesty, intituled "An Act to enable His Majesty to authorize, in case of necessity, the importation of Bread, Flour, Indian Corn, and Live Stock, from any of the territories belonging to the United States of America, into the Province of Quebec, and all the countries bordering on the Gulf of Saint Lawrence, and the Islands within the said Gulf, and to the Coast of Labrador;" also, another Act passed in the twenty-ninth year of the Reign of His said late Majesty, intituled "An Act for explaining and amending an Act passed in the last Session of Parliament, intituled 'An Act to regulate the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands, and the Countries belonging to the United States of America, and between His Majesty's said Subjects and the Foreign Islands in the West Indies;'" also, an Act passed in the thirtieth year of the Reign of His said late Majesty, intituled "An Act to amend two Acts made in the twenty-eighth year of the Reign of His present Majesty, the one intituled 'An Act for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands, and the Countries belonging to the United States of America, and between His Majesty's said Subjects and the Foreign Islands in the West Indies;' and the other intituled 'An Act to allow the importation of Rum or other Spirits from His Majesty's Colonies or Plantations in the West Indies, into the Province of Quebec, without payment of duty under certain conditions and restrictions;'" also, an Act passed in the thirty-first year of the Reign of His said late Majesty, intituled "An Act to amend an Act made in the twenty-eighth year of His present Majesty's Reign, for regulating the Trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West India Islands, and the Countries belonging to the United States of America, and between His Majesty's said Subjects and the Foreign Islands in the West Indies;" and also, an Act made in the twenty-seventh year of His present Majesty's Reign, for allowing the importation and exportation of certain Goods, Wares, and Merchandize, in the Ports of Kingston, Savannah-la-Mar, Montego Bay, and Santa Lucia in the Island of Jamaica, in the Port of Saint George in the Island of Grenada, in the Port of Rosea in the Island of Dominica, and in the Port of Nassau in the Island of New Providence, one of the Bahama Islands, under certain regulations and restrictions;" also, an Act passed in the thirty-third year of the Reign of His said late Majesty, intituled "An Act to amend an Act passed in the twenty-seventh year of His present Majesty's Reign, for allowing the

- importation and exportation of certain Goods, Wares, and Merchandize, in foreign ships, into and from certain Ports and Places in the West Indies; and for amending so much of an Act made in the thirty-second year of the Reign of His present Majesty, as relates to permitting the importation of Sugar in the Bahama and Bermuda Islands, in foreign ships; and so much of two Acts made in the twenty-eighth and thirty first years of His present Majesty's Reign, as prohibits the importation of Timber into any Island under the dominion of His Majesty in the West Indies, or from any foreign colony or plantation in the West Indies or South America; and so much of the said Act made in the twenty-eighth year of His present Majesty's Reign, as prohibits the importation of Pitch, Tar, and Turpentine, into Nova Scotia or New Brunswick, from any Country belonging to the United States of America;" also, an Act passed in the forty-fourth year of the Reign of His said late Majesty, intituled "An Act for permitting, until the first day of August one thousand eight hundred and seven, the exportation of Salt from the Port of Nassau in the Island of New Providence, the Port of Exuma, and the Port of Crooked Island in the Bahama Islands, in ships belonging to the inhabitants of the United States of America, and coming in ballast;" also, an Act passed in the forty fifth year of the Reign of His said late Majesty, intituled "An Act to consolidate and extend the several laws now in force for allowing the importation and exportation of certain Goods and Merchandize into and from certain Ports in the West Indies;" also, an Act passed in the forty-sixth year of the Reign of His said late Majesty, intituled "An Act for enabling His Majesty to permit the importation and exportation of certain Goods and Commodities into and from the Port of Road Harbour in the Island of Tortola;" also, an Act passed in the forty eighth year of the Reign of His late Majesty, intituled "An Act to permit the importation of Rice, Flour, and Grain, from any foreign colonies on the Continent of America, into certain Ports in the West Indies, and to allow certain Articles to be imported from the United States of America into the British Provinces in North America, for the purpose of exportation to the British Islands in the West Indies;" also, an Act passed in the forty-ninth year of the Reign of His said late Majesty, intituled "An Act for allowing the importation and exportation of certain Goods and Commodities into and from the Port of Falmouth, in the Island of Jamaica;" also, an Act passed in the fifty-second year of the Reign of His said late Majesty, intituled "An Act to allow British Plantation Sugar and Coffee, imported into Bermuda in British ships, to be exported to the territories of the United States of America in foreign ships or vessels, and to permit articles, the production of the said United States, to be imported into the said Island in foreign ships or vessels;" also, another Act passed in the said fifty second year of the Reign of His said late Majesty, intituled "An Act for allowing certain articles to be imported into the Bahama Islands, and exported therefrom in foreign vessels, and for encouraging the exportation of Salt from the said Islands;" also, an Act passed in the fifty-third year of the Reign of His said late Majesty, intituled "An Act to amend an Act of the twenty-eighth year of His present Majesty, for allowing the importation of Rum or other Spirits from His Majesty's Colonies or Plantations in the West Indies into the Province of Quebec without payment of duty;"
- 44 G. 3. c. 101.
- 45 G. 3. c. 57.
- 46 G. 3. c. 72.
- 48 G. 3. c. 125.
- 49 G. 3. c. 22.
- 52 G. 3. c. 79.
- 52 G. 3. c. 50.

also, another Act passed in the fifty-third year of the Reign of His said late Majesty, intituled "An Act for further allowing the importation and exportation of certain articles in the Island of Bermuda;" also, an Act passed in the fifty-fourth year of the Reign of His said late Majesty, intituled "An Act to revive and make perpetual, certain Acts for consolidating and extending the several laws in force, for allowing the importation and exportation of certain articles into and from certain Ports in the West Indies;" also, an Act passed in the fifty-seventh year of the Reign of His said late Majesty, intituled "An Act to extend the powers of two Acts, for allowing British Plantation Sugar and Coffee, and other articles imported into Bermuda in British ships, to be exported to America in foreign vessels, and to permit articles, the produce of America, to be imported into the said Island in foreign ships, to certain other articles;" also, another Act passed in the said fifty-seventh year of the Reign of His said late Majesty, intituled "An Act to extend several Acts for allowing the importation and exportation of certain Goods and Merchandize to Porta Maria in the Island of Jamaica, and to the Port of Bridge Town in the Island of Barbadoes;" also, an Act passed in the fifty-eighth year of the Reign of His said late Majesty, intituled "An Act to allow, for three years, and until six weeks after the commencement of the then next Session of Parliament, the importation into Ports specially appointed by His Majesty, within the Provinces of Nova Scotia and New Brunswick of the articles therein enumerated, and the re-exportation thereof from such Ports;" also, an Act passed in the said fifty-eighth year of the Reign of His said late Majesty, intituled "An Act to permit the importation of certain articles into His Majesty's Colonies or Plantations in the West Indies, or on the continent of South America, and also certain articles into certain ports in the West Indies;" also, an Act passed in the fifty-ninth year of the Reign of His said late Majesty, intituled "An Act to make perpetual an Act of the forty-fourth year of His present Majesty, for permitting the exportation of Salt from the Port of Nassau in the Island of New Providence, the Port of Exuma, and the Port of Crooked Island in the Bahama Islands, in American ships coming in ballast;" also, an Act passed in the fifty-ninth year of the Reign of His said late Majesty, intituled "An Act to extend the provisions of three Acts of the fifty second, fifty-third, and fifty-seventh years of His present Majesty, for allowing British Plantation Sugar and Coffee, and other articles, imported into Bermuda in British ships, to be exported to America in foreign vessels, and to permit articles, the produce of America, to be imported into Bermuda in foreign ships, to certain other articles;" also, an Act passed in the first year of the Reign of His present Majesty, intituled "An Act to extend several Acts for allowing the importation and exportation of certain Goods and Merchandize to Morant Bay in the Island of Jamaica;" also, another Act passed in the first year of His present Majesty's Reign, intituled "An Act to permit the importation of Coffee from any Foreign Colony or Plantation in America, into the Port of Bridge Town in Barbadoes;" also, an Act passed in the first and second years of the Reign of His present Majesty, intituled "An Act to make perpetual an Act of the fifty-eighth year of His late Majesty, to allow the importation into certain Ports in Nova Scotia and New Brunswick, of certain enumerated articles, and the re-exportation thereof from such Ports;" shall be and the same are hereby repealed.

53 G. 3. c. 37.

54 G. 3. c. 48.

57 G. 3. c. 28.

57 G. 3. c. 74.

58 G. 3. c. 19.

58 G. 3. c. 27.

59 G. 3. c. 13.

59 G. 3. c. 55.

1 G. 4. c. 12.

1 &amp; 2 G. 4. c. 7.



Act not of discharge any seizure, forfeiture, or penalty already made or incurred.

II. *Provided also, and be it further enacted,* That nothing in this Act contained, shall extend or be deemed or construed to extend to release or discharge any Seizure of Goods, Wares, or Merchandize, or of any Ship or Vessel, or to release or discharge any forfeiture or penalty incurred on or before the passing of this Act, but that the same may be prosecuted, sued for, recovered, and divided, in such and the like manner as any such seizure, forfeiture, or penalty might have been prosecuted, sued for, recovered, and divided, if this Act had not been made.

Articles enumerated in Schedule (B) may be imported from any foreign country in North or South America, or the West Indies whether under the dominion of any European Sovereign or otherwise into the Ports mentioned in Schedule (A) either in British vessel or vessels owned by the inhabitants of such country, &c.

III. *And be it further enacted,* That from and after the passing of this Act, it shall be lawful to import into any of the Ports enumerated in the Schedule annexed to this Act, marked (A.) from any foreign country on the Continent of North or South America, or from any foreign Island in the West Indies, whether such Country or Island as aforesaid shall be under the dominion of any Foreign European Sovereign or State, or otherwise, the articles enumerated in the Schedule annexed to this Act, marked (B.) either in British built ships or vessels, owned and navigated according to Law, or in any ship or vessel *bona fide* the built of and owned by the inhabitants of any country or place belonging to or under the dominion of the Sovereign or State of which said articles are the growth, produce, or manufacture, such ship or vessel being navigated with a Master and three-fourths of the Mariners at least belonging to such country or place; or in any British built ship or vessel which has been sold to and become the property of the subjects of any such Sovereign or State, such ship or vessel last mentioned being also navigated with a Master, and three-fourths of the Mariners at least belonging to such country or place: *Provided always,* that no articles enumerated in the said Schedule shall be imported in any foreign ship or vessel, or in any British built ship or vessel so sold as aforesaid, unless shipped and brought directly from the country or place of which they are the growth, produce, or manufacture.

Certain articles may be exported from any of the Ports mentioned in Schedule (A) in such British or Foreign vessels, on certain conditions.

IV. *And be it further enacted,* That it shall be lawful to export in any British built ship or vessel owned and navigated according to law, or in any foreign ship or vessel as aforesaid, from any of the Ports enumerated in the Schedule annexed to this Act, marked (A.), any article of the growth, produce, or manufacture of any of His Majesty's Dominions, or of any article legally imported into the said Ports, provided that the said articles when exported in any such foreign ship or vessel, or in any British built ship or vessel so sold as aforesaid, shall be exported direct to the Country or State in America, or the West Indies to which such ship or vessel belongs as aforesaid, and before the shipment thereof, security by bond shall be given to His Majesty, His Heirs and Successors, in a penalty equal to half the value of the said articles; such bond to be entered into by the Master and Exporter before the Collector or other Chief Officer of the Customs of such Colony, Plantation, or Island, for the due landing the said articles at the Port or Ports for which they were entered, and for producing a certificate thereof within twelve months from the date of such bond, under the hand and seal of the British Consul or Vice-Consul there resident, such certificate to be under the hand and seal of the Chief Magistrate, or under the hand and seal of two known British Merchants residing at such Port or Place; but such bond may be discharged by proof on oath by credible persons that the said articles were taken by enemies, or pe-

rished in the seas : *Provided always*, That nothing herein contained shall be construed to permit or allow the exportation of any Arms or Naval Stores, unless a Licence shall have been obtained for that purpose from His Majesty's Secretary of State, and in case any such articles shall be shipped or waterborne for the purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

Not to allow the exportation of Arms or Naval Stores without Licence of His Majesty's Secretary of State.

V. *Provided always, and be it further enacted*, That for ten years after the passing of this Act, nothing in this Act contained shall extend or be construed to exclude from the trade allowed by this Act any foreign ship or vessel which previous to the passing of this Act may have been engaged in lawful trade with His Majesty's said Colonies, Islands, or Plantations, on account of such ship or vessel not being of the built of the country to which such ship or vessel may belong.

Not to exclude foreign vessels the port of the built of the country, such vessel having been before engaged in lawful trade with the colonies.

VI. *And be it further enacted*, That in case any doubt shall arise, whether any goods, wares, or merchandize intended to be exported in any foreign ship or vessel, under the authority of this Act, had been legally imported into such port, the legality of such importation shall be made to appear to the satisfaction of the Collector and Comptroller, or other Principal Officer of the Customs of such port, before such goods, wares, and merchandize shall be suffered to be shipped for exportation.

Proof of the legality of importation to be made before the Goods shall be exported.

VII. *And be it further enacted*, That from and after the passing of this Act, there shall be raised, levied, and collected, and paid unto His Majesty, His Heirs and Successors, upon the several articles enumerated or described in the said Schedule marked (C), imported or brought into any of the ports enumerated in the Schedule marked (A), from any foreign island, state, or country, under the authority of this Act, the several duties of customs as the same are respectively inserted or described and set forth in figures in the said Schedule annexed to this Act marked (C), and the same shall be under the management of the Commissioners of the Customs in England, and shall be raised, levied, collected, paid and recovered in such and the like manner and form, and by such and the like rules, ways, means, and methods respectively, and under such penalties and forfeitures, as any other duties now payable to His Majesty on goods imported into any of the islands, plantations, colonies, or territories belonging to or under the dominion of His Majesty in America or the West Indies, are or may be raised, levied, collected, paid, and recovered by any Act or Acts of Parliament now in force, as fully and effectually to all intents and purposes as if the several clauses, powers, directions, penalties, and forfeitures relating thereto, were particularly repeated and again enacted in the body of this Act ; and the produce of such duties shall be paid by the Collector of the Customs to the Treasurer or Receiver General of the colony, province, or plantation, in which the same shall be respectively levied, to be applied to such uses and purposes as may be directed by the authority of the respective General Courts or General Assemblies of such colonies, provinces, or plantations.

On importation of articles into the ports mentioned in Schedule (A) certain duties specified in Schedule (C) to be paid for the use of the colonies.

VIII. *And be it further enacted*, That in case there shall be no General Courts or General Assemblies in the colony, province, or plantation in which the said duties shall have been levied and collected under the authority of this Act, the net proceeds of such duties shall then be applied and appropri-

How duties are to be applied to the colonies having no General Courts or Assemblies.

ated in such and the like manner and to such uses as any other duties levied and collected in any of His Majesty's colonies, provinces, or plantations in America or the West Indies, not having General Courts or General Assemblies, may now by any Act or Acts of Parliament, passed in Great Britain, or in the United Kingdom of Great Britain and Ireland, or by any order of His Majesty in Council, or by any proclamation in His Majesty's name, be appropriated and applied.

How value of articles subject to ad valorem duty shall be ascertained.

IX. *And be it further enacted.* That in all cases where, by the Schedule marked (C), the duties imposed upon the importation of articles into His Majesty's colonies, plantations, or islands in America or the West Indies, are charged not according to the weight, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the Importer or Proprietor of such articles, or his known Agent or Factor, in manner and form following: (that is to say),

**I** *A. B.* do hereby declare, That the articles mentioned in the Entry, and contained in the Packages [*here specifying the several Packages and describing the several marks and numbers, as the case may be*] are of the value of

Witness my hand, the \_\_\_\_\_ day of \_\_\_\_\_ *A. B.*  
'The above Declaration, signed the \_\_\_\_\_ day of \_\_\_\_\_ in the presence of *C. D.* Collector, or other Principal Officer.'

Provision, in case articles are not duly valued;

Which declaration shall be written on the warrant of entry of such articles, and shall be subscribed with the hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the presence of the Collector or other Principal Officer of the customs at the port of importation: Provided, that if upon view and examination of such articles by the proper Officer of the Customs, it shall appear to him that the said articles are not valued according to the true price and value thereof, and according to the true intent and meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on oath before the Collector or Chief Officer of the Customs at the port of importation (which oath he is hereby authorized and required to administer,) what is the invoiced price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of ten pounds *per Centum* thereon, shall be deemed and taken to be the value of the articles in such colony, plantation, or island as aforesaid, in lieu of the value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the duties specified in the said Schedule shall be charged and paid: *Provided also*, that if it shall appear to the Collector or other Chief Officer of the Customs, that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported, or if the invoice price is not known, the articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the Governor or Commander-in-chief of the colony, plantation, or island into which the said articles are imported: and such person shall declare on oath, before the Collector or Chief Officer of the Customs, what is the true and real value of such article in such colony, plantation, or island; and the

or in case the value or invoice price is not known.

value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties specified in the said Schedule marked (C.) shall be charged and paid.

X. *And be it further enacted,* That if the importer or proprietor of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the Collector, or other chief officer of the customs where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days at the most, after such refusal made, and at such time and place as such officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising by the sale thereof shall be applied in the first place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorised to receive the same.

Importer refusing to pay the duties, the articles to be sold, &c.

XI. *And be it further enacted,* That whenever any foreign article is liable to duty by this Act on the importation thereof into any of His Majesty's colonies, plantations, or islands in America or the West Indies, under the provisions of this Act, the like duty shall be payable upon any such foreign article when imported into any such colonies, plantations, or islands direct from any part of the United Kingdom of Great Britain and Ireland; and such duty shall be raised, levied, collected and paid, in such and the like manner, and be appropriated and applied to such and the like uses, as the duty payable upon the like article imported from any other place, under the provisions of this Act, is by this Act directed to be raised and applied.

Foreign articles charged with duty on importation from place of growth, to pay the same duty as on importation of such articles direct from the United Kingdom.

XII. *Provided always, And be it further enacted,* That if upon the importation of any article charged with duty by this Act, the said article shall also be liable to the payment of duty under the authority of any colonial law, equal to, or exceeding in amount, the duty charged by this Act, then and in such case, the duty charged upon such articles by this Act, shall not be demanded or paid upon the importation of such article: *Provided also,* that if the duty payable under such colonial law shall be less in amount than the duty payable by this Act, then and in such case, the difference only in the amount of the duty payable by this Act, and the duty payable under the authority of such colonial law, shall be deemed to be the duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like uses, as the duties specified in the said Schedule annexed to this Act, marked (C.) are directed to be collected, paid, appropriated, and applied.

Duties not payable if articles are liable to a colonial duty equal in amount to the duties hereby charged.

If colonial duty be less, the difference only to be paid.

XIII. *And be it further enacted,* That all sums of money granted and imposed by this Act, as duties shall be deemed and are hereby declared to be sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver.

Duties to be Sterling money at a certain rate.

XIV. *And be it further enacted,* That any article enumerated in the Schedule (B) legally imported as aforesaid under the authority of this Act, shall be allowed to be exported in any British ship or vessel, owned and navigated ac-

Articles enumerated in Schedule (B.) may be ex-

ported to any other British colony, or to the United Kingdom.

According to law, to any other British island, colony, or plantation, in America or the West Indies, *Provided*, that upon the importation thereof into any such other British island, colony, or plantation, proof shall be produced that the said duties due to His Majesty have been first paid in the colony or plantation into which the first articles shall have been first imported; and any article so imported in any ship or vessel as aforesaid shall be allowed to be exported to any part of the United Kingdom of Great Britain and Ireland, under the rules, regulations, restrictions, securities, penalties, and forfeitures particularly mentioned and provided in an Act of Parliament made in the Twelfth year of the reign of King Charles the Second, entituled, "An Act for the encouraging and increasing of Shipping and Navigation," and in another Act of Parliament, made in the twenty-second and twenty-third years of the reign of King Charles the Second, entituled, "An Act to prevent the planting tobacco in England, and for regulating the Plantation Trade," and in another Act of Parliament, made in the twentieth year of His late Majesty's reign, entituled, "An Act to allow the Trade between Ireland and the British Colonies in America and the West Indies, and the British Settlements on the Coast of Africa, to be carried on in like manner as it is now carried on between Great Britain and the said colonies and settlements," or in any of the said Acts with respect to the goods, wares, and merchandize therein enumerated or described.

12 C. 2 c. 18.

22 & 23 C. 2 c. 26.

20 G. 3. c. 10.

His Majesty may prohibit intercourse with any country where it shall appear that the privileges granted by foreign vessels are not allowed to British vessels trading with such country, &c.

XV. And whereas it is the intention and meaning of this Act, that the privileges hereby granted to foreign ships and vessels shall be confined to the ships and vessels of such countries only as give the like privileges to British ships and vessels in their ports in America and the West Indies; *Be it therefore enacted*, That it shall be lawful for His Majesty, His Heirs and Successors, by order in council, from time to time, when and as often as the same shall be judged expedient, to prohibit trade and intercourse under the authority of this Act, with any country or island in America or the West Indies, if it shall appear to His Majesty that the privileges granted by this Act to foreign ships and vessels are not allowed to British ships and vessels trading to and from any such country or island under the provisions of this Act; and in case such order of His Majesty in Council shall be issued, then during the time that such order in Council shall be in force, none of the provisions of this Act, either as respects the laws herein repealed, or to any other provisions of this Act, shall apply, or be taken to apply, to any country or state, the trade with which, under the provisions of this Act, shall be prohibited by any such order of His Majesty in Council; and if any goods whatever shall be imported from, or shipped for the purpose of being exported to any such country or island in America or the West Indies, in any foreign ship or vessel, after trade and intercourse therewith shall have been prohibited by any such order of His Majesty in Council, issued under the authority of this Act, all such goods, together with the ship or vessel in which the same shall have been shipped for the purpose of being exported as aforesaid, shall be forfeited, with all her guns, furniture, ammunition, tackle, and apparel; and in every such case, the same shall and may be seized by any officer of His Majesty's customs or navy, authorised or empowered to make seizures in cases of forfeiture, and shall and may be prosecuted in manner as herein-after directed.

His Majesty may

XVI. *And be it further enacted*, That if His Majesty shall deem it expedient

to extend the provisions of this Act to any port or ports not enumerated in the Schedule marked (A.) it shall be lawful for His Majesty, by order in Council, to extend the provisions of this Act to such port or ports; and from and after the day mentioned in such order in Council, all the privileges and advantages of this Act, and all the provisions, penalties, and forfeitures therein contained, shall extend, and be construed to extend, to any such port or ports respectively, as fully as if the same had been inserted and enumerated in the said Schedule at the time of passing this Act.

extend the Provisions of this Act to other ports than those enumerated in the Schedule.

XVII. *And be it further enacted,* That no articles, except such as are enumerated in the Schedule marked (B.), shall be imported in any such British built ship or vessel, or in any such foreign ship or vessel, or in any British built ship or vessel so sold as aforesaid, from any foreign country or state, on the continent of America, or island in the West Indies, into any of the ports enumerated in the Schedule marked (A.) or into any port which may be added to the Schedule marked (A.) by virtue of an order in Council as aforesaid, on any pretence whatever, on pain of forfeiting such articles, together with the ship or vessel in which the same shall have been imported, and the guns, tackle, apparel, and furniture of such ship or vessel, and in every such case, the same shall and may be seized by any officer or officers of His Majesty's Customs or Navy, who are or shall be authorised and empowered to make seizures, in cases of forfeiture, and shall and may be prosecuted in such manner as herein-after directed.

No articles except such as are enumerated in the Schedule (B.) to be imported, on pain of forfeiture with the vessel, &c.

XVIII. *And be it further enacted,* That no articles whatever shall be imported or exported, either in a British built ship or vessel, or in any such foreign ship or vessel as aforesaid, from or to any foreign country on the continent of North or South America, or from or to any foreign island in the West Indies, into or from any port of any British colony, plantation, or island in America or the West Indies, not enumerated in the Schedule annexed to this Act marked (A.) on any pretence whatever, on forfeiture of such articles, as also the ship or vessel in which the same shall be imported, with all her guns, furniture, ammunition, tackle, and apparel.

No article to be imported or exported, except to the ports mentioned in Schedule (A.).

XIX. *Provided always, and be it further enacted,* That nothing in this Act shall affect, or be construed to affect, the right which British subjects or others may enjoy under any law in force at the passing of this Act, of exporting in British ships from ports not enumerated in the said Schedule marked (A.) the produce of the Fisheries carried on from any of His Majesty's said colonies, plantations, or islands.

Not to affect the right of exporting in British ships the produce of the fisheries.

XX. *And be it further enacted,* That all penalties and forfeitures imposed by this Act shall and may be respectively prosecuted, sued for, and recovered, and divided in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of His Majesty's colonies or islands in America, in the same manner and form, and by the same rules and regulations in all respects, in so far as the same are applicable, as any other penalties and forfeitures imposed by any Act or Acts of Parliament made for the security of the revenue of the customs, or for the regulation or improvement thereof, or for the regulation of trade or navigation, and which were in force immediately before the passing of this Act, may be respectively prosecuted, sued for, recovered, and divided in Great Britain, Guernsey, Jersey, or the Isle of Man, or in any of His Majesty's colonies or islands in America.

How penalties & forfeitures are to be recovered,

# SCHEDULES TO WHICH THIS ACT REFERS.

## SCHEDULE (A.)

### LIST OF FREE PORTS

Kingston, Savannah le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, Maria, Morant Bay,	} JAMAICA.
Saint George,	GRENADA.
Roseau,	DOMINICA.
Saint John's,	ANTIGUA.
San Josef,	TRINIDAD.
Scarborough,	TOBAGO.
Road Harbour,	TORTOLA.
Nassau,	NEW PROVIDENCE.
Pitt's Town,	CROOKED ISLAND.
Kingston,	SAINT VINCENT.
Port Saint George, and Port Hamilton,	BERMUDA.
Any Port where there is a Custom-house,	BAHAMAS.
Bridgetown,	BARBADOES.
Saint John's, Saint Andrew's,	NEW BRUNSWICK.
Halifax,	NOVA SCOTIA.
Quebec,	CANADA.
Saint John's,	NEWFOUNDLAND.
George Town,	DEMARARA.
New Amsterdam,	BERBICE.
Castries,	ST. LUCIA.
Basseterre,	ST. KITT'S.
Charles Town,	NEVIS.
Plymouth,	MONTSERRAT.

## SCHEDULE (B.)

Asses,  
Barley,  
Beans,  
Biscuit,  
Bread,  
Beaver, and all sorts of Fur,  
Bowsprits,  
Calavances,  
Cocoa,  
Cattle,  
Cochineal,  
Coin and Bullion,  
Cotton Wool,  
Drugs of all sorts,

Diamonds and Precious Stones,  
Flax,  
Fruit and Vegetables,  
Fustick, and all sorts of Wood for Dyers' use,  
Flour,  
Grain of any sort,  
Garden Seeds,  
Hay,  
Hemp,  
Heading Boards,  
Horses,  
Hogs,  
Hides,

Hoops,	Pitch,
Hardwood or Mill Timber,	Rye,
Indian Corn Meal,	Rice,
Indigo,	Staves,
Live Stock of any sort,	Skins,
Lumber,	Shingles,
Logwood,	Sheep,
Mahogany, and other Wood for Ca- binet Wares.	Tar,
Masts,	Tallow,
Mules,	Tobacco,
Neat Cattle,	Turpentine,
Oats,	Timber,
Pease,	Tortoise-shell,
Potatoes,	Wool,
Poultry,	Wheat,
	Yards.

## SCHEDULE (C.)

*A Schedule of Duties payable on Articles imported into His Majesty's Possessions in America and the West Indies, from other places in America and the West Indies, the Duties following: (that is to say),*

	Sterling.		
	L.	s.	d.
Barrel of Wheat Flour, not weighing more than 196 lbs. net wt.	0	5	0
Barrel of Biscuit, not weighing more than 196 lbs. net wt.	0	2	6
For every Cwt. of Biscuit,	0	1	6
For every 100 lbs. of Bread, made from wheat or other grain, im- ported in bags or packages,	0	2	6
For every Barrel of Flour, not weighing more than 196 lbs. made from rye, peas, or beans,	0	2	6
For every bushel of Peas, Beans, Rye, or Calavances,	0	0	7
Rice, for every 100 lbs. net weight,	0	2	6
For every 1000 Shingles, called Boston Chips, not more than 12 inches in length,	0	7	0
For every 1000 Shingles, being more than 12 inches in length,	0	14	0
For every 1000 Red Oak Staves,	1	1	0
For every 1000 White Oak Staves or Headings,	0	15	0
For every 1000 Feet of White or Yellow Pine Lumber, of 1 inch thick,	1	1	0
For every 1000 Feet of Pitch Pine Lumber,	1	1	0
Other kinds of Wood and Lumber, per 1000 feet,	1	8	0
For every 1000 Wood Hoops,	0	5	3
Horses, for every £100 of the value thereof,	10	0	0
Neat Cattle, for every £100 of the value thereof,	10	0	0
All other Live Stock, for every £100 of the value thereof,	10	0	0



ANNO TERTIO  
 GEORGH IV. REGIS.

CHAPTER XLV.

An Act to Regulate the Trade between His Majesty's Possessions in America and the West Indies, and other parts of the World.

[Passed June 24th, 1822.]

Act and parts of Acts regulating Trade and Inter-  
 course between the British Colo-  
 nies and Europe, repealed, viz.

**WHEREAS** it is expedient to allow greater Freedom of Trade and Inter-  
 course between the Colonies, Plantations, and Islands belonging to His  
 Majesty in America and in the West Indies, and in other parts of the world,  
 and to repeal certain Acts now in force relating to the trade and intercourse  
 hitherto allowed to be carried on between His Majesty's colonies, planta-  
 tions, islands, and places in Europe south of Cape Finisterre, and to make  
 further provision for encouraging and extending the same; Be it therefore  
 enacted by the King's Most Excellent Majesty, by and with the advice and  
 consent of the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the authority of the same, That so much of  
 an Act passed in the twenty-fifth year of the reign of King Charles the Se-  
 cond, intituled, "An Act for the encouragement of the Greenland and East-  
 land Trade, as imposes a duty upon the exportation of sugar, tobacco, cot-  
 ton wool, indigo, ginger, logwood, fustic, dying-wood, and cocoa-nuts, from  
 any of His Majesty's plantations in America, Asia, or Africa;" also an Act  
 passed in the fifty-first year of the reign of his late Majesty King George the  
 Third, intituled, "An Act to regulate the Trade between places in Europe  
 south of Cape Finisterre, and certain ports in the British Colonies in North  
 America," also an Act passed in the fifty-second year of the reign of His said  
 late Majesty, intituled, "An Act to permit sugar, coffee, and cocoa, to be  
 exported from His Majesty's colonies and plantations to any port in Europe  
 to the south of Cape Finisterre, and corn to be imported from any such port,  
 and from the coast of Africa into the said colonies and plantations, under  
 licences granted by the collectors and comptrollers of the customs;" also,  
 so much of an Act passed in the fifty-fifth year of the reign of His said late  
 Majesty, intituled, "An Act to regulate the trade between Malta and its  
 dependencies and His Majesty's colonies and plantations in America, and  
 also between Malta and the United Kingdom," as relates to the trade allow-  
 ed to be carried on between the island of Malta and the dependencies there-  
 of, and His Majesty's colonies and plantations in America; also an Act pas-  
 sed in the fifty-seventh year of the reign of His said late Majesty, intituled,  
 "An Act to extend the privileges of the trade of Malta to the port of Gib-

25 C. 2. c. 7.  
 51 G. 3. c. 97.  
 52 G. 3. c. 98.  
 55 G. 3. c. 29.  
 57 G. 3. c. 4.

raltar;" also, another Act passed in the fifty-seventh year of the reign of 57 G. S. c. 89. His said late Majesty, intituled, "An Act to allow the importation of Oranges and Lemons from the Azores and the Madeiras into the British colonies in North America," shall be, and the same are hereby repealed, save and except as the recovery of any forfeiture or penalty incurred on or before the passing of this Act; *Provided nevertheless*, That all Acts expressly repealed by any of the said Acts, shall be deemed and taken to be, and shall remain repealed.

II. *And be it further enacted*, That it shall be lawful to export from any of His Majesty's said colonies, plantations, and islands, in any British built ship or vessel, owned and navigated according to law, any articles, the growth, produce, or manufacture of any such colony, plantation, or island, and any articles which have been legally imported into any such colony, plantation, or island, direct to any foreign port in Europe, or in Africa, or to Gibraltar, the island of Malta, or the dependencies thereof, or the islands of Guernsey, Jersey, Alderney, or Sark; any thing contained in an Act made in England in the twelfth year of the reign of His Majesty King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," or any other Act or Acts in force in the United Kingdom, or in Great Britain or Ireland respectively, to the contrary notwithstanding.

Certain articles may be exported from the British Colonies direct to certain ports of Europe, in British ships.

III. *And be it further enacted*, That before any such articles shall be laden or put on board any ship or vessel in the said colonies, plantations or islands, the exporter shall make a regular entry thereof, with the collector and comptroller of His Majesty's customs, on which entry shall be indorsed the marks and numbers of the packages, with the proper denomination of the goods contained therein, and also the place, quay, or wharf where the goods are intended to be laden; *Provided*, That no goods shall be laden at any place, quay, or wharf which shall not be situate within the limits of a port where a custom-house is established, and at which place, quay, or wharf, an officer shall be appointed to attend the lading and shipping of such goods, or in such place or places as shall be mentioned in a sufferance or warrant to be taken out from the collector and comptroller of the customs for that purpose: *Provided always*, That nothing in this Act contained shall extend, or be construed to extend to alter the existing regulations for lading and shipping the produce of the fisheries of the said colonies, plantations, or islands.

To be regularly entered and shipped in the presence of the Officers and at ports only where Custom Houses are established unless by special sufferance at other places.

Regulations as to the produce of fisheries not to be affected.

IV. *And be it further enacted*, That if upon the examination of any goods allowed to be exported from any of the said colonies, plantations, or islands, under the authority of this Act. either before or after the shipment, it shall be found that the weight or quantity thereof, or the number of the casks or packages, shall be greater than shall have been endorsed upon the entry, or if any articles are laden and put on board any ship or vessel, for the purpose of being exported to any part of Europe or in Africa, as aforesaid, without entry thereof being made with the proper officer of the customs, or shall be brought to any place, quay or wharf, or put into any hoy, boat or other vessel, for the purpose of being shipped on board any such ship or vessel for exportation to such foreign port of Europe or in Africa, previous to such entry being made, or if any goods shall be put on board, or attempted to be put on board, any ship or vessel intending to proceed to any such port of Europe

The goods must agree with the entry, and be regularly shipped on pain of forfeiture.

or Africa, in any manner contrary to the directions of this Act, all such goods in every such case, shall be forfeited, together with the hoy, boat, or other vessel or carriage whatever, employed in shipping, or attempting to ship, such goods, and also the ship or vessel in which the same shall be laden; and all such goods, vessels, boats, and carriages may be seized by any officer or officers of the customs, and the owner thereof shall forfeit double the value of such goods.

Ships clearing out from the colonies not to take on board any other articles than such as are allowed to be exported by virtue of this Act.

V. *And be it further enacted*, That in case any ship or vessel clearing out from the said colonies, plantations, or islands, under the authority of this Act, shall take on board, in any of the said colonies, plantations, or islands, any other articles than such as are allowed to be on board and exported by virtue of this Act, all such articles so taken or laden on board such ship or vessel shall be forfeited and lost, and shall and may be seized by the commander or commanders of any of His Majesty's ships or vessels of war, or any commissioned, warrant, or petty officer, specially authorised by him or them, or by any officer or officers of the customs; and the master and shipper of any such goods shall severally forfeit double the value of the goods so laden or taken on board contrary to the directions of this Act.

Before shipment of fish, oath to be made that it is the produce of the British fisheries.

VI. *And be it further enacted*, That the person exporting fish from any British colony, or plantation in North America, to any port or place as aforesaid, under the authority of this Act, shall make oath at the port of shipment, before the Chief Officer of the Customs at such port, or if there be no such Chief Officer of the Customs, then before a Magistrate, or if there be no Magistrate, then before two respectable persons being at such port or ports (which oath such Officer of the Customs, or Magistrate, or such respectable persons as aforesaid, are hereby authorized to administer) that the said fish is the produce of the British Fisheries, really and *bona fide* taken and cured by His Majesty's Subjects carrying on the said fisheries from some of the British colonies or plantations in North America.

Upon shipment of pickled or dry fish from Canada, oath to be made of its being the produce of the British fisheries.

VII. *And be it further enacted*, That before the shipment of any pickled fish or dry fish, for the purpose of exportation from Canada to any port or place as aforesaid, under the authority of this Act, the person in whose possession the same shall have continued from the time of its being landed from the British fishing vessel employed in the taking it, until the same shall be so shipped for exportation, shall make oath before the Chief Officer of the Customs at Quebec (who is hereby authorized to administer such oath), that the same is the produce of the British American Fisheries, really and *bona fide* taken and cured by His Majesty's Subjects carrying on the said fisheries from some of the said colonies or plantations.

The articles enumerated in the schedule marked (A) may be exported from certain places in Europe, or in Africa, to His Majesty's colonies, plantations, or islands in British ships.

VIII. *And be it further enacted*, That it shall and may be lawful to export in any British ship or vessel, owned and navigated according to law, from any foreign port in Europe, or in Africa, or from Gibraltar, the Island of Malta or the dependencies thereof, or the Islands of Guernsey, Jersey, Alderney, or Sark, to any of His Majesty's colonies, plantations, or islands in America or the West Indies, the articles enumerated or described in the Schedule hereunto annexed marked (A); any thing contained in an Act made in England in the fifteenth year of His Majesty King Charles the Second, intituled "An Act for the encouragement of Trade," or any other Act

or Acts in force in the United Kingdom, or in Great Britain or Ireland respectively, to the contrary notwithstanding.

IX. *And be it further enacted*, That from and after the passing of this Act, there shall be raised, levied and collected, paid unto His Majesty, His Heirs and Successors, upon the importation of the several articles enumerated or described in the said Schedule marked (B) into any of His Majesty's colonies, plantations or islands in America or the West Indies, under the authority of this Act, from any port or place in Europe or Africa as aforesaid, the several duties of the customs as the same are respectively inserted, or described, and set forth in figures in the said Schedule marked (B.); and the same shall be raised, levied, collected, paid, and received under the management of the Commissioners of the Customs in England in such and the like manner and form, and by such and the like rules, ways, means and methods respectively, and under such penalties and forfeitures, as any other duties now payable to His Majesty, on goods, imported into any of the islands, plantations, colonies, or territories belonging to or under the dominion of His Majesty in America or the West Indies are or may be raised, levied, collected, paid, and recovered by any Act or Acts of Parliament now in force, as fully and effectually, to all intents and purposes as if the several clauses, powers, directions, penalties and forfeitures relating thereto, were particularly repealed, are again enacted in the body of this Act, and the produce of such duties shall be paid by the Collector of the Customs, to the Treasurer or Receiver General of the colony, province, or plantation in which the same shall be respectively levied, to be applied to such uses and purposes as may be directed by the authority of the respective General Courts, or General Assemblies of such colonies, provinces, or plantations.

Duties to be paid on articles enumerated in the schedule (B.) upon their importation into the colonies, &c.

X. *And be it further enacted*, That in case there shall be no General Courts or General Assemblies in the colony, province, or plantation in which the said duties shall have been levied and collected under the authority of this Act, the net proceeds of such duties shall then be applied and appropriated in such and the like manner and to such uses as any other duties levied and collected in any of His Majesty's colonies, provinces, or plantations in America or the West Indies, not having General Courts or General Assemblies, may now by any Act or Acts of Parliament, passed in Great Britain, or in the United Kingdom of Great Britain and Ireland, or by any order of His Majesty in Council, or by any proclamation in His Majesty's name, be appropriated and applied.

Appropriation of net proceeds of duties in colonies where there are no general courts or assemblies.

XI. *And be it further enacted*, That in all cases where, by the Schedule marked (B), the duties imposed upon the importation of articles into His Majesty's colonies, plantations, or islands in America or the West Indies, are charged not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the Importer or Proprietor of such articles, or his known Agent or Factor, in manner and form following: (that is to say),

How value of articles subject to ad valorem duty shall be ascertained.

I *A. B.* do hereby declare, That the articles mentioned in the Entry, and contained in the Packages [here specifying the several Packages and describing the several marks and numbers, as the case may be] are of the value of

Witness my hand, the \_\_\_\_\_ day of \_\_\_\_\_ A. B.  
'The above Declaration, signed the \_\_\_\_\_ day of \_\_\_\_\_ in the presence of C. D. Collector, or other Principal Officer.'

Which declaration shall be written on the warrant of entry of such articles, and shall be subscribed with the hand of the Importer or Proprietor thereof, or his known Agent or Factor, in the presence of the Collector or other Principal Officer of the customs at the port of importation: Provided, that if upon view and examination of such articles by the proper Officer of the Customs, it shall appear to him that the said articles are not valued according to the true price and value thereof, and according to the true intent and meaning of this Act, then and in such case the Importer or Proprietor, or his known Agent or Factor, shall be required to declare on oath before the Collector or Chief Officer of the Customs at the port of importation (which oath he is hereby authorized and required to administer,) what is the invoiced price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported; and such invoice price, with the addition of ten pounds *per Centum* thereon, shall be deemed and taken to be the value of such articles in such colony, plantation, or island as aforesaid, in lieu of the value so declared by the Importer or Proprietor, or his known Agent or Factor, and upon which the duties specified in the said Schedule shall be charged and paid: *Provided also*, that if it shall appear to the Collector or other Chief Officer of the Customs, that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported; or if the invoice price is not known, the articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the Governor or Commander-in-chief of the colony, plantation, or island into which the said articles are imported; and such person shall declare on oath, before the Collector or Chief Officer of the Customs, which oath such Collector or other Chief Officer of the Customs is hereby authorised to administer, what is the true and real value of such article in such colony, plantation, or island; and the value so declared on the oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the duties specified in the said Schedule marked (B.) shall be charged and paid.

Provision, in case articles are not duly valued;

or in case the value or invoice price is not known.

Importer refusing to pay the duties, the articles to be sold, &c.

XII. *And be it further enacted*, That if the importer or proprietor of such articles shall refuse to pay the duties hereby imposed thereon, it shall and may be lawful for the Collector, or other chief officer of the customs where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold, within the space of twenty days at the most, after such refusal made, and at such time and place as such officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising by the sale thereof shall be applied in the first place, in payment of the said duties, together with the charges that shall have been occasioned by the said sale; and the surplus, if any, shall be paid to such importer or proprietor, or any other person authorized to receive the same.

XIII. *Provided always, And be it further enacted,* That if upon the importation of any article charged with duty by this Act, the said article shall also be liable to the payment of duty under the authority of any colonial law, equal to, or exceeding in amount, the duty charged upon such articles by this Act, then and in such case, the duty charged upon such articles by this Act, shall not be demanded or paid upon the importation of such article: *Provided also,* that if the duty payable under such colonial law shall be less in amount than the duty payable by this Act, then and in such case, the difference only in the amount of the duty payable by this Act, and the duty payable under the authority of such colonial law, shall be deemed to be the duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like uses, as the duties specified in the said Schedule annexed to this Act, marked (B.) are directed to be collected, paid, appropriated, and applied.

Duties not payable if articles are liable to a colonial duty equal in amount to the duties hereby charged.

If colonial duty be less, the difference only to be paid.

XIV. *And be it further enacted,* That all sums of money granted and imposed by this Act, either as duties, penalties, or forfeitures, shall be deemed and are hereby declared to be Sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver.

Duties, Penalties, and Forfeitures to be Sterling money at a certain rate.

XV. *And be it further enacted,* That all and every the goods and commodities, and all ships or vessels forfeited by this Act, shall and may be seized by the Commander or Commanders of any of His Majesty's ships or vessels of war, or any Commissioned, Warrant, or Petty Officer, specially authorized by him or them, or by any Officer or Officers of His Majesty's Customs; and that every forfeiture and penalty incurred by this Act shall and may respectively be sued for, prosecuted, and recovered in such courts, and by such and the like ways, means, and methods, and the produce thereof respectively disposed of and applied in such and the like manner, and to such and the like uses and purposes, as any forfeiture or penalty incurred by any law respecting the revenue of the customs may now be sued for, prosecuted or recovered, disposed of and applied, either in this Kingdom, or in any of His Majesty's Dominions in America or the West Indies respectively, as the case may happen to be.

Recovery and application of forfeiture.

XVI. *And be it further enacted,* That if any person or persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such person or persons may plead the general issue, and give this Act and the special matter in evidence; and if the plaintiff or plaintiff's prosecutor or prosecutors shall become nonsuit, or forbear the prosecution, or discontinue his, her, or their action, or if a verdict shall pass against him, her, or them, the defendant shall have treble costs, and shall have the like remedy for the same as in cases where costs are given by law to defendants.

General issue.

Treble costs.

# SCHEDULES TO WHICH THIS ACT REFERS.



## SCHEDULE (A.)

*A Schedule of Articles allowed to be exported from Ports in Europe, or in Africa, to any of His Majesty's Colonies, Plantations, or Islands in America or the West Indies.*

Anchovies,	Fruit.	Orris Root.
Argol,	— dry and wet, pre-	Ostrich Feathers.
Alabaster, rough and	— served in brandy	Ochres.
worked,	and sugar, in jars	Orange buds and Peel.
Anniseed,	and bottles.	Olives.
Amber,	Figs.	Pickles, in jars and bot-
Almonds,	Garden Seeds.	tles.
Biscuit,	Gum Arabic.	Paintings and Prints.
Brandy,	— Mastic.	Pozzolana
Bullion,	— Myrrh.	Precious Stones.
Brimstone,	— Sicily.	Pearls.
Boxwood,	— Ammoniac.	Punck.
Beans,	Grain.	Pumice Stone.
Botargo,	Honey.	Peas.
Cattle,	Jalop.	Parmesan Cheese.
Currants,	Incense.	Quicksilver.
Capers,	Juniper Berries.	Raisins.
Cantharides,	Lava and Malta Stone	Rhubarb.
Corn,	for building.	Rice.
Cumminseed,	Lentils.	Salt.
Coral,	Lumber.	Sausages.
Cork,	Manna.	Senna.
Cinnabar.	Mosaic Works.	Scammony.
Cascaroo.	Medals.	Sarsaparilla.
Caviar.	Meal.	Saffron.
Dates.	Musk.	Safflower.
Essence of Bergamot.	Marble, rough and	Shingles.
— Citron.	worked.	Sponges.
— Lemon.	Mill timber.	Staves.
— Orange.	Maccaroni.	Sheep.
— Lavender.	Mules.	Vermillion.
— Roses.	Nuts of all kinds.	Vermicelli.
— Rosemary.	Oil of Olives.	Whetstones.
F. nery Stone.	— of Almonds.	Wine.
Flour.	Opium.	Wood Hoops.





Honey,	Orris Root,	Raisins,
Jalap,	Ostrich Feathers,	Rhubarb,
Juniper Berries,	Ochres,	Rice,
Incense of Frankincense,	Orange Buds and Peel,	Sausages,
Lava and Malta Stone for building,	Olives,	Senna,
Lentils,	Pickles, in Jars and Bot- tles,	Scammony,
Manna,	Paintings and Prints,	Sarsaparilla,
Marble, rough and work- ed,	Pozzolana,	Saffron,
Mosaic Work,	Pumice Stone,	Safflowers,
Medals,	Punch,	Sponges,
Musks,	Parmesan Cheese,	Vermillion,
Maccaroni,	Pickles,	Vermicelli,
Nuts of all kinds,	Prints,	Wine, not in Bottles, ex- cept Wine imported into Newfoundland,
Oil of Olives,	Pearls	Whetstones,
— of Almonds,	Precious Stones (except Diamonds),	
Opium,	Quicksilver,	

For every £100 of the true and real value of the above, £7 10s.



## AN ACT

### *Relative to the Right of Tythes within this Province.*

[The Royal Assent to this Bill was promulgated by Proclamation bearing date  
20th day of February, 1823.]

Preamble:

**W**HEREAS, notwithstanding His Majesty has been graciously pleased to reserve for the support of a Protestant Clergy in this Province, one-seventh of all Lands granted therein, doubts have been suggested that the Tythe of the produce of Land might still be legally demanded by the Incumbent duly instituted, or Rector of any Parish; which doubt it is important to the well-doing of this Colony to remove: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That no Tythes shall be claimed, demanded, or received by any Ecclesiastical Parson, Rector, or Vicar of the Protestant Church within this Province, any law, custom, or usage to the contrary notwithstanding.

ANNO TERTIO

GEORG II IV. REGIS.

CHAP. CXIX.

An Act to Regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces.

[Passed 5th August, 1822.]

**W**HEREAS it is expedient to make further Regulation respecting the Trade of the Provinces of Upper and Lower Canada, in North 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 passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall be lawful to import by Land or Inland Navigation in any British or American vessel or vessels, Boat or Boats, Carriage or Carriages, the Goods, Wares, and Commodities the Growth, Produce, or Manufacture of the United States of America, enumerated in the Schedule or Table annexed to this Act marked (A.), from any Port or Place in the United States of America, into any Port or Place of Entry at which a Custom House now is or hereafter may be lawfully established, in either of the Provinces of Upper and Lower Canada: *Provided always nevertheless*, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of either of the said Provinces respectively, by and with the advice and consent of the Executive Council thereof for the Time being, from time to time to diminish or increase by Proclamation, the Number of Ports or Places which are or hereafter may be appointed in such Province for the Entry of Goods, Wares, and Commodities imported from the United States of America.

Goods of the Produce of the United States enumerated in Schedule (A.) may be imported into either of the Provinces of Upper and Lower Canada:

Power to the Governor to diminish or increase the Ports of Entry.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs, and Successors, for and upon such of the Goods, Wares, and Commodities which shall be so imported, as are enumerated in the Schedule or Table annexed to this Act marked (B.), the several Duties of Customs as the same are respectively inserted or described and set forth in figures in the said Schedule.

Duties to be paid on the Goods enumerated in Schedule (B.)

III. *Provided always, and be it further enacted by the authority aforesaid*, That if upon the Importation of any Article charged with Duty by this Act,

Where any Article is liable to a Colonial Duty equal to

the one imposed, such Article shall not be charged with the Duty: the said Article shall also be liable to the payment of Duty under the Authority of any Colonial Law, equal to or exceeding in amount the Duty charged by this Act, then and in such Case the Duty charged upon such Article by this Act shall not be demanded or paid upon the Importation of such

If Duty be less, the Difference only shall be paid. Article: Provided also, that if the Duty payable under such Colonial Law shall be less in amount than the Duty payable by this Act, then and in such case the Difference only between the Amount of the Duty payable by this Act, and the Duty payable under the Authority of such Colonial Laws, shall be deemed to be the Duty payable by this Act; and the same shall be collected and paid in such and the like manner, and appropriated and applied to such and the like Uses, as the Duties specified in the said Schedule annexed to this Act marked (B.) are directed to be collected, paid, appropriated, and applied.

Tonnage Duties for American Vessels to be the same as United States impose on British Vessels. IV. *And be it further enacted by the authority aforesaid,* That the same tonnage Duties shall be paid upon all American Vessels or Boats, importing any Goods into either of the said Provinces, as are or may be for the time being payable in the United States of America, on British Vessels or Boats entering the Harbours of the State from whence such Goods shall have been imported.

Value of Goods to be ascertained in the Mode prescribed by 3 G. 4. c. 44. V. *And be it further enacted by the authority aforesaid.* That in all Cases in which the Duties imposed by this Act upon the Importation of Articles into the said Provinces, or either of them, are charged, not according to the Weight, Gauge, or Measure, but according to the Value thereof, such Value shall be ascertained in the mode prescribed by an Act passed in this present Session of Parliament, intituled "An Act to Regulate the Trade between His Majesty's Possessions in America and the West Indies, and other places in America and the West Indies."

If payment of Duties be refused, Collector may secure the Goods, and sell the same within 20 Days. VI. *And be it further enacted by the authority aforesaid,* That if the Importer or Proprietor of such Articles shall refuse to pay the Duties hereby imposed thereon, it shall and may be lawful for the Collector or other Chief Officer of the Customs where such articles shall be imported, and he is hereby respectively required, to take and secure the same, with the Casks or other Package thereof, and to cause the same to be publickly sold, within the space of Twenty Days at the most after such refusal made, and at such Time and Place as such Officer shall by four or more days Public Notice, appoint for that purpose: which Articles shall be sold to the highest bidder; and the Money arising from the sale thereof shall be applied to the payment of the said duties, together with the charges which shall have been occasioned by the said Sale, and the overplus (if any) shall be paid to such Importer, Proprietor, or any other person authorized to receive the same.

After Payment of duty. Overplus to be paid to the Importer. VII. *And whereas a certain Act made and passed in the Twenty-eighth Year of the reign of His late Majesty King George the Third, intituled "An Act to allow the Importation of Rum and other Spirits from His Majesty's Colonies or Plantations in the West Indies into the Province of Quebec, without payment of Duty, under certain Conditions and Restrictions," has been repealed during the present Session of Parliament: And whereas Doubts may be entertained whether a certain other Act, passed in the Forty-ninth year of His said late Majesty's reign, intituled "An Act to allow the*

28 G. 3. c. 39.

49 G. 3. c. 16. al.

“ Importation of Rum and other Spirits from the Island of Bermuda into the Province of Lower Canada, without payment of Duty, on the same Terms and Conditions as such Importation may be made directly from His Majesty’s Sugar Colonies in the West Indies,” might not still remain in force, notwithstanding the Repeal of the said first-mentioned Act; *Be it therefore enacted and declared by the authority aforesaid* That the said last-mentioned Act shall be and the same is hereby repealed.

lowing the Importation of Rum, repealed.

VIII. And whereas it is expedient to afford Protection to the Trade between the said Colonies and Plantations and the Province of Lower Canada, by imposing the same Duty upon Rum or other Spirits, the Produce or Manufacture of the said Colonies, imported from Great Britain into the said Province, as is now payable upon the same Articles when imported from His Majesty’s said Colonies or Plantations in the West Indies; *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act there shall be raised, levied, collected and paid unto His Majesty, His Heirs and Successors, for and upon every Gallon of Rum or other Spirits, the Produce or Manufacture of any of His Majesty’s Islands, Colonies or Plantations in the West Indies, which shall be imported or brought into any part of the Province of Lower Canada from Great Britain or Ireland, or any of the British Dominions in Europe, the sum of Sixpence, over and above all other Duties now or hereafter to be made payable thereon in the said Province.

Additional Duty of 6d. per Gallon on West India Rum imported into Lower Canada from this Kingdom, &c.

IX. *And be it further enacted by the authority aforesaid*, That the Rates and Duties chargeable by this Act shall be deemed, and are hereby declared to be Sterling Money of Great Britain, and shall be collected, recovered, and paid to the amount of the Value which such nominal Sums bear in Great Britain; and that such Sums may be received and taken according to the Proportion and Value of Five Shillings and Sixpence to the ounce in Silver; and that the said Duties herein-before granted shall be received, levied, collected, paid, and recovered in the same Manner and Form, and by such Rules, Ways, and Means, and under such Penalties and Forfeitures as any other Duties payable to His Majesty upon Goods imported into the said Provinces of Upper and Lower Canada, or into either of them respectively, are or shall be raised, levied, collected, paid, and recovered by any Act or Acts of Parliament, as fully and effectually to all intents and purposes, as if the several Clauses, Powers, Directions, Penalties, and Forfeitures relating thereto were particularly repeated and again enacted in the Body of this Act; and that all the Monies which shall arise by the said Duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be paid by the Collector of His Majesty’s Customs, into the Hands of His Majesty’s Receiver General in the said Provinces respectively for the time being, and shall be applied to and for the use of the Provinces of Upper and Lower Canada respectively, in such Manner only as shall be directed by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the advice and consent of the Legislative Council and Assembly of each of the said Provinces respectively.

Value of Duties, and Application of the Money arising thereby.

X. *And be it further enacted by the authority aforesaid*, That it shall be law- Goods the Produce

of His Majesty's Dominion may be exported to any Port in the United States; but no Arms or Naval Stores to be exported without a Licence.

ful to export in any British or American Vessel or Vessels, Boat or Boats; Carriage or Carriages, from any of the Ports or Places of Entry now or hereafter to be established in the said Provinces, to any Port or Place in the United States of America, any Article of the Growth, Produce, or Manufacture of any of His Majesty's Dominions, or any other article legally imported into the said Provinces: Provided always, that nothing herein contained shall be construed to permit or allow the Exportation of any Arms or Naval Stores, unless a Licence shall have been obtained for that purpose from His Majesty's Secretary of State; and in case any such Articles shall be shipped or waterborne for the purpose of being exported contrary to this Act, the same shall be forfeited, and shall and may be seized and prosecuted as hereinafter directed.

Not to affect Inland Navigations of the Provinces.

XI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to interfere with or repeal, as respects the Inland Navigation of the said Provinces, any of the Provisions contained in a certain Act passed in the Seventh and Eighth Years of the Reign of King William, intituled "An Act for preventing Frauds, and regulating Abuses in the Plantation Trade except in so far as the same are altered or repealed by this Act.

7 & 8 W. 3. c. 22.

Recovery and Application of Penalties.

XII. *And be it further enacted by the authority aforesaid,* That all Penalties and Forfeitures incurred in either of the said Provinces under this Act (except where it is otherwise provided,) shall and may be sued for and prosecuted in any Court having competent Jurisdiction within such Province respectively: and the same shall and may be recovered, divided, and accounted for in the same Manner and Form, and by the same Rules and Regulations in all respects, as other Penalties and Forfeitures for offences against the Laws relating to the Customs and Trade of the said Provinces respectively, shall or may by any Act or Acts of the Legislatures of such Provinces be directed to be sued for, prosecuted, recovered, divided, and accounted for within the same respectively.

Drawback on the Exportation of Rum and Spirits from Newfoundland, &c. to Canada.

XIII. *And whereas it is expedient to encourage the Trade between Canada and His Majesty's Colonies of Newfoundland, Nova Scotia, New Brunswick, and Prince Edward's Island, by enabling the Merchants and Traders of Newfoundland to export from thence into Canada Rum and other Spirits, the Produce of the British West India Islands, or any of His Majesty's Colonies on the continent of South America, free of any Duty which may have been imposed upon its importation from any of the Places last aforesaid, and for which Purpose to allow, upon the Export of such Rum or other Spirits a drawback of the full Duties paid upon the Importation thereof; Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, there shall be paid and allowed, upon the exportation from any or either of the said Colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's Island, into Canada, of Rum or other Spirits, being the Produce of the British West India Islands, or any of His Majesty's Colonies on the continent of South America a drawback of the full Duties of Customs which may have been paid upon the Importation thereof from any of the Places last aforesaid, into any or either of the said Colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's Island upon a Cer-

tificate being produced, under the Hands and Seals of the Collector and Comptroller of His Majesty's Customs at Quebec, certifying that the said Rum or other Spirits have been duly landed in Canada.

XIV. *And be it further enacted by the authority aforesaid,* That no Entry shall pass, nor any drawback be paid or allowed, upon the Exportation of Rum or other Spirits from any or either of the said Colonies of Newfoundland, Nova Scotia, New Brunswick, or Prince Edward's Island, into *Canada*, unless such Entry be made in the Name of the real Owner or Owners, Proprietor or Proprietors of the said Goods; and that before such Owner or Owners, Proprietor or Proprietors, shall receive the said drawback so allowed as aforesaid, One or more of them shall verify upon Oath, upon the Debenture to be made out for the Payment of such drawback, that he or they is or are the real Owner or Owners of the said Goods; nor unless proof on Oath shall be made to the Satisfaction of the Collector and Comptroller of His Majesty's Customs at the Port from whence the said Goods shall be so imported into Canada, that the full Duties due upon the importation of the said Goods at the said Port had been paid and discharged: *Provided always*, that in Cases where the Owners of the said Goods are resident in any other Part of the British Dominions, it shall be lawful for their known and established Agents in the Colonies from whence the said Goods shall be so imported into Canada, to take the necessary Oaths on behalf of the said Owners.

Conditions on which the Drawback shall be paid.

XV. *And be it further enacted by the authority aforesaid.* That the said drawback shall be paid by the Collector of His Majesty's Customs at the Port from whence the said Goods shall be so imported into Canada, with the consent of the Comptroller there, out of any Monies in his Hands arising from the Duties of Customs.

Drawback how payable.

XVI. *And be it further enacted by the authority aforesaid,* That no drawback shall be paid and allowed as aforesaid, unless the said Rum or other Spirits shall be duly entered for Exportation with the proper Officers of the Customs, and actually shipped on board the Ship or Vessel in which the said Goods are intended to be exported, within the Space of One Year from the Time such Rum or other Spirits were originally imported into the Colony from whence it is intended to export them to Canada, nor unless such drawback shall be claimed within One Year after the Goods are so shipped for Exportation.

Rum to be exported from Newfoundland within One Year after First Importation.

XVII. And whereas since the Division of the Province of Quebec into the Provinces of Lower and Upper Canada, divers Regulations have from time to time been made, by Agreements concluded under the Authority of Acts passed by the Legislatures of the said Two Provinces respectively, concerning the imposing of Duties upon Articles imported into the Province of Lower Canada, and the Payment of drawbacks of such Duties to the Province of Upper Canada on account of the Proportion of Goods so imported into Lower Canada, and passing from thence into the said Province of Upper Canada, and contained therein: the last of which Agreements expired on the First Day of July, one thousand eight hundred and nineteen: And whereas it appears by the Report of the Commissioners last appointed for the purposes aforesaid, that the Province of Upper Canada claims certain

Regulations as to settling the Proportions of Duties and Drawbacks between the Provinces by Arbitrators.

Arrearages from the Province of Lower Canada on account of such drawbacks, which claims are not admitted on the Part of Lower Canada; and it further appears by the Report of the said Commissioners, appointed on behalf of both Provinces for the purposes aforesaid, that they have failed to establish any regulation for the period beyond the first day of July, one thousand eight hundred and nineteen, by reason that they could not agree upon the proportion of Duties to be paid to Upper Canada by way of Drawbacks. For remedy of the inconvenience occasioned by the suspension of the said agreement, and for the satisfactory investigation and adjustment of the said claims, *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of each of the said Provinces of Upper and Lower Canada, so soon as conveniently may be after the passing of this Act, to appoint, by Commission under the Great Seal of his respective Province, One Arbitrator; and that the said Arbitrators so appointed shall have power, by an instrument under their hands and seals, to appoint a third Arbitrator; and in case of their not agreeing in such appointment, within one month from the date of the appointment of the Arbitrators so directed to be made on the part of the respective Provinces, or the last thereof, if the said appointments shall not be made on the same day, His Majesty, His Heirs or Successors, shall have power, by an instrument under His Sign Manual, to appoint such Third Arbitrator, who (if appointed in manner last mentioned) shall not be an inhabitant of either of the said Provinces; and that the Three Arbitrators, so appointed as aforesaid, shall have power to hear and determine all Claims of the Province of Upper Canada upon the Province of Lower Canada, on account of Drawbacks or Proportion of Duties under Agreements made and ratified by the authority of the Legislatures of the said two Provinces, according to the fair understanding and construction of the said agreements; and also to hear any claim which may be advanced on the part of the Province of Upper Canada to a proportion of duties heretofore levied in Lower Canada under British Acts of Parliament, the division of which duties shall not have been embraced within the terms of any provisional agreement, and to report the particulars of any such claim, with the evidence thereupon, to the Lords Commissioners of His Majesty's Treasury for the time being; and if it shall appear to the Commissioners of His Majesty's Treasury that any sum is justly due from the Province of Lower Canada to the Province of Upper Canada on account of such last mentioned claim, they shall signify the same, together with the amount, to the Governor, or person administering the Government of the Province of Lower Canada for the time being, who shall thereupon issue his warrant upon the Receiver General of Lower Canada, to pay such amount to the Receiver General of Upper Canada, in full discharge of any such claims.

Power of Arbitrators to send for Persons and Records.

Penalty on Persons refusing, 507.

XVIII. *And be it further enacted by the authority aforesaid,* That the said Arbitrators shall have power to send for and examine such Persons, Papers, and Records as they shall judge necessary for their information in the matters referred to them; and that if any Person or Persons shall refuse or neglect to attend said Arbitrators, or to produce before them any Papers or Documents, having been duly served in either Province with reasonable Notice in writing for that

purpose, he, she, or they shall forfeit and pay the sum of Fifty Pounds, to be recovered by Bill, Plaint, or Information, in any Court having competent Jurisdiction within the Province in which such Person usually resides, to be applied towards the Support of the Civil Government of the said Province, and to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such Manner and Form as it shall please His Majesty to direct.

XIX. *And be it further enacted by the authority aforesaid.* That the Witnesses to be produced before the said Arbitrators, if it is desired by either of the said Arbitrators, shall and may be sworn before any of His Majesty's Justices of the Peace within either of the said Provinces, or before any one of the said Arbitrators, who are hereby empowered jointly or severally to administer such Oath; and that if any person shall in any such Oath so taken as aforesaid, wilfully forswear himself, he shall be deemed guilty of wilful and corrupt Perjury. Witnesses to be sworn.  
Penalty for false swearing.

XX. *And be it further enacted by the authority aforesaid,* That in case of the Death, Removal, or Incapacity of either of the said Arbitrators before making an Award, or in case the third Arbitrator chosen or appointed as aforesaid, shall refuse to act, another shall be appointed in his stead, in the same manner as such Arbitrator so dead, removed, or become incapable or refusing to act as aforesaid, was originally appointed; and that in case a third Arbitrator shall be appointed by His Majesty as herein before mentioned, it shall and may be lawful for the Governor in-Chief in and over the said Provinces, to determine the amount of Remuneration to be paid to such Arbitrator, which amount shall be defrayed in equal proportions by each Province, and shall be paid by Warrants, to be issued for that purpose by the Governor, Lieutenant Governor, or person administering the Government of each Province, upon the Receiver General thereof respectively. Appointing Arbitrators on Vacancies.

XXI. *And be it further enacted by the authority aforesaid.* That the Award of the majority of the arbitrators, so far as the same shall be authorised by this Act, shall be final and conclusive as to all matters therein contained; and that if either of the Arbitrators nominated by the Governor, Lieutenant Governor, or person administering the Government of either of the said Provinces, shall refuse or neglect to attend, on due notice being given, the two remaining Arbitrators may proceed to hear and determine the matters referred to them, in the same manner as if he were present. Award of Arbitrators to be final.

XXII. *And be it further enacted by the authority aforesaid,* That the said Arbitrators, or a majority of them as herein-before mentioned, shall certify the Award to be made by them in the premises, under their hands and seals, to the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and to the Governor, Lieutenant Governor, or person administering the Government of each of the said Provinces; and that if any sum be directed by the said Award to be paid to the Province of Upper Canada by the Province of Lower Canada, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of the said Province of Lower Canada, and he is hereby required to issue his Warrant upon the Receiver General of the Province of Lower Canada in favour of the Receiver General of the Province of Upper Canada, for the Award to be certified to the Treasury and the Governor of the Provinces.  
Payment of Sum awarded.



sum so awarded; which sum shall be accordingly paid by the Receiver General of Lower Canada in discharge of such Warrant, and shall be accounted for by him to 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.

Power to Arbitrators to determine Claims advanced by Lower Canada on Upper Canada.

XXIII. *And be it further enacted by the authority aforesaid.* That the Arbitrators to be appointed under this Act shall have power to hear and determine any Claim which may be advanced on the part of the Province of Lower Canada, upon the Province of Upper Canada, being of the same description as those which by this Act may be preferred to the same Arbitrators on the part of Upper Canada; and that their award thereupon shall be final and conclusive, and shall be carried into effect if the same be made in favour of the Province of Lower Canada, in the same manner as is herein directed with respect to any award which may be made in favour of the Province of Upper Canada.

Proportion of Duties arising in Lower Canada shall be one-Fifth to Upper Canada.

XXIV. *And be it further enacted by the authority aforesaid.* That of all Duties which have been levied in the Province of Lower Canada since the first day of July, one thousand eight hundred and nineteen, under any Act passed in the said Province, upon any Goods, Wares, Merchandize, or Commodities imported by Sea into the Province of Lower Canada, and also of all duties which, after the passing of this Act, and before the first day of July, one thousand eight hundred and twenty four, shall be levied in the Province of Lower Canada, under any Act passed in the said Province, upon any Goods, Wares, Merchandize, or Commodities imported by Sea into the said Province of Lower Canada, the Province of Upper Canada shall be entitled to have and receive One-fifth part as the proportion of Duties arising and due to the said Province of Upper Canada upon such Importations; and that the Governor, Lieutenant Governor, or person administering the Government of the Province of Lower Canada, shall and may issue his warrant forthwith upon the Receiver General of Lower Canada, in favour of the Receiver General of the Province of Upper Canada, for such proportion of the duties as shall have been received in the Province of Lower Canada before the passing of this Act, and shall and may, on the first day of January and the first day of July, in each and every year thereafter, issue his warrant upon the Receiver General of Lower Canada in like manner, for the payment to the Receiver General of Upper Canada, of such sum as may be then ascertained to be due on account of the said proportion, according to the provisions of this Act.

After July 1, 1824, Divisions of Duties shall be awarded by Arbitrators as hereinbefore mentioned

Award to be made every Four Years.

XXV. *And be it further enacted by the authority aforesaid.* That immediately after the said first day of July, one thousand eight hundred and twenty-four, the Proportion to be paid to Upper Canada for the four years next succeeding, of duties levied in the Province of Lower Canada, under the authority of any Act or Acts passed or to be passed therein upon Goods, Wares, and Commodities imported therein by sea, shall and may be ascertained by the award of Arbitrators, to be appointed in the same manner and with the same powers as hereinbefore provided with respect to the Arbitrators to whom the question of arrears is to be referred, and that Arbitrators shall in like manner be appointed, and an award made once after every four

years thereafter, for the purpose of establishing such proportion from time to time; and all and every the provisions contained in this Act, respecting the Appointment, Powers, and Remuneration of the Arbitrators to be first appointed after the passing thereof, and regarding the Execution of their Duty, shall apply and extend to the Arbitrators to be appointed for the purposes last herein mentioned.

XXVI. *And be it further enacted by the authority aforesaid,* That after the said first day of July, one thousand eight hundred and twenty-four, and until a new proportion of Duties, to be paid to Upper Canada, shall be established, as herein-before provided, and also at all times hereafter, in default of any such proportion being appointed, the proportion of Duties last assigned to be paid to Upper Canada under the authority of this Act, shall continue to be paid by the Province of Lower Canada, and warrants shall issue for the payment of the same, in the same manner as for the period before the same first day of July, one thousand eight hundred and twenty-four: *Provided always,* that it shall be in the power of the Arbitrators nevertheless, by their subsequent award, to alter such proportion from the period for which it was last established, if it shall appear to them just so to do.

Proportion hereby established to be paid, until a new one is made.

XXVII. And whereas by a certain Act of the Parliament of Great Britain, passed in the fourteenth year of His late Majesty's reign, intituled, "An Act to establish a Fund towards farther defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America," certain Duties were imposed upon Goods and Commodities imported into the said Province, which Duties are by the said Act directed to be applied, under the authority of the Lord High Treasurer, or Commissioners of His Majesty's Treasury, in making a more certain and adequate provision towards defraying the expense of the Administration of Justice, and the support of the Civil Government in the said Province of Quebec; and since the division of the said Province of Quebec into the Provinces of Upper and Lower Canada, it has been contended, on behalf of the said Provinces, that the proceeds of such Duties should be distributed between the said two Provinces in proportion to the amount of expenses defrayed by each respectively towards the Administration of Justice and the support of its Civil Government, and not in proportion to the estimated consumption within either Province of the articles upon which such Duties shall have been paid; *Be it therefore enacted by the authority aforesaid,* That it shall be lawful for the Arbitrators to be appointed, from time to time, for the purpose of establishing the Proportion which shall be paid to Upper Canada of such Duties as now are, or hereafter may be imposed, by Acts passed in the Province of Lower Canada, to receive the Claims in behalf of each Province with respect to its proportion of Duties levied under the said Act passed in the fourteenth year of His said late Majesty's reign, since the expiration of the last provisional agreement heretofore ratified between the said two Provinces, or which may hereafter be levied under the authority of the said Act, upon Goods and Commodities imported into Lower Canada, and to report the same, with the evidence thereon, to the Lords Commissioners of His Majesty's Treasury for the United Kingdom of Great Britain and Ireland for the time being, in order that

Proportion of Duties how to be allotted between the Two Provinces.  
14 G. 3. c. 38.

they may make such order respecting the proportion in which the same shall be expended within each of the said Provinces respectively, for the purposes mentioned in the said Act, as to them shall seem meet: *Provided always nevertheless*, that until such order shall be made by the Lords Commissioners of His Majesty's Treasury as aforesaid, the proceeds of such Duties shall be distributed in the same proportion between the said two Provinces, as the Duties levied under the Provincial Acts of the Province of Lower Canada within the same period, subject nevertheless to be increased or diminished, as respects either of the said Provinces, by any subsequent order of the said Lords Commissioners, extending to the period for which no such order had before been made.

Duties imposed by Lower Canada to remain in force till repealed or altered by a Legislative Act of that Province.

XXVIII. And whereas the division of the Province of Quebec, into the two Provinces of Upper and Lower Canada, was intended for the common benefit of His Majesty's subjects residing within both of the newly constituted Provinces, and not in any manner to obstruct the intercourse or prejudice the trade to be carried on by the Inhabitants of any part of the said late Province of Quebec with Great Britain, or with other countries: and it has accordingly been made a subject of mutual stipulation between the said two Provinces, in the several agreements which have heretofore subsisted, that the Province of Upper Canada should not impose any Duties upon articles imported from Lower Canada, but would permit and allow the Province of Lower Canada to impose such Duties as they might think fit upon articles imported into the said Province of Lower Canada; of which Duties a certain Proportion was by the said agreements appointed to be paid to the Province of Upper Canada: And whereas in consequence of the inconveniences arising from the Cessation of such agreements as above recited, it has been found expedient to remedy the evils now experienced in the Province of Upper Canada, and to guard against such as might in future arise from the exercise of an exclusive control, by the Legislature of Lower Canada, over the Imports and Exports into and out of the port of Quebec; and it is further expedient, in order to enable the said Province of Upper Canada to meet the necessary charges upon its ordinary revenue, and to provide with sufficient certainty for the support of its Civil Government, to establish such control as may prevent the evils which have arisen or may arise from the Legislature of Lower Canada suffering to expire unexpectedly, or repealing suddenly, and without affording to Upper Canada an opportunity of remonstrance, existing Duties, upon which the principle part of its Revenue, and the necessary maintenance of its Government may depend; *Be it therefore enacted by the authority aforesaid*, That all and every the Duties which, at the time of the expiration of the last agreement between the said Provinces of Upper and Lower Canada, were payable under any Act or Acts of the Province of Lower Canada, on the Importation of any Goods, Wares, or Commodities into the said Province of Lower Canada (except such as may have been imposed for the regulation of the Trade by land or inland navigation, between the said Province and the United States of America,) shall be payable and shall be levied according to the provisions contained in any such Acts, until any Act or Acts for repealing or altering the said Duties, or any part thereof respectively, shall be passed by the Legislative

Council and Assembly of the said Province of Lower Canada, and until such Act or Acts, repealing or altering such Duties, shall, after a copy thereof has been transmitted to the Governor, Lieutenant Governor, or Person administering the Government of the Province of Upper Canada, be laid before both Houses of the Imperial Parliament, according to the forms and provisions contained in a certain Act of the Parliament of Great Britain, passed in the thirty-first year of the reign of His said late Majesty, intituled "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 the Royal Assent thereto proclaimed within the Province of Lower Canada, according to the Provisions of the said last-mentioned Act.

31 G. 3. c. 31.

XXIX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no Act of the Legislature of the Province of Lower Canada, whereby any additional or other Duties shall or may be imposed on articles imported by sea into the said Province of Lower Canada, and whereby the Province of Upper Canada shall or may in any respect be directly or indirectly affected, shall have the force of Law until the same shall have been laid before the Imperial Parliament, as provided in certain cases by the said Act passed in the thirty-first year of His said late Majesty's reign, and the Royal Assent thereto published by proclamation in the said Province of Lower Canada, a copy of such Act having, within One Month from the time of presenting the same for the Royal Assent in the said Province, been transmitted by the Governor, Lieutenant Governor, or person administering the Government of the Province of Lower Canada, to the Governor, Lieutenant Governor, or person administering the Government of the Province of Upper Canada: *Provided always nevertheless,* that it shall not be necessary to transmit any such Act to be laid before the Imperial Parliament, if, before the same shall have been presented for the Royal Assent within the said Province of Lower Canada, the Legislative Council and House of Assembly of the said Province of Upper Canada shall, by address to the Governor, Lieutenant Governor, or Person administering the Government of the said Province of Upper Canada, pray, that their concurrence in the imposition of the Duties intended to be imposed by such Act may be signified to the Governor, Lieutenant Governor, or Person administering the Government of the said Province of Lower Canada.

No Act of Legislature imposing Duties, whereby the Province of Upper Canada may be affected, to be valid until laid before Parliament.

XXX. And whereas it is expedient that the Productions of the Province of Upper Canada should be permitted to be exported without being made subject by any Act of the Province of Lower Canada, either directly or indirectly, to Duties or Impositions on their arrival in that Province, or in passing through the waters thereof: *Be it enacted by the authority aforesaid,* That from and after the passing of this Act, all and every the Boats, Scows, Rafts, Cribbs, and other craft belonging to any of His Majesty's subjects, and coming from the Province of Upper Canada into the Province of Lower Canada not laden with the Productions of any foreign country, shall be allowed freely to pass into and through the said Province, and shall not be subject to any Rate, Tax, Duty, or Imposition, other than any charge which

Boats and other Craft belonging to His Majesty's Subjects may go from Upper Canada into Lower Canada, not laden with Foreign Productions, without being subject to any Duty.

How Expences of improving the Navigation shall be paid.

may now exist for Pilotage, or which may now be established for Tolt at any Lock or other Work now actually erected on the navigable waters thereof; any Law, Statute, or Usage of the Province of Lower Canada to the contrary notwithstanding; and 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 this 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 Legislatures of both of the said Provinces.

Lands held in Fief and Seignory may, on Petition of the Owners to His Majesty, &c. be changed to the Tenure of free and common Soccage.

XXXI. And whereas doubts have been entertained whether the Tenures of Lands within the said Provinces of Upper and Lower Canada holden in Fief and Seignory can legally be changed: And whereas it may materially tend to the improvement of such lands, and to the general advantage of the said Provinces, that such Tenures may henceforth be changed in manner herein-after mentioned: *Be it therefore further enacted and declared by the authority aforesaid*, That if any person or persons holding any lands in the said Provinces of Upper and Lower Canada, or either of them, in fief and seignory, and having legal power and authority to alienate the same, shall at any time from and after the commencement of this Act, surrender the same into the hands of His Majesty, His Heirs or Successors, and shall by Petition to His Majesty, or to the Governor, Lieutenant Governor, or Person administering the Government of the Province in which the Lands so holden shall be situated, set forth that he, she, or they is or are desirous of holding the same in free and common Soccage, such Governor, Lieutenant Governor, or Person administering the Government of such Province as aforesaid in pursuance of His Majesty's instructions, transmitted through his principal Secretary of State for Colonial Affairs, and by and with the Advice and Consent of the Executive Council of such Province, shall cause a fresh Grant to be made to such person or persons of such lands to be holden in free and common Soccage, in like manner as lands are now holden in free and common Soccage in that part of Great Britain called England; subject nevertheless to payment to His Majesty, by such Grantee or Grantees, of such sum or sums of money as and for a commutation for the Fines and other Dues which would have been payable to His Majesty under the original Tenures, and to such condition as to His Majesty, or to the said Governor, Lieutenant Governor, or person administering the Government as aforesaid, shall seem just and reasonable: *Provided always*, that on any such fresh Grant being made as aforesaid, no allotment or appropriation of lands for the support and Maintenance of a Protestant Clergy shall be necessary; but every such fresh Grant shall be valid and effectual without any Specification of lands for the purpose aforesaid; any Law or Statute to the contrary thereof in anywise notwithstanding.

His Majesty may commute with persons holding Lands at Cens et Renties.

XXXII. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for His Majesty, His Heirs and Successors, to commute with any person holding lands at *Cens et Renties* in any Censive or Fief of His Majesty within either of the said Provinces and such person may obtain a release from His Majesty of all feudal Rights arising by reason of such Te-

nure, and receive a Grant from His Majesty, His Heirs or Successors, in free and common Soccage, upon payment to His Majesty of such sum of money as His Majesty, His Heirs or Successors, may deem to be just and reasonable, by reason of the release and Grant aforesaid; and all such sums of money as shall be paid upon any Commutations made by virtue of this Act shall be applied towards the Administration of Justice and the support of the Civil Government of the said Province.

XXXIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such person or persons may plead the general Issue, and give this Act and the special matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become non-suit, or forbear the Prosecution, or discontinue his, her, or their Action or if a Verdict shall pass against him, her, or them, the Defendants shall have Treble Costs, and shall have the like Remedy for the same as in Cases where Costs are by Law given to Defendants.

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## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

Asses.	Fustick, and all Sorts of Wood for Dyer's Use.
Barley.	Flour.
Beans.	Grain of any Sort.
Biscuit.	Garden Seeds.
Bread.	Hemp.
Beaver, and all sorts of Fur.	Heading Boards.
Bowsprits.	Horses.
Calavances.	Hogs.
Cocoa.	Hides.
Cattle.	Hay.
Cochineal.	Hoops.
Coin and Bullion.	Hardwood, or Mill Timber.
Cotton Wool.	Indigo.
Drugs of all Sorts.	Live Stock of any Sort.
Diamonds and Precious Stones.	Lumber.
Flax.	Logwood.
Fruit and Vegetables.	

Mahogany, and other Wood for Cabinet Wares.	Staves.
Masts.	Skins.
Mules.	Shingles.
	Sheep.
Neat Cattle.	Tar.
	Tallow.
Oats.	Tobacco.
	Turpentine.
Peas.	Timber
Potatoes.	Tortoise-shell.
Poultry.	
Pitch.	Wool.
	Wheat.
Rye.	
Rice.	Yards,

SCHEDULE (B.)

	£	s.	d.
	STERLING.		
Barrel of Wheat Flour, not weighing more than 196 lbs. net Weight	0	5	0
Barrel of Biscuit, not weighing more than 196 lbs. net Weight	0	2	6
For every Cwt. of Biscuit	0	1	6
For every 100 lbs. of Bread, made from Wheat or other Grain, imported in Bags or Packages	0	2	6
For every Barrel of Flour, not weighing more than 196 lbs. made from Rye, Peas, or Beans	0	2	6
For every Bushel of Peas, Beans, Rye, or Calavances	0	0	7
Rice, for every 100 lbs. net Weight	0	2	6
For every 1,000 Shingles, called Boston Chips, not more than 12 inches in Length	0	7	0
For every 1,000 Shingles, being more than 12 inches in Length	0	14	0
For every 1,000 Red Oak Staves	1	1	0
For every 1,000 White Oak Staves or Headings	0	15	0
For every 1,000 Feet of White or Yellow Pine Lumber, of One Inch thick	1	1	0
For every 1,000 Feet of Pitch Pine Lumber	1	1	0
Other kinds of Wood and Lumber, per 1,000 Feet	1	8	0
For every 1,000 Wood Hoops	0	5	3
Horses, for every 100% of the Value thereof	0	0	0
Neat Cattle, for every 100% of the Value thereof	0	0	0
All other Live Stock, for every 100% of the Value thereof	0	0	0

**STATUTES**  
OF  
**UPPER-CANADA.**

PASSED IN THE THIRD SESSION OF THE EIGHTH PROVINCIAL PARLIAMENT,

MET AT YORK ON THE FIFTEENTH DAY OF JANUARY, AND PROROGUED ON

THE NINETEENTH DAY OF MARCH FOLLOWING, IN THE FOURTH

YEAR OF THE REIGN OF GEORGE IV.

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

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ANNO DOMINI, 1823.

**CHAP. I.**

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."

[Passed 29th January, 1823.]

**W**HEREAS An Act was Passed in the second Year of His Majesty's Preamble. Reign, entitled "An Act to make Provision for the improvement of the Internal Navigation of this Province," and whereas it has become necessary to amend and extend the Provisions 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 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 Provi-



In the absence of the President, a Vice President to be elected who shall have the same Powers.

Commissioners relieved from Reporting within 20 days after the Session of 1822.

But not to delay their Report beyond 15 h. Feb. 1823.

sion for the Government of the said Province," and by the authority of the same, That in the absence of the President of the Commission established by the said first recited Act, it shall and may be lawful for the remaining Commissioners or a majority of them, not less than three being present, to choose one of their number to be Vice-president, who in the absence of the President shall have the like powers and authorities as are vested in the said President in and by virtue of the said Act, any thing to the contrary thereof in the said Act contained, notwithstanding.

*And be it further enacted by the authority aforesaid,* That for the better enabling the said Commissioners to perform the duties required of them by the said Act, so much thereof as requires the said Commissioners to report their proceedings within twenty days after the Session of One thousand eight hundred and twenty-two, be and the same is hereby repealed.

*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 the said Commissioners to delay the delivery of the said report beyond the fifteenth day of February next.

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## C H A P. II.

An Act to provide for the Establishment of Courts in the District of Bathurst, and for other purposes therein mentioned.

[Passed 29th January, 1823.]

Preamble.

**W**HEREAS by 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,'" it is among other things provided, that the Governor, Lieutenant Governor, or Person administering the Government of this Province may by Proclamation, as soon as he may think fit, declare the County of Carleton a separate District, by such name as to him may seem meet: And whereas His Excellency the Lieutenant Governor has been pleased, by his Proclamation bearing date the thirteenth day of November, in the year of our Lord one thousand eight hundred and twenty two, to declare the said County of Carleton a separate District, by the name of Bathurst, 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 Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery, and of the Peace; Courts of General Quarter Sessions of the Peace; District Court, Surrogate Court, Court of Requests, and every Court and Jurisdiction whatsoever, held or to be held, possessed and enjoyed, in and by other Districts of this Province, shall from henceforth, with the like powers and authorities be held, possessed, and enjoyed, in and by the said District of Bathurst, and shall have full power and authority to hear and determine all such causes, whether criminal or civil, as might or would have been heard and determined in any of the Courts of the District of Johnstown had this Act not have been passed, and that the provision made for the support of District and Common Schools, and all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing which hath or have been enacted, provided and declared by any Act or Acts of the Parliament of this Province made, or to be made, touching or concerning the said other Districts, shall be, and are hereby extended to that District, unless otherwise provided for and declared by this Act, and that Courts of Oyer and Terminer, Assize, Nisi Prius, and Gaol Delivery, shall first be held, unless under Special Commission in and for the said District of Bathurst, during the vacation between Trinity and Michaelmas Terms next, in like manner as the same Courts are usually held throughout this Province.

Courts established in the District of Bathurst.

Former Provisions relative to Common Schools and all other privileges of other Districts extended to Bathurst.

II. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the Justices of the Peace in the said District, to hold a special Session, as soon as conveniently may be after the passing of this Act for the purposes of granting certificates to persons desirous of obtaining Tavern Licences for the current year, to enable them to procure the same from the Inspector of Licences for the said District.

Justices of the Peace to hold a special Session immediately after the passing of this Act for the purpose of Licencing Public Houses. held in the Court House in Perth.

III. *And whereas it appears that a Gaol and Court House have been erected in the Town of Perth, in the Township of Drummond, in the said District, Be it further enacted by the authority aforesaid,* That the several Courts for the due administration of Justice shall be held in the said Court House in the said Town of Perth, any thing to the contrary thereof notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace in and for the District of Bathurst, shall commence on the third Tuesdays in March, September and December, and the second Tuesday in June, and the terms of the District Court, and Surrogate Court for the said District, shall commence and be holden on the Monday of the week next but one preceding that in which the Quarter Sessions shall be holden, and end on the Saturday of the same week.

Periods for holding the Quarter Sessions and District Courts.

V. *And be it further enacted by the authority aforesaid,* That the assessments or rates, levied or to be levied for the year of our Lord one thousand eight hundred and twenty-two within the said District of Bathurst, shall be applied and expended for the like purposes within that District as they now are or may be applied and expended under or by virtue of any Act or Acts of the Parliament of this Province, made or to be made in the other Districts of this Province.

Rates levied for the year 1822, in Bathurst shall be expended within that District, in the same manner as rates collected in other Districts are expended therein respectively.

Monies due from the District of Bathurst to the District of Johnstown, or vice versa to be accounted for between the Treasurers of the said Districts respectively.

VI. *Provided always, and be it further enacted by the authority aforesaid, That* the Justices of the Peace in General Quarter Sessions assembled for the said District of Bathurst shall, and they are hereby required to order the Treasurer of the said District to pay from and out of the monies which he shall receive as such Treasurer, within two years from the passing of this Act. such arrearages as may be due from the said District to the Treasurer of the Johnstown District, and also all such sums as may have become due, or may have been paid during the year one thousand eight hundred and twenty-two by the District of Johnstown for the said District of Bathurst, arising from the arrest or support of Prisoners, or in any other manner whatsoever, any thing in this Act to the contrary notwithstanding.

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### C H A P. III.

An Act providing for the Publication of Reports of the decisions of His Majesty's Court of King's Bench in this Province.

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS from the Infant State of this Colony the publication of the decisions of His Majesty's Court of King's Bench in this Province, would be attended with more expence than the probable sale of reports thereof would compensate, whereby individuals are prevented reporting the same; and whereas it is extremely desirable for the information of the Public, that some public Record of the judicial opinion of the Judges of the said Court should be kept, 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 a Reporter to be appointed as hereinafter mentioned, the same to be an officer of the Court, and amenable thereto, for the correct and faithful discharge of his duty to submit to the inspection of the Court on the first day of each Term, a fair report of all the decisions given by the Court and noted by him during the last preceding term, which report after due examination and correction by the whole Court, shall be signed in open Court by all the Judges present, and shall from thenceforth become an authentic report of all such decisions.

Reporter to be appointed.

Reports to be examined and signed by the Judges.

Attornies to take out annually before the first day of

II. *And be it further enacted by the authority aforesaid, That every Attorney of His Majesty's Court of King's Bench in this Province shall annually on or before the first day of Michaelmas Term, take out a certificate from the*

Clerk of the Crown and Pleas in this Province, of his having been admitted to practise as an Attorney in the said Court, which Certificate the said Clerk is hereby required to give, upon production of a receipt from the Treasurer of the Law Society of Upper Canada for any sum not exceeding Two Guineas which the said Law Society shall determine upon, and upon payment to him of two shillings and six pence.

Michaelmas Term Certificates of their being duly admitted.

2 Guineas to be paid therefor to the Treasurer of the Law Society.

III. *And be it further enacted by the authority aforesaid,* That if any practising Attorney shall neglect to take out such Certificate in each and every year, on or before the first day of Michaelmas Term as aforesaid, he shall not after such neglect be entitled thereto, until he shall have produced a receipt from the Treasurer of the Law Society for the sum of Four Guineas, which shall be appropriated in the same manner as other Monies received by the said Treasurer under the provisions of this Act, are directed to be applied.

4 Guineas for Certificates not taken out in time.

IV. *And be it further enacted by the authority aforesaid,* That if any Attorney shall practise in any of His Majesty's Courts in this Province, after the first day of Michaelmas Term in each year without having obtained such certificate as aforesaid, he shall forfeit the sum of Ten pounds to be recovered by information in his Majesty's Court of King's Bench, and be paid to His Majesty's Receiver General to and for the Public uses of this Province, to 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, shall be graciously pleased to direct.

Penalty of 10% for practising without a certificate.

V. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall extend or be construed to extend to require any person admitted to practise as an Attorney after the said first day of Michaelmas Term in any Year to take out any certificate as aforesaid until the first day of Michaelmas Term then next ensuing.

Exception in favor of persons admitted after Michaelmas Term.

VI. *And be it further enacted by the authority aforesaid,* That the said Treasurer of the said Law Society shall pay into the hands of His Majesty's Receiver General of this Province for the time being the several sums of money to be by him received under the provisions of this Act, to be applied towards the payment of a Salary, not exceeding the sum of One Hundred Pounds of lawful money, to a Reporter to be appointed by the Governor, Lieutenant Governor or person administering the Government of this Province, the same being a Member of the Law Society, whose duty it shall be to report the cases and decisions of His Majesty's Court of King's Bench in the said Province, *Provided always,* that the said Reports may be sold for the benefit of the Reporter.

Treasurer of the Law Society to pay Monies received by him for Certificates into the hands of the Receiver General, towards paying a Salary of not more than 100% to a Reporter to be appointed by the Governor

VII. *And be it further enacted by the authority aforesaid,* That the Salary herein declared to be payable to the said Reporter shall be paid by the Receiver General of this Province, out of the monies which may hereafter be paid into his hands by the Treasurer of the Law Society aforesaid in discharge of such warrant or warrants as may 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 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.

Reports may be sold for the benefit of the Reporter.

Salary to be paid by Receiver General.

Monies paid how accounted for.

## C H A P. IV.

AN Act to provide for the Appointment of Commissioners to investigate the claims of certain Inhabitants of this Province, for losses sustained by them during the late War with the United States of America, and for other purposes therein mentioned.

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS during the late War with the United States of America many of Your Majesty's faithful Subjects, Inhabitants of this Province, sustained much loss and damage by the plundering and burning their dwellings and other buildings, and by the devastation of their estates by the enemy, and by other causes incidental to a state of warfare; and whereas Your Majesty has signified Your Royal pleasure in a despatch from Your Majesty's Principal Secretary of State for the Colonial Department, to His Excellency Sir Peregrine Maitland, and your Majesty's Lieutenant Governor of this Province, that a Commission should be appointed for the investigating the claims of the sufferers prior to any compensation being made for the same. And whereas it is expedient that a diligent and impartial enquiry should be made into the amount of such loss, We, Your Majesty's faithful Subjects, the Commons of Upper Canada, beseech Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entituled '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 for the time being, from time to time, by commission under the Great Seal of this Province, to appoint Five persons, three of whom shall form a Quorum, who shall be, and they are hereby constituted Commissioners, to enquire into the losses respectively sustained by His Majesty's subjects during the late war with the United States of America, whether arising from the act of the King's enemies, or of His Majesty's generals, or troops, or of the Indians serving with them.

Governor &c. to appoint 5 Commissioners, 3 of whom to be a quorum.

To inquire into the losses sustained by His Majesty's subjects during the late war with the United States of America.

Commissioners to take an Oath of Office.

Oath.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners before they enter upon the execution of the same, shall take an Oath before any one of His Majesty's Justices of the Court of King's Bench, which he is authorised and required to administer in the form following, that is to say:—

"I, A. B. do swear that according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an Act, entituled "An Act for enquiring into the losses of

Persons who have suffered losses during the late War with the United States, according to the tenor and purport of the said Act." 2

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said Commissioners, and they are hereby authorised, empowered and required to examine upon Oath all persons whom the said Commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said Commissioners by this Act, and all such persons are hereby directed, and required punctually to attend the said Commissioners at such time or place as they shall appoint.

Commissioners may examine witnesses on Oath.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby authorised to meet and sit from time to time at such place or places as the Governor, Lieutenant Governor, or person administering the Government of this Province may direct, with or without adjournment, and to send their precept or precepts under their hands and seals for any person or persons whatsoever, and for such books, papers, writings or records as they shall judge necessary for their information, in the execution of the powers vested in the said Commissioners by this Act, and the said Commissioners are hereby authorised to appoint and employ such Clerks, Messengers and Officers as they shall think meet, which Clerks and Officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or reward as the said Commissioners shall think fit to direct and appoint in that behalf.

Time of sitting. Commissioners may send their precept for Persons and Papers, And appoint clerks and other officers.

V. *And be it further enacted by the authority aforesaid,* That in case any person or persons upon examination upon oath before the said Commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as by any Law now in being, persons convicted of wilful and corrupt perjury are subject and liable to.

Penalty of perjury upon persons guilty of false swearing.

VI. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings by virtue of this Act, without any further requisition, give an account of their proceedings in writing, to the Governor, Lieutenant Governor, or Person administering the Government of this Province, and that a copy of such proceedings may be laid before the House of Assembly of this Province at the then next ensuing Session thereof.

Commissioners to give an account of their proceedings in writing, to the Governor, &c. to be laid before the House of Assembly.

VII. *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 to the Receiver General of this Province for a sum or sums not exceeding One Thousand Pounds, for defraying the necessary charges and expences incurred under the authority of this Act, which sums shall be accounted for by the Receiver General of this Province through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors shall direct.

Governor, &c. may issue his warrant to the Receiver General for 1000l. to defray expences.

Continuation of  
this Act 3 years.

VIII. *And be it further enacted by the authority aforesaid, That this Act shall be in force for three years and no longer.*

## C H A P. V.

**AN Act to Repeal part of the Tenth Clause of an Act passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to Explain, Amend, and Reduce to One Act of Parliament the several Laws now in being for the Raising and Training the Militia of this Province," and also part of an Act passed in the last Session of the present Parliament, entitled "An Act to Repeal part o, and Amend the Laws now in force for the Raising and Training the Militia of this Province," and to increase the Strength of the Companies of Militia.**

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS difficulties having arisen in carrying into effect many of the provisions of an Act passed in the last session of the present Parliament, entitled, "An Act to Repeal part of, and Amend the Laws now in force for the Raising and Training the Militia of this Province, it is expedient to repeal part 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, 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 sixth clause, so much of the seventh as relates to the appointment of a clerk, the ninth, tenth, eleventh, thirteenth and sixteenth clauses of the said recited Act, be, and the same are hereby repealed.

6th part of 7th, the 9  
10 11 13 and 16th  
Secs of Geo 4 Ch. 3  
repealed.

10th Sec of 48th  
Geo. 3. Ch. 1. repeal-  
ed.

Companies to consist  
of not more than 80.  
nor less than 30 men.

Companies of Artil-  
lery may be formed.

II. And whereas the strength of Militia Companies is at present too limited, *Be it further enacted by the authority aforesaid, That so much of the tenth clause of an Act passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to Explain, Amend, and Reduce to One Act of Parliament the several Laws now in being for the Raising and Training the Militia of this Province," as declares that Companies of Militia shall consist of not more than Fifty, nor less than Twenty Men, be and the same is hereby repealed; and that the said Companies shall in future consist of not more than Eighty, nor less than Thirty private men.*

III. And whereas it is expedient to form one or more Company or Companies of Artillery, *Be it 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, to form and embody from time to*

time, such Company or Companies of Artillery, and in such county or counties as to him may appear most convenient and fit for the good of His Majesty's service.

C H A P. VI.

An Act to provide a Salary for the Adjutant General of Militia in this Province, and for other purposes therein mentioned

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS, it is necessary to make better provision for the office of Preamble Adjutant General of Militia of this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That a certain Act of the Parliament of this Province, passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty an annual sum of money for the purposes therein mentioned," and the second clause of an Act of the Parliament of this Province, passed in the fifty-sixth year of the Reign of His late Majesty, entitled "An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled 'An Act to explain, amend and reduce to one Act of Parliament the several Laws now in being, for the raising and training the Militia of this Province,'" be, and the same are hereby repealed.

48 Geo. 3. ch. 3. &  
2d. Sec. of 56 Geo.  
3 ch. 7th. repealed.

II. *And be it further enacted by the authority afore-said.* That 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 six hundred pounds, to be applied as follows: that is to say, the sum of three hundred and sixty-five pounds to provide a salary for the Adjutant General of the Militia of this Province for the time being; the sum of one hundred and fifty pounds to provide a salary for an Assistant Adjutant General, to be appointed by the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, and the sum of eighty-five pounds to be paid to the Adjutant General of Militia, in lieu of all contingencies; which said several sums shall commence and be payable from and after the passing of this Act.

600l. granted annually to His Majesty to be applied as follows:

365l. Salary to the Adjutant General.  
150l. Salary to an Assistant Adjutant General.

And 85l. in lieu of Contingencies.



Governor &c. to issue his Warrant for payment thereof,

to be accounted for through the Lords of the Treasury.

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 several sums 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.

## C H A P. VII.

*An Act to afford Relief to Persons claiming Lands in this Province, under Assignments from Heirs, Devizees, or Assignees of the original Nominees of the Crown, in cases where no Patents had issued, and for other purposes therein mentioned.*

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS there are many Persons entitled to hold Lands in this Province under and by virtue of claims derived from persons who have held the same as Heirs, Devizees, or Assignees of the original Nominees of the Crown, and who may have died or departed from the province, and such persons so entitled to claim Lands, cannot at present by Law obtain Patents for the same in their own names, and it is expedient to enable them to do so; and whereas it is also expedient to extend the provisions of a certain Act of the Parliament of this Province, passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, entitled 'An Act to afford Relief to those persons who may be entitled to claim Lands in this Province as Heirs or Devizees of the original Nominees of the Crown, in cases where no Patent hath issued for such Lands,'" and further to extend the benefit 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 Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person or persons holding or claiming Lands in this Province under any claims or titles derived from

Persons claiming lands as Heirs, Devizees, or Assignees of the original

any Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the original Nominee or Nominees of the Crown to claim such Lands before the Commissioners appointed, or to be appointed under and by virtue of the said Act, passed in the forty-fifth year of His late Majesty's Reign, in the same manner and at the same time as any Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the original Nominee or Nominees of the Crown are or may be authorised by Law to do; and it shall and may be lawful for the said Commissioners, or the majority of them, to allow any Lands so claimed to the person or persons claiming the same, provided sufficient proof shall be adduced to satisfy the said Commissioners, or the majority of them, that the person or persons claiming the same is or are *bona fide* the owner or owners thereof, and that due notice hath been given of such claim, by affixing such notice of the claim in some public place in the Court-house of the district in which such lands shall be situated, for at least three months next preceding to the sitting of such Commission, and the same to be proclaimed in open Court by the Cryer thereof, immediately after the charge to the Grand Jury.

al Nominees of the Crown to claim the same before Commissioners.

Notice to be put up in the Court House of the District where Lands are situated; three months before the sitting of the Commissioners.

II. And whereas the second clause of the said Act passed in the forty-eighth year of His late Majesty's Reign, only authorises the said Commissioners to hear and determine upon claims preferred by the Assignee or Assignees of original Nominee or Nominees who was or were dead, or who had left the Province previous to the passing of the said Act, and it is expedient to extend the power of the said Commissioners in that respect, *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners or the Majority of them, to hear and determine all such claim or claims as may regularly be brought before them, for any Lot or Lots, Parcel or Parcels of Land, when the original Nominee or Nominees of the Crown for such Lands is or are dead or may have left the Province, or in any case hereafter where such Nominee or Nominees may die or leave the Province without obtaining a Patent for such Lands.

Provisions of the 48 Geo. 3d. extended.

III. *And be it further enacted by the authority aforesaid,* That when any claim or claims shall be allowed and reported by the said Commissioners or the majority of them, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, for the time being, to issue His Majesty's Letters Patent for the Lot or Lots, Parcel or Parcels of Land specified in the report of the said Commissioners as allowed to such claimant or claimants, to or in trust for the person or persons to whom the same may have been allowed, and that all and every the provisions, regulations, restrictions, matters and things which in and by the said Acts passed in the forty-fifth and forty-eighth years of His late Majesty's Reign, are enacted or contained, of and concerning or in any wise touching or relating to the claim or claims of the Heir or Heirs, Devizee or Devizees, or Assignee or Assignees of the Nominee or Nominees of the Crown mentioned in the said Acts, shall be and are hereby extended to the person or persons authorised to claim lands under this Act.

Patents to issue for Lands contained in Commissioner's Report.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed in any District in this Province, to take Affidavits touching any claim or claims to lands under the said Acts, passed respectively in the

Affidavits touching Claims, may be taken before Commissioners.

False swearing,  
perjury.

forty-fifth and forty-eighth years of His late Majesty's Reign, shall have full power and authority to take any Affidavit relating to claims to be brought forward under this Act, and if any person or persons shall forswear him, her, or themselves, before any Commissioner duly authorised to take such Affidavits, he, she or they, shall, on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

## C H A P. VIII.

An Act to Provide for Constructing a Navigable Canal between Burlington Bay and Lake Ontario.

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS a Canal Navigable for Vessels between Burlington Bay in the District of Gore, and Lake Ontario, would tend to promote the general interest of this Province, and particularly that part of the Country contiguous thereto: And whereas it is expedient to raise a sum of money by way of Loan to make and complete the said Canal, the annual interest on which to be paid from a fund to be raised and collected by a Toll to be levied on Goods, Produce, and all other articles as well as Vessels and other craft passing in or through the same, and also to establish a fund for the redemption of the said Loan, 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, 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, a sum of money not exceeding Five Thousand Pounds, to make and complete the said Canal, and also such works as may be deemed necessary to protect and secure the entrance thereof, as well from Burlington Bay as from Lake Ontario.

A sum not exceed-  
ing 5,000l. autho-  
rised to be raised  
by loan upon de-  
bentures.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Receiver General for the time being, to cause 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 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 or advance a debenture shall issue, bearing date at the day on which the same shall actually be issued, conditioned for the payment of the said sum of Five Thousand Pounds, or such part thereof as may be actually received and redeemable at a period not exceeding sixteen years, and shall and may be signed by the said Receiver General of this Province for the time being.

His Majesty's Receiver General to issue the debentures.

Debentures to be redeemable in not more than 16 years from their date.

III. *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, indorsement, or writing thereon or therein, or tender in payment any such forged debenture, or any debenture with such counterfeit indorsement or writing thereon, or shall demand to have any such counterfeit debenture, or any debenture with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money by any person or persons who shall be obliged and required to exchange the same, or by any other person or persons whomsoever, knowing the debenture so tendered in payment, or to be exchanged, or the indorsement or writing thereupon or therein to be forged or counterfeited with 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.

Forging or knowingly uttering forged debentures declared felony without benefit of clergy.

IV. *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, amount, 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 said debentures outstanding and unredeemed at the period aforesaid, and of the expences attending the issuing the same, to be laid before the Legislature of this Province.

His Majesty's Receiver General shall transmit to the Governor, to be laid before Parliament, an account of the debentures issued, and redeemed with the interest paid thereon, and of those outstanding.

V. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said debentures shall and may be payable in half-yearly periods to be computed 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 indorsed on each debenture, at the time of payment thereof, expressing the period up to which the said interest shall have been paid, and shall take receipts for the same from the persons respectively, and that 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 war-

Interest to be payable half yearly.

And the Governor to issue half year-

ly warrants to the Receiver General for the payment thereof.

Compensation to the Receiver General for his trouble.

Separate warrant to be issued for the payment of each debenture.

The Governor may direct notices to be inserted in the Gazette, requiring the holders of debentures to present the same for payment within six months from date of notice, and in default thereof, that the interest shall cease.

Governor to appoint 5 Commissioners for carrying this Act into effect, 3 of whom shall be a quorum.

President and vice President to be elected.

Commissioners to obtain plans of the proposed Canal between Burlington Bay and Lake Ontario, and contract for the completion thereof.

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.

VI. *And be it further enacted by the authority aforesaid,* that the Receiver General of this Province, and the person or 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 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.

VII. *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 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.

VIII. *And be it further enacted by the authority aforesaid,* That at any time after the said debentures, 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 said debentures to present the same for payment according to this Act, and if after the 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.

IX. *And be it further enacted by the authority aforesaid,* That so soon after the passing of this Act as he may deem proper, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time to nominate and appoint under His Seal at Arms, not more than five Commissioners, any three of whom shall be a quorum, who may appoint two of their Body to be a President and Vice President, one of whom shall preside at all meetings of the Board, which Commissioners' duty it shall be to cause a plan or plans of a Canal to connect Burlington Bay, in the Gore District of this Province, with Lake Ontario, of not less than ten feet depth of water, and forty feet wide at the top, with an estimate of the expence to be made, and shall and may contract with such person or persons as shall, after public notice being given for that purpose, undertake to make the same, and all works therewith connected, or any part thereof, at the cheapest and lowest rate, in the shortest time, and most convenient terms, and giving security to the satisfaction of the said Commissioners, or a majority of them, for the due performance of the Con-

tract to be entered into for that purpose, and shall and may do and perform all and whatsoever act and acts, thing and things necessary and proper to carry the intention of this Act into full effect, and shall and may fix such rate of Toll after the redemption of the Loan to be effected, and interest thereon, as to them may seem proper, (for the purpose of keeping the Canal in repair) less than that established by this Act, and shall report to the Governor, Lieutenant Governor, or Person administering the Government of the Province, once in three months during the progress of the work, all matters by them done or performed by virtue of the authority so vested in them, to be laid before the Legislature at its next meeting.

Security to be taken for the performance of contracts.  
Commissioners to fix rates of toll after the loan is paid off, and to report every three months to the Governor the progress of the work.

X. *And be it further enacted by the authority aforesaid,* That so soon as the said Canal shall be opened, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to nominate and appoint a careful and discreet person to collect the Toll and Dues imposed by this Act, who shall account to His Majesty's Receiver General of this Province for the time being, on the thirtieth day of June, and thirty-first day of December in each and every year, which account shall be rendered in detail on oath, and specify the number of Barrels, Packages, and all other articles passing through the said Canal, together with the number of Vessels, Boats, and other Craft, with their respective tonnage, in or upon which the same shall be laden, and every other source from which the same has arisen, and shall retain to his own use Five per cent. on all monies so collected and paid by him.

Governor &c. to appoint a toll collector, who shall account half yearly to the Receiver General for the toll collected, and of the boats & merchandize passing through the said canal.

XI. *And be it further enacted by the authority aforesaid,* That the Toll and Dues mentioned in the following Schedule, and no other, shall be exacted and paid on all Goods, Wares, Merchandize, Produce, Lumber, Vessels, Boats, Raft or Craft, previous to their passing through or into the said Canal, until the Loan for making the same, and interest thereon, shall be fully redeemed and paid as herein-before mentioned; and the said money so to be raised and collected, shall be paid by the said Collector into the hands of the Receiver General of this Province, to and for the redemption of the said debentures and the interest thereon annually accruing.

Fees to be paid previous to articles passing through the Canal. Money collected to be paid to the Receiver General for the redemption of the debentures.

XII. *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 during the continuance of this Act, to issue his warrant to the Receiver General of this Province in favour of the said Commissioners, for such sum or sums of money, not exceeding Five Thousand Pounds, to enable them to carry the Provisions of this Act into effect, which sums shall be paid out of any monies which may have been advanced to him upon debentures by virtue of this Act.

Governor to issue his warrant to the Receiver General in favor of the Commissioners for the said £5000. from time to time, as it is required.

XIII. *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 through the Lords Commissioners of His Treasury for the time being in such manner and form as His Majesty his heirs and Successors shall be graciously pleased to direct.

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

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**SCHEDULE of TOLL and DUES, payable under the foregoing Act**

	£	s.	d.		£	s.	d.
	STERLING.				STERLING.		
Flour per Barrel, - - -	0	0	8	Boards per one hundred			
Pot Ash per Barrel, - - -	0	1	4	pieces, - - - - -	0	1	3
Pork per Barrel, - - -	0	1	0	Salt per Barrel, - - -	0	1	0
Whisky per Barrel, - - -	0	1	0	Dry goods per hundred wt.	0	0	8
Plaster of paris per Barrel,	0	1	0	Boats or craft, under five			
Oil per Barrel, - - - - -	0	1	0	tons each, - - each	0	5	0
Staves per 1 thousand, Stand-				vessels over five tons, per			
ard, - - - - -	0	10	0	ton measurement, per ton	0	1	3
Apples, Cider, Potatoes, and all other				Roots, Vegetables and Fruit			<i>Free.</i>

All articles not enumerated to pay in proportion to the above rates, subject to the direction of the Commissioners appointed by virtue of this Act, *Provided nevertheless*, that any Boat, Vessel, or Craft entering the said Canal shall be at liberty to pass and return through the same on payment of the Toll or Dues herein specified, and such Toll shall not be exacted more than once for such passing and return.

Boats to pass and  
repass once for  
each payment of  
toll.

Draw-bridge to be  
erected over the  
Canal, toll free.

XIV. *And be it further enacted by the authority aforesaid*, That the Commissioners appointed under the authority of this Act, shall cause a sufficient Draw-Bridge to be erected on the said Canal, upon which no Toll or Due for passing the same shall be demanded.

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**C H A P. IX.**

An Act to make additional Provision for the Improvement of the Inland Navigation of this Province.

[Passed March 19th, 1823.]

Preamble.

**MOST GRACIOUS SOVEREIGN,**  
**W**HEREAS an Act was passed in the second year of Your Majesty's Reign, entitled "An Act to make provision for the Improvement of the Inland Navigation of this Province," by which the sum of two thousand pounds was granted for the purpose of obtaining Surveys, Plans, and Estimates for improving the Inland Navigation of this Province; and whereas it is expedient to provide additional means for the said purpose, we, Your

Majesty's dutiful and loyal subjects, beseech Your Majesty that it may be enacted, and Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be granted to His Majesty the sum of one thousand pounds, which said sum of one thousand pounds shall be in aid of the said sum of two thousand pounds, and shall, with the residue thereof, be applied towards the payment of any expences that may be incurred under the provisions of the said first recited Act.

The additional sum of £1000 granted in aid of the funds for improving the Inland Navigation,

II. *And be it further enacted by the authority aforesaid,* That the said sum of one thousand 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, 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 for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct. *Provided always,* That so much of the said sums as shall remain unexpended shall be subject to the future disposition of Parliament.

And paid by warrant from the Governor to the Receiver General, & be accounted for through the Lords Commissioners of His Majesty's Treasury.

## C H A P. X.

An Act to Permit the Importation of Machinery into this Province, Free from Duty, for a Limited Time.

[Passed 19th March, 1823.]

**W**HEREAS it would greatly promote the Growth of Hemp and other valuable articles in this Province, were Machinery for dressing and manufacturing them for Exportation, permitted to be imported into this Province free from duty, 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

Preamble.



Governor, &c to permit the Importation of Mills for dressing Hemp and Flax from the United States free of duty.

Continuance of this Act.

by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,"' and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, under his Sign Manual to permit the Importation into this Province of Mills for cleaning and dressing Hemp and Flax, and such other Machinery, the Manufacture of the United States of America, as to him shall appear useful and necessary for manufacturing any of the native productions of this Province, free from duty.

II. *And be it further enacted by the authority aforesaid,* That this Act shall be and remain in force for the space of two years, and from thence to the end of the then next ensuing Session of Parliament.

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## C H A P. XL

An Act to Amend and Repeal part of an Act, entitled "An Act to Incorporate Sundry Persons under the style and title of The President, Directors, and Company of the Bank of Upper Canada.

[Passed 19th March, 1823.]

Preamble.

**W**HEREAS by an Act of the Parliament of this Province, to which the Royal Assent was communicated by Proclamation bearing date the twenty-first day of April, in the year of our Lord one thousand eight hundred and twenty one, and in the second year of His Majesty's Reign, entitled "An Act to incorporate sundry persons under the style and title of the President, Directors, and Company of the Bank of Upper Canada, it is, amongst other things, enacted, That the number of Shares in the said Bank shall not exceed Sixteen Thousand, and that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to subscribe and hold in the Capital Stock of the said Bank for and on behalf of this Province any number of Shares therein not exceeding Two Thousand, the amount whereof the said Governor, Lieutenant Governor, or Person administering the Government for the time being, is hereby authorised by a Warrant or Warrants under his hand and Seal directed to the Receiver General of this Province for the time being, to take out of the unappropriated monies which now remain or hereafter may remain in the hands of the said Receiver Ge-

neral, for the future disposition of the Parliament of this Province, and also that the Stock, Property, Affairs, and Concerns of the said Corporation shall be managed and conducted by Fifteen Directors, one of whom to be President: And whereas it is expedient for the better security of the Public Interest in the said Bank, that a due share in the management and direction thereof should be vested in the Government of this Province: And whereas the President, Directors, and Company of the said Bank have found from experience that the capital Stock of the said Bank is greater than the present circumstances and commerce of this Province require, and are desirous that the same should be reduced, Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to nominate and appoint Four, of the Fifteen Directors aforesaid at the return of each and every election of the same, any thing in the above recited Act to the contrary notwithstanding.

Governor authorised to appoint Four Directors.

II *And be it further enacted by the authority aforesaid,* That so much of the second Section of the said Act as limits the number of Shares to Sixteen Thousand, and the whole of the sixth Section of the said Act passed in the fifty-ninth year of His late Majesty's Reign, be and the same are hereby repealed; and that from and after the passing of this Act, the number of Shares in the Stock of the said Bank shall not exceed Eight Thousand, and that the whole amount of the Stock, Estate and Property which the said Corporation shall be authorised to hold, including the capital Stock and Shares, shall never exceed in value One Hundred Thousand Pounds.

Shares reduced to 8000.  
And Capital to £100,000.

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## C H A P. XII.

An Act granting to His Majesty a sum of Money to defray certain charges for the Administration of Justice and support of the Civil Government of this Province.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS Your Majesty's faithful Commons have voluntarily and freely resolved to grant to Your Majesty a supply to defray certain charges

Preamble.

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 be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties raised, levied, and collected to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be appropriated the sum of four thousand four hundred and seventy pounds, which said sum of four thousand four hundred and seventy 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 three.

£4,470 to be applied in aid of the fund already granted for the support of the Civil Government of this Province.

For the Administration of Justice, including the Expenses of a Second Circuit.

- Lieutenant Governor's Office.
- Receiver General's Office.
- Surveyor General's Office.
- Executive Council Office.
- Secretary's Office.
- Register of the Province.
- Inspector General's Office.
- Repairs and Contingencies of the Government House.
- Government Printer.
- Casual and other Expenses.

To be paid by the Receiver General, and accounted for through the Lords Commissioners of His Majesty's Treasury. A detailed account of the expenditure to be laid before the House of Assembly at their next session.

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.

*Provided always, and be it 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 their 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.

C H A P. XIII.

**An Act Prescribing the Mode of Measuring the Contents of Wooden Stills, also for fixing the rate of Duty to be paid on all Stills used for the Distillation of Spirituous Liquors within this Province.**

[Passed 19th March, 1823.]

**MOST GRACIOUS SOVEREIGN,**

**WHEREAS** it is expedient more particularly to define the Manner in which Wooden Stills shall be measured or gauged in this Province, and to ascertain and declare what proportion of the same shall be liable to the payment of Duties, also to continue the Duty on all Stills used for the purpose of distilling Spirituous Liquors within this Province, wherefore, 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 appointed 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 each and every Wooden Still or Stills which shall or may be used for the Distillation of Spirituous Liquors shall be measured or gauged, and shall be liable to the payment of Duties in manner and form as is hereinafter directed.

Preamble.

All Wooden Stills to be gauged and liable to the payment of Duties.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every person requiring a Licence to use or work a Wooden Still, shall expressly state in the requisition for that purpose, to be made to the Inspector of the District in which such Still shall be situate, the whole number of Gallons, the entire capacity of the Still for which a Licence, so required, shall or may be capable of containing, which requisition may be in the following form:—"I, A. B. do require a licence to work one Wooden Still, the entire capacity of which by admeasurement (or being gauged as the case may be) is capable of containing \_\_\_\_\_ Gallons and no more, as witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_

Every requisition for a Licence to use a Wooden Still shall express the number of Gallons the same is capable of holding.

Form of Requisition.

To J. L. Inspector of the District of \_\_\_\_\_ }  
 which requisition shall be filed and preserved by the Inspector, as is heretofore by Law required.

{ A. B. owner and proprietor of the said Still.

Requisition to be filed with the Collector.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Inspector, and he is hereby required to deduct one half the amount specified in such requisition, as a necessary allowance for the operation of Steam in Wooden Stills, and the remaining half of the contents thereof shall be subject and liable to the payment of all such Duties

One half of the entire contents of every Wooden Still shall be liable to the payment of Duties.

Every Tub or Vessel attached to the Still shall be liable to pay Duty for its whole capacity.

How the Collectors are to ascertain the capacity of Stills.

Penalty for distilling without a Licence, and using Tubs, &c. not mentioned in the Requisition.

What shall be deemed a Still.

Duty of 1s. 3d. per Gallon to be levied on the capacity of all Stills.

as now are or may hereafter be imposed by this or any other law enacted to be paid on Stills in this Province, *Provided nevertheless*, that every Wooden Still having an additional Tub or Vessel, whether placed on the top or in any other manner attached to such Still, serving the purpose of a Cap or receiver of Steam, and also every Tub or Wooden Still that shall be separated into different divisions for the purpose of receiving and running the low wines, or for heating and preparing the beer or wash for charging such Still, or that may be so divided as aforesaid, for any purpose whatever, every such Tub or Wooden Still shall be liable to and chargeable with the payment of Duties upon the whole capacity of the same.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Inspector of each and every District, when and so often as he shall think it proper to ascertain the contents of any Wooden Still or Stills by measuring or gauging the same, at his discretion to bore one or more hole or holes in such Wooden Still or Stills, not exceeding two inches in diameter, that the said Inspector may be the better enabled to measure or gauge the same. *Provided nevertheless*, that every Still which shall be specified in the requisition to have been measured, shall be measured, and every Still specified to have been gauged, shall be gauged.

V. *And be it further enacted by the authority aforesaid*. That any person or persons who shall use or work any Wooden Still or Stills without having first obtained a Licence for that purpose, or who shall use any other or larger Wooden Still or Stills than are specified in his or their Requisition, or who shall have, or use any Tub or Vessel as a Cap or otherwise attached to any such Wooden Still or Stills for the purpose of receiving the Steam, or who shall have or use any Wooden Still or Stills in which there shall be any false head or heads, by which such Still shall be separated into different divisions, and who shall not state the same in his or their Requisition at the time of applying for and taking out a Licence for the same, and shall be convicted thereof before any two or more of His Majesty's Justices of the Peace in and for the District in which the offence shall be charged to have been committed, shall be liable to all the pains, penalties, and forfeitures, and shall be disposed of in the same manner and form as are directed by any Law now in force, or that may hereafter be passed for laying and collecting a Duty on Stills

VI. *And be it further enacted by the authority aforesaid*. That the Tub or Receiver of the beer or wash only, shall be deemed and taken to be a Still and subjected to the payment of Duties, according to the intent and meaning of this Act.

VII. *And be it further enacted by the authority aforesaid*, That in addition to the Duty of one shilling and three pence per gallon, now raised, levied, collected, and paid yearly and every year, there shall be raised, levied, collected and paid unto His Majesty, His Heirs, and Successors, to and for the Public uses of this Province, from all persons using a Still or Stills for the purpose of distilling Spirituous Liquors, the sum of one shilling and three pence lawful money of this Province for every Gallon which such Still or Stills shall contain agreeably to measurement prescribed by Law for ascertaining the contents of the same.

VIII. *And be it further enacted by the authority aforesaid,* That the said duty hereby granted to His Majesty shall be raised, levied, collected and paid in the same manner, and under the same penalties and restrictions as are imposed by any former Act of this Province, imposing a duty on Stills for the purpose of Distilling Spirituous Liquors. How Duties shall be levied and paid.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for each and every Inspector to demand and receive the same fees for filing a regulation and for issuing a licence, and also to take and retain to and for his own use, the like per centage on all monies that may or shall come into his hands for licences issued by virtue of this Act as is granted by a certain Act passed in the forty-third year of the reign of His late Majesty, entitled, "An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain duties therein mentioned." Remuneration of and fees payable to Collectors.

X. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this or any other Act contained, shall authorise any Inspector to receive in any one year more than One Hundred Pounds as per centage. No Collector to receive more than £100 in any one year as per centage.

XI. *And be it further enacted by the authority aforesaid,* That all monies collected by virtue of this Act shall be paid into the hands of His Majesty's Receiver General of this Province, by the Inspector or Inspectors receiving the same, to and for the public uses of this Province, and 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 shall be graciously pleased to direct. Monies to be paid by Inspectors to the Receiver General, and accounted for through the Lords Commissioners of His Majesty's Treasury.

XII. *And be it further enacted by the authority aforesaid,* That this Act shall be and the same is hereby declared to be in force until the fifth day of January, one thousand eight hundred and twenty-seven, and from thence to the end of the then next ensuing Session of Parliament. Continuation of this Act.

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## C H A P. XIV.

AN Act Granting to His Majesty a Sum of Money for the purpose therein mentioned.

[Passed 19th March, 1823.]

**W**HEREAS it is expedient to grant to Your Majesty a sum of money, further to compensate the services of the Commissioners appointed by His Excellency the Lieutenant Governor of this Province, to lay at the foot of Your Majesty's throne the joint address of the Legislative Council and House of Assembly of Your Majesty's Province of Upper-Canada, respecting the Commercial Intercourse and Financial Relations between the said Pro- Preamble.

vince and Lower-Canada; we, Your Majesty's dutiful and loyal subjects, the Commons' House of Assembly of Upper-Canada, beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That 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, in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, his heirs and successors, the sum of one thousand pounds, which said sum of one thousand pounds shall be appropriated and applied in further compensating the said Commissioner, appointed for the purposes herein before mentioned.

£1000 granted as a further compensation to the Commissioner sent to England.

To be paid by the Receiver General, and accounted for through the Lords of the Treasury.

II. *And be it further enacted by the authority aforesaid,* That the said sum of one thousand 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, Lieutenant 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.

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## C H A P. XV.

An Act to Restrain the Selling of Beer, Ale, Cider, and other Liquors, not Spirituous, in certain Towns and Villages in this Province, and to Regulate the manner of Licencing Ale-Houses within the same.

[Passed March 19th, 1823.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS it is expedient to provide by law for Licencing houses for the sale of Beer, Ale, Cider, and other Liquors, not spirituous, by retail, in certain towns in this Province, we, Your Majesty's dutiful and loyal subjects, the Commons of this Province, beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province

of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of May next, all and every person or persons who shall open a house for the sale of Beer, Ale, Cider, or other liquor or liquors, not spirituous, within any town or village of this Province, or within one mile thereof, containing twenty houses or more, by retail, shall, and he, she, or they are hereby required to take out a Licence for so doing, which Licence shall be granted under the hand and seal of any two Justices of the Peace residing within such town or village; or if it shall happen that two Justices of the Peace shall not be residing within such town or village, then by any two Justices of the Peace residing nearest thereto, and which Licence shall be in the form following:—

"We, *A. B.* and *C. D.*, two of His Majesty's Justices of the Peace residing in (or nearest to, as the case may be) the town or village of \_\_\_\_\_ do hereby authorise and empower *E. F.* in the house described by the sign of \_\_\_\_\_ in said town or village, in the \_\_\_\_\_ district, to keep a common Ale and Victualling House, and to utter and sell therein by retail Ale, Beer, Cider, and other liquors, not spirituous, also Bread and other provisions, *Provided*, that no unlawful game or games, or any drunkenness or other disorder be suffered in said House, or in the Yard, Garden, or Premises thereto belonging, but that good order and rule be maintained therein—This Licence to continue from the date hereof until the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ for which Licence the sum of two shillings and six pence may be demanded, and no more.

Licences to be taken out by persons keeping Ale Houses.

Form of Licence:

2s. 6d. to be paid therefor.

II. *And be it further enacted by the authority aforesaid*, That the said Justices, before granting such Licences as aforesaid, shall take bond and surety by recognizance of such person or persons to whom such Licence shall be granted, he, she or they, in the sum of Ten Pounds, and two sureties in the sum of Five Pounds, or one sufficient surety in the sum of Ten Pounds, as well against the using of Unlawful Games, as also for the maintenance of good order and rule, which at or before the next General Quarter Sessions, be filed by the Clerk of the Peace of the district, by the Justices taking the said recognizance, and shall be in the following form. for which the person entering into the same shall pay the sum of One Shilling.

Security to be taken for the orderly keeping of houses licensed,

for which 1s. shall be paid.

District, } BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of our Sovereign Lord \_\_\_\_\_, *A. A.* to wit. } \_\_\_\_\_, yeoman, and *B. B.* of \_\_\_\_\_ yeoman, and *C. C.* of \_\_\_\_\_ yeoman, personally came before us, *D. D.* and *E. E.* Justices of the Peace for the said district, and acknowledged themselves to owe to our Sovereign Lord the King, that is to say, the said *A. A.* the sum of Ten Pounds, and the said *B. B.* and *C. C.* in the sum of Five Pounds each, of good and lawful money of Upper Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our Sovereign Lord the King, His Heirs and Successors, if the said *A. A.* shall make

Form of Recognizance.



default in the condition hereunder written. Whereas the above bounden *A. A.* is licenced to keep a house for the sale of Ale, Beer, Cider, and other liquors, not spirituous, by retail, for one year from the date hereof, in the house wherein he now dwelleth, known by the sign of \_\_\_\_\_ in \_\_\_\_\_

Now the condition of this recognizance is such, that if the said *A. A.* shall suffer no unlawful games, drunkenness, or any other disorder to be used or committed in his said house, nor in any out-house, yard, garden, or other the appurtenances thereto belonging, but shall maintain and keep good order and rule within the same, then this recognizance to be void, otherwise to remain in full force and virtue.

Duties on licences.

III. *And be it further enacted by the authority aforesaid,* That each and every person to whom such Licence shall be granted, shall yield and pay for the same as follows, that is to say, in or within one mile of towns or villages containing not less than twenty, nor more than fifty dwelling houses, the sum of Ten Shillings; in towns or villages containing not less than fifty, nor more than one hundred dwelling houses, the sum of Twenty Shillings; and in all towns and villages containing more than one hundred dwelling houses, the sum of Forty Shillings; and that all the monies arising from the issuing of such licences shall be first paid into the hands of the Magistrates issuing the same, and by them, within six months thereafter, into the hands of His Majesty's Receiver General, to and for the public uses of this Province, to be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall be graciously pleased to direct.

Monies paid for licences to be paid to the Receiver General and accounted for thro' the Lords of His Majesty's Treasury.

IV. *And be it further enacted by the authority of resaid,* That the Magistrates of every town or village of this Province containing twenty dwelling houses or more, shall assemble at some place within the same, on the first Monday in the month of May in each and every year, of which they are hereby required to give six days previous notice for the purpose of receiving applications for licences from persons desirous of opening houses for the sale of Beer, Ale, Cider, and other liquors, not spirituous. *Provided always,* that if it shall happen, that two Magistrates do not reside within the limits of such town or village, then any two Magistrates residing nearest to the town or village aforesaid shall assemble as aforesaid, having given notice as aforesaid, upon application being made to them for that purpose by any two or more inhabitant householders of such town or village as aforesaid.

Time of Magistrates meeting to grant licences. 6 days notice to be given.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall presume to open a house for the sale of Ale, Beer, Cider, or other liquors not spirituous, by retail, after the first Monday in the month of May next, contrary to the provisions of this Act, he, she, or they shall, upon conviction thereof before any two of His Majesty's Justices of the Peace within the District where such person or persons shall reside, upon the oath of one or more credible witness or witnesses, or upon the confession of the

Penalty for keeping an Ale House without a Licence. To be levied by distress.

party charged, forfeit and pay a sum not less than two pounds, nor more than five pounds, for each and every offence of which he, she, or they shall be convicted, to be levied by distress of the goods and chattels of the offender or offenders, by and under the authority of a Warrant from the Magistrates before whom such conviction shall happen, together with all lawful costs and

charges, and for want of sufficient distress, the body of such offender or offenders shall, by order of such Magistrates, be committed to the Common Gaol of the District for a period not less than ten days, nor more than thirty days. And in default thereof, offenders to be imprisoned.

V. *And be it further enacted by the authority aforesaid,* That one half of every pecuniary penalty which shall be levied under and by virtue of this Act, shall be paid by the person receiving the same into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, to be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, and the other moiety to the informer or person who shall sue for the same. Application & division of Penalties

VI. *And be it further enacted by the authority aforesaid,* That any Justice, on complaint or information that any person or persons licenced as aforesaid, whereby in the judgment of such Magistrate the recognizance herein before stated shall be forfeited, or the condition thereof broken, may, by summons under his hand and seal, require such person or persons to appear before the next General and Quarter Sessions, to answer to such complaint or information, and also shall bind the person who shall make complaint, or any other person, in a recognizance to appear and give evidence; at which said Sessions a Jury shall be empannelled to enquire of the complaint preferred, and if such Jury shall, upon hearing evidence, determine that the person complained of, hath done any act or thing whereby the condition of his recognizance is broken, such act being by them named, the Justices before whom such matter shall have been tried, shall order the recognizance of such persons or persons to be established in His Majesty's Court of King's Bench of this Province, and such person or persons shall be disabled from obtaining a Licence for the sale of Beer, Ale, Cider, or other liquors not spirituous, as aforesaid, for the space of one year then next ensuing. How Recognizances to be declared forfeited.

VII. *And be it further enacted by the authority aforesaid,* That in such town or places where any fair shall be kept, for the time only of said fair, it shall be lawful for every person to use common selling of Ale, Beer, or Cider, or other liquors not spirituous, in booths or other places in such town or place, as aforesaid, without being required to take out a Licence for so doing. Upon forfeiture of recognizance, party disabled keeping Ale House for one year.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Magistrate to whom application shall be made for Licences as aforesaid, to determine the number of houses which shall be licenced in each of the said towns and villages, as aforesaid. *Provided always,* That if any person or persons shall have been refused a Licence or Licences by the Magistrates to whom he, she, or they shall have applied for the same, and shall feel aggrieved by such decision, it shall and may be lawful for such person or persons to apply to the Magistrates in General Quarter Sessions assembled, at their next Session, for redress; and if the majority of such Magistrates, so assembled, shall be of opinion that such applicant or applicants is or are entitled to a Licence, as aforesaid, it shall be lawful for the chairman of such Court of General Quarter Sessions, and he is hereby required to grant a Licence or Licences to such applicant or applicants, upon his, her, or their compliance with the provisions herein before contained. Justices shall determine the number of Ale Houses proper to be kept in each town or village.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for two years from the passing thereof, 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. XVI.

An Act to repeal an Act passed in the thirty-second year of His Majesty's Reign, entitled "An Act to establish the Winchester Measure, and a Standard for other Weights and Measures throughout this Province," and to appropriate a sum of money for the purpose of obtaining a Standard for Weights and Measures for this Province.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

Preamble.

32d Geo 3d, ch.  
5. repealed.

**W**HEREAS an uniformity of Weights and Measures is much desired in this Province, and whereas an Act passed in the thirty second year of His late Majesty's Reign, entitled "An Act to establish the Winchester Measure, and a Standard for other Weights and Measures throughout this Province" is found ineffectual to the attainment of that object, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act shall be, and the same is hereby repealed.

£75 Sterling ap-  
propriated to-  
wards purchasing  
a Set of Standard  
Weights and Mea-  
sures, to be depo-  
sited with the Se-  
cretary of the Pro-  
vince.

Secretary of the  
Province to furnish  
each District with  
a Standard of such

II. And whereas a sum of money is required to defray the expences of procuring a Standard for Weights and Measures to be used in this Province, We your Majesty's most dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beseech your Majesty that it may be enacted, *And Be it enacted by the authority aforesaid,* That from and out of the duties 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, His Heirs and Successors, the sum of Seventy-Five Pounds Sterling, which said sum of Seventy-Five Pounds Sterling shall be disposed of, appropriated, and applied towards defraying the expences of obtaining a complete Set of Weights and Measures according to the Standard of His Majesty's Exchequer in England, which said Weights and Measures shall be placed and remain in the charge and custody of His Majesty's Secretary of the Province.

III. *And be it further enacted by the authority aforesaid,* That so soon as the majority of the Magistrates in Quarter Sessions assembled within any District of this Province, shall address the Governor, Lieutenant Governor, or Person administering the Government of this Province for that purpose,

it shall and may be lawful for him to order the said Secretary forthwith, at the cost of the said District, to furnish the said District with a true Standard of such Weights and Measures as may be required by the said address, made of such durable materials as shall, by the said Secretary, be deemed most proper for that purpose.

Weights and Measures as are deposited with him.

IV. *And be it further enacted by the authority aforesaid,* That the Magistrates in Quarter Sessions assembled for any District of this Province, shall and may appoint a judicious and proper person as Inspector, to take charge of all such Weights and Measures as shall have been by such District obtained as aforesaid, the duty of which Inspector it shall be at all proper times, when application to him for that purpose shall be made, carefully to examine and compare any and all Weights and Measures which shall be presented to him for that purpose, with the Standard in his charge, and when found of the true Weight or Measure, to mark, stamp or brand the same (if a Measure) as near the two ends, or top and bottom as may be, G. IV. R. for which he shall receive for every piece so marked, stamped or branded as aforesaid, four pence and no more.

Magistrates of each District to appoint a person to take charge of the District Standard, and to be Inspector of Weights and Measures,

who shall examine and mark all such Weights and Measures as are presented to him, found to agree with his Standard.

V. *And be it further enacted by the authority aforesaid.* That the Magistrates as aforesaid, shall have power to remove from such Office, any and all Inspector or Inspectors appointed as aforesaid, when and so often as they shall think proper, and appoint others to the said Office. *Provided always,* that all and every the Inspector or Inspectors so appointed as aforesaid, before or immediately upon entering upon the duties of his Office shall take and subscribe to the following Oath, in open Sessions :

Magistrates may remove Inspectors and appoint others.

Inspectors to take an Oath.

“ I, A. B. do sincerely promise and swear that I will carefully preserve all such Weights and Measures as shall be given me in charge as a Standard for the District of \_\_\_\_\_, and that I will honestly and faithfully discharge the duties of Inspector of Weights and Measures for the said District of \_\_\_\_\_, according to the true intent and meaning of an Act of the Parliament of this Province, passed in the fourth year of the Reign of King George the Fourth, according to the best of my abilities and knowledge, and deliver them over to my Successor in Office duly appointed for that purpose when required so to do. So help me God.”

Form thereof.

VI. *And be it further enacted by the authority aforesaid,* That all Store-keepers, Shop-Keepers, Millers, Distillers, Butchers, Bakers, Hucksters, and other trading persons, inhabitants of such District, for which a Standard of such Weights and Measures as aforesaid shall have been obtained, who shall, after the expiration of six months after such Standard of Weights and Measures shall have been received, and Inspector appointed as aforesaid, have in his possession any Weights or Measures whereby he sells or buys any article, for the weighing or admeasurement of which such Standard of Weights and Measures are generally used, any other than such Weights or Measures as have been examined and stamped, or marked as aforesaid, shall forfeit for every offence two pounds Provincial Currency, being thereof convicted before any one or more Justice or Justices of the Peace, on the oath of one credible witness, which said penalty, together with all reasonable costs, shall be levied by distress and sale of the offender's goods, and in default of distress, such offender shall be committed to the Common Gaol of the District for a term not exceeding one month.

Penalty for any trading persons having in their possession any Weights or Measures not stamped by the District Inspector.

Appropriation of Penalties.

VII. *And he it further enacted by the authority aforesaid,* That one half of the said penalty, so forfeited as aforesaid, shall be paid to the informer or informers, and the other half to His Majesty's Receiver General, to be applied and appropriated toward the support of the Civil Government of this Province, and to be accounted for to His Majesty, through the Lords Commissioners of his Treasury in such manner and form as His Majesty, His Heirs and Successors may be graciously pleased to direct.

Surplus of the sum hereby granted to remain at the disposal of Parliament.

VIII. *And he it further enacted by the authority aforesaid,* That so much of the said sum of Seventy Five Pounds as shall remain unexpended under the provisions of this Act shall be at the disposition of the Provincial Parliament: any thing in this Act contained to the contrary notwithstanding.

The sum of £75, hereby granted to be paid by the Receiver General, & accounted for through the Lords of His Majesty's Treasury.

IX. *And he it further enacted by the authority aforesaid,* That the sum of Seventy-Five Pounds 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 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.

## C H A P. XVII.

AN Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's Reign, entitled "An Act granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandize, sold by Auction."

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS an Act passed in the fifty-eighth year of the Reign of our late Sovereign Lord King George the Third, entitled "An Act granting to His Majesty a Duty on Licences to Auctioneers, and on Goods, Wares and Merchandize sold by Auction" is about to expire, And whereas it is expedient for a limited time to continue the same, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the

Government of the said Province," and by the authority of the same, that the said Act be, and the same is hereby continued for four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.

58 Geo. 3d. ch. 6, continued for four years, and from thence to the end of the next Session of Parliament.

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## C H A P. XVIII.

AN Act to continue for a limited time an Act passed in the fifty-eighth year of His late Majesty's Reign, entitled "An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, entitled "An Act granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same."

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN.

**W**HEREAS it is expedient to continue for a limited time an Act passed in the fifty-eighth year of the Reign of our late Sovereign Lord, King George the Third, entitled "An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, entitled "An Act granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other trading persons therein mentioned, and to extend the provisions of the same, Be it therefore enacted by the King's Most Excellent Majesty. by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That the said Act be, and the same is hereby continued for four years, and from thence to the end of the then next ensuing Session of Parliament.

Preamble.

58 Geo. 3d. ch. 5, continued 4 years, and from thence to the end of the next Session of Parliament.

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## C H A P. XIX.

AN Act to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of the Address of the House of Assembly of this Province.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS, in pursuance of an Address of your Commons' House of Assembly, during its last Session, to His Excellency Sir Peregrine Mait-

Preamble.

R

land, Lieutenant Governor of your Province of Upper-Canada, the sum of one thousand seven hundred and forty-seven pounds, twelve shillings and seven-pence farthing 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 expences of the last session of the Provincial Legislature: May it, therefore, please Your Majesty that it may be enacted, and Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or

£1747 12s. 7d. 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 one thousand, seven hundred, and forty-seven pounds, twelve shillings and seven-pence farthing, to make good the said sum, which has been issued and advanced in pursuance of the said Address.

granted to His Majesty to make good certain monies issued in pursuance of an Address of the House of Assembly.

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.

To be accounted for through the Lords Commissioners of His Majesty's Treasury.

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## C H A P. XX.

An Act to repeal part of, and to amend and extend the Provisions of an Act passed in the second year of the Reign of His present Majesty, entitled "An Act to repeal the Laws now in force relative to the Preservation of Salmon, and to make further provision respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire light."

[Passed 19th March, 1823.]

Preamble.

**WHEREAS** it is necessary to repeal part of, and to amend and extend the provisions of an Act passed in the second year of the Reign of His present Majesty, entitled "An Act to repeal the laws now in force relative to the

Preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire, from persons fishing by torch or fire light," Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second clause of the said Act be, and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act it shall not be lawful for any person or persons at any time, from the tenth day of November till the first day of January, in each and every succeeding year, to take, catch, or kill any Salmon or Salmon-Fry in any manner whatsoever.

Persons prohibited from catching Salmon between 10th November & 1st January in each year.

III. *And whereas by the Act aforesaid it is among other things enacted,* That it shall not be lawful for any person or persons in the Home District, District of Newcastle, and District of Gore, in this Province, to take, catch, or attempt to take or catch by setting any Net or Nets, Weir or Weirs, any Salmon or Salmon-Fry in any of the Creeks or Rivers in the aforesaid Districts. *And for as much as part of the River Trent lies in the Midland District, where Weirs and Nets are now commonly set and used, whereby the salutary object of the said recited Act is in a great measure defeated; for remedy whereof, Be it enacted, and it is hereby enacted by the authority aforesaid,* That from and after the passing of this Act, the several clauses, provisions, fines and forfeitures in the said recited Act contained, except in so far as they are necessarily varied or repealed in this Act, shall extend to the whole of the said River Trent in all its windings and turnings, bays and creeks, running into, or communicating with, the same.

The provisions of 2d Geo. IV. ch. 16. Sess. 2d extended to the whole of the River Trent.

IV. *And whereas the intention of the said Act is in a great measure defeated by persons employing Indians to catch Salmon after the expiration of the time limited by the said Act, Be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any person or persons to employ, buy from, or receive, under any pretence whatever, from any Indian or Indians, any Salmon taken or caught within any of the said Districts, during the period in which persons are prohibited from taking or attempting to take or catch any Salmon or Salmon-Fry within the said Districts, and all and every person and persons convicted of having infringed the provisions of this clause, upon the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace in and for such District wherein such offence shall have been committed, shall be subject to the same penalty and imprisonment to which persons are now, by the said recited Act, liable for infringing the provisions thereof.

Penalty for buying Salmon of Indians within the prohibited periods.

V. *And be it further enacted by the authority aforesaid,* That one half of any such fine as aforesaid levied or collected, or to be levied or collected by vir-

Distribution of penalties.



tue of this Act, shall be given to the informer, and the other half shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

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## C H A P. XXI.

An Act to provide an Additional Allowance to the Rev. Robert Addison, Chaplain of the House of Assembly, for his long and faithful services as Chaplain thereof.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**WHEREAS** the Rev. Robert Addison has for thirty years, with zeal and piety, performed the duties of Chaplain to the Honorable the House of Assembly; and whereas, from his advanced age and long services, it is expedient to grant him, the said Rev. Robert Addison, a Pension during his life; 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 rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, and in the hands of the Receiver General unappropriated, there be granted to the said Rev. Robert Addison for and during his natural life, the sum of Fifty Pounds annually, which said sum of Fifty Pounds shall commence and become payable from and after the passing of this Act.

An annual Pension of £50 granted to the Rev. Robert Addison for life.

To be paid by the Receiver General, and accounted for through the Lords Commissioners of His Majesty's Treasury.

**II.** *And be it further enacted by the authority aforesaid,* That the said sum of Fifty Pounds shall be paid by the Receiver General out of the rates and duties aforesaid in discharge of such warrant or warrants, as may 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 be graciously pleased to direct.

## C H A P. XXII.

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.

[Passed 19th March, 1823.]

**W**HEREAS, Benjamin Whitney, Smith Bartlet, and others, some time in <sup>Preamble:</sup> the year of our Lord one thousand eight hundred and nineteen, did set on foot and establish a certain Association under the style and title of "The President, Directors, and Company of the Bank of Upper Canada," and procured subscriptions thereto, to a considerable amount, for the avowed purpose of raising a joint and transferable Stock, upon the credit whereof to issue Bank Bills, and carry on the business of Banking at the town of Kingston in the Midland District of this Province; and whereas the said Association having stopped payment and declared itself insolvent, whereby a great portion of the inhabitants of this Province, holding their said Bills or Notes, and who have taken Stock in the said Bank, as well as others, have been defrauded of the same, and are likely to be without redress, unless some Legislative remedy should be provided for their relief; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the honorable George Herkimer Markland, John Kerby, Esquire, and John Macaulay, Esquire, shall be and they are hereby appointed Commissioners and Trustees, to be styled the Board for settling the affairs of the pretended Bank of Upper Canada, lately established at Kingston in this Province, in whom shall be vested all the Estate, both real and personal. Bonds, Bills, Notes, and other Securities, Stock, Rights, Credits, and Effects of the said Institution so established, as aforesaid, and which Board, by its name and style aforesaid, shall have full power and authority to ask, demand, sue for, recover, and receive, and notwithstanding a further day may be given for the payment thereof, and from all persons whatsoever, who are indebted to the said Association, or to any person or persons to its use, all the demands due or growing due thereto, and to sell or dispose of, either at private sale or public auction, all such lands, tenements, and hereditaments, goods, chattels, and effects, as may come into their hands by virtue of this Act, and to apply the same, after the expenses of carrying this Act into effect, in discharge of

Board for settling the affairs of the pretended Bank of Upper Canada established.

Its powers in recovering debts and applying sums received:

Power of filling vacancies in the Board.

such certificates as shall be granted to persons having claims or demands; *Provided always*, that if it shall so happen that the whole or any of the persons herein named as Commissioners and Trustees, shall be unwilling to act in such Commission and Trust, or that any vacancy shall occur therein, then and in such case the Honorable George Herkimer Markland, John Kerby, and John Macaulay, or any two of them, shall, and they are hereby authorised and required to nominate and appoint at their discretion a person or persons to act as Commissioner or Commissioners, as aforesaid; and *provided always*, that in any subsequent vacancy the acting Commissioners, or a majority of them, shall have power, and they are hereby required to appoint a fit and discreet person to supply such vacancy.

Board to hear and determine claims.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or the majority of them, shall have full power and authority to hear and determine all claims and demands against the said Bank, as well by the Stockholders for the amount of the Stock originally subscribed for or purchased by them, whether declared forfeited by the rules of the said Bank or not, and holders of the Notes of the said Bank for the value thereof, as by other creditors of the said Association, and to grant the claimants certificates of the amount so found due to them, which certificates shall bear interest from the date thereof, and be paid by the said Board out of any monies that shall come into their hands by virtue of this Act, *Provided always*, That no certificates that may be granted to the said Benjamin Whitney, Smith Bartlet, or either of them, or to any other Director or Officer, or Stockholder of the said Association shall be paid until the certificates granted to other persons shall have been first paid and discharged.

Board empowered to bring before them and examine all persons connected with the Bank, and to call for their Books and Papers.

III. *And be it further enacted by the authority aforesaid*, That the said Board shall have full power and authority to summon or bring before them, by warrant or otherwise, as may be deemed most expedient, all or any of the Directors and other Officers of the said Company, and to require them to produce all the Books, Papers and other documents of the said Bank, and to examine them touching the affairs of the said Bank, and to reduce their examination to writing to be filed amongst the records of the said Board, and also to commit the said persons or any of them, or bind them in recognizances, either alone or with sureties, according as the Board shall deem expedient, for farther examination; and also, in case they or any of them shall refuse to make a full discovery of the affairs of the said Bank, or to produce any books, papers, or documents relating thereto in their possession, power or control, when thereunto required by the said Board, he or they so refusing, shall stand committed to the common Gaol of the District where the Board shall sit until he or they shall comply therewith.

And upon refusal to give evidence, &c. to commit them to Gaol.

Board to appoint a Clerk.

IV. *And be it further enacted by the authority aforesaid*, That the said Board shall appoint a Clerk who shall sign all Warrants, Certificates and other papers by order of the Board, who shall receive such a stipend while employed as the said Board shall deem proper, to be paid out of such monies as shall come into their hands by virtue of this Act.

Days and places of meeting to be published.

V. *And be it further enacted by the authority aforesaid*. That the said Board shall from time to time appoint certain days and places, when and where they will sit for the hearing of claims, and shall publish the same in such newspapers as they shall deem expedient.

VI. *And be it further enacted by the authority aforesaid,* That the said Board, their Clerk, and all Commissioners for taking affidavits in the Court of King's Bench shall have power to administer Oaths to all persons required to be examined by virtue of this Act, and that all and every person or persons who shall forswear himself or themselves in any affidavit or examination taken in pursuance of this Act, shall upon conviction, incur all the pains and penalties which may be inflicted upon persons guilty of wilful and corrupt perjury by the Laws of this Province.

Persons authorised to administer Oaths.

Penalty of Perjury inflicted for taking false Oaths.

VII. *And be it further enacted by the authority aforesaid,* That the said Board shall keep an account of all the Notes presented to them for payment, and for which they shall give such certificates as aforesaid, and shall upon giving the said certificates, write upon the said Notes in red ink, "Cancelled and certified by the Board," and shall deposit the same with the records of the Board until the affairs of the said Bank shall be fully settled and adjusted.

Board to keep an account of all Notes redeemed by them.

VI I. *And be it further enacted by the authority aforesaid.* That if the said Board shall find it necessary to appropriate the whole or any part of the share or shares of the profit or stock, found by them to belong to the said Benjamin Whitney, Smith Bartlet, or any other Officer or Director, or Stockholder of the said pretended Bank, they, the said Benjamin Whitney, Smith Bartlet, or other Officer or Director, or Stockholder, or their respective executors or administrators, shall and may severally and respectively have and maintain an action or actions at Law, as for money had and received, the one against the other, his executors or administrators, for any loss sustained by the party bringing such action against the other by whose fraud, defalcation, abstraction or misapplication of the funds of the said Bank, the Board aforesaid may so find it necessary to make such appropriation.

Parties concerned in the said Bank authorised to bring actions one against the other.

IX. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid, and all such Commissioners as may be appointed under and by virtue of this Act, shall furnish an annual account and statement of the affairs of the said Bank and their proceedings therein, to be laid before the Legislature of this Province, the first day of every Session, till the final settlement and closure of the said affairs by this Act committed to them.

Board to furnish an annual account of their proceedings to be laid before the Legislature.

X. *And be it further enacted by the authority aforesaid,* That all sale, conveyance or transfer whatsoever, of the private property or estates of the said Benjamin Whitney, Smith Bartlet, John William Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming, Neil M'Leod, or any or either of them, heretofore made in contemplation of the insolvency or failure of the said Bank, or in contemplation of evading any remedies to be provided by law for the security of the public against losses by the said Institution, are hereby declared to be fraudulent and void, and of none effect; and that no sale, conveyance, or transfer, hereafter to be made by the said Benjamin Whitney, Smith Bartlet, John M. Ferguson, Christopher Alexander Hagerman, Henry Murney, John M'Lean, Thomas Dalton, Archibald Richmond, John Cumming and Neil M'Leod, or any or either of them, or their respective property or estates, shall be good or valid in law, till the final adjustment of the said affairs of the said Bank, except with the consent of the said Commissioners or a majority of them, by instrument under their hands and seals, giving and express-

Sales of the estates of the Directors prohibited until affairs of the Bank are closed.

This Act not to affect remedies under the 14th Geo. 2d. ch. 37.

ing such consent; *Provided nevertheless*, That nothing herein contained shall extend or be construed to extend to repeal any provisions or remedies made and provided in an Act of the British Parliament passed in the fourteenth year of the Reign of George the Second, chapter thirty-seven, entitled "An Act for restraining and preventing several unwarrantable schemes and undertakings in his Majesty's Colonies and Plantations in America."

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## C H A P. XXIII.

AN Act to Provide for the Completion of the Gaol and Court-House, in the London District of this Province.

[Passed 19th March, 1823.]

Preamble.

**WHEREAS** it appears by the Petition of the Magistrates of the London District, that the funds applied to the building of a Gaol and Court-house, in and for the said District, are insufficient for completing the said Gaol and Court-House: and whereas it is expedient to authorise the said Magistrates of the said District to raise a loan in aid of the said funds; 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 appointed by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Justices of the Peace in and for the said District, in General Quarter Sessions assembled, in April 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 one thousand pounds, to be applied, together with the funds then remaining in the hands of the said Treasurer, for the use of the said District, and unappropriated, in the building of the said Gaol and Court-House.

Magistrates may raise by loan a sum not exceeding £1000, in aid of funds to finish Gaol and Court-House in the London District

Treasurer to apply a certain sum annually in discharge of the loan.

*II. Provided also, and be it further enacted by the authority aforesaid*, That the Treasurer of the said District for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred and fifty pounds, from and out of the rates and assessments coming

into his hands for the use of the District as aforesaid, together with all such monies as may remain in his hands, after the payment of the ordinary and incidental charges of the year.

## C H A P. XXIV.

An Act to Provide for the erection of a Gaol and Court-House in and for the Home District.

[Passed 19th March, 1823.]

**WHEREAS** it appears by the Petition of the Magistrates of the Home District, that provision by law is required to authorise the erection of a Gaol and Court-House in the said District, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Justices of the Peace in and for the said District, in General Quarter Sessions assembled, in the month of April 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 Gaol and Court-house, or either of them, to be laid before them for the purpose of selecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said Justices then and there assembled as aforesaid.

*Preamble:*  
Magistrates of the Home District to procure Plans of Gaol and Court-House, to be erected in the said district.

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 assembled in manner and form 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, or either of them, according to the plan so approved of as aforesaid, upon the Gaol Reserve, in the town of York, in the district aforesaid, 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 in every District within this Province, and for altering the names of the said Districts."

Magistrates may contract for the erection of a Gaol and Court-House in the Home District.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace, so assembled as aforesaid, and

All monies in the treasurer's hands not required for the ordinary expences of the district, to be applied to build the Gaol and Court-House.

Magistrates authorised to loan not exceeding £4000, for the same purpose.

Not exceeding 6 per cent. interest, to be paid for loan.

they are hereby authorised to apply towards the expence of building such Gaol and Court-House, or either of them, all such monies arising from such rates and assessments as now are, or may come into the hands of the treasurer of the said district, and applicable to the uses of the same, not required for the payment of the ordinary and incidental expences of the said district: *Provided always*, that nothing in this Act contained shall authorise the expenditure of a greater sum than four thousand pounds in the erecting and completing the said Gaol and Court-House, or either of them.

IV. And whereas, from the present state of the building used as a Gaol in the said district, it is highly expedient that the provisions of this Act should be carried into effect without delay, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace in and for the said district, in General Quarter Sessions assembled, in April 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 four thousand pounds, to be applied, together with the funds then remaining in the hands of the said treasurer, for the use of the said district, and unappropriated, in the building of the said Gaol and Court-House, or either of them.

V. *Provided also*, *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 two hundred and fifty pounds, from and out of the rates and assessments coming into his hands for the use of the District as aforesaid; together with all such monies as may remain in his hands after the payment of the ordinary and incidental charges of the year.

## C H A P. XXV.

An Act granting to His Majesty a sum of Money, to be applied in the payment of a Salary to the Sheriff of the Bathurst District.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS it is expedient to provide a Salary for the Sheriff of the District of Bathurst, in like manner as by law salaries are provided for the different sheriffs in the other districts of this Province: may it there-

fore please Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the monies now raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, and unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of Fifty Pounds annually, which said of fifty pounds shall be appropriated and applied for the payment of a Salary to the Sheriff of the said District of Bathurst for the time being.

£50 annually granted to His Majesty for the payment of a salary to the Sheriff of Bathurst.

II *And be it further enacted by the authority aforesaid,* That the monies here-by granted to His Majesty, shall be paid by the Receiver General in discharge of such Warrants as shall for the purposes aforesaid be from time to time issued by the Governor, Lieutenant Governor, or person administering the Government, and the said Receiver General shall account to His Majesty, for the same through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Salary to be paid by the Receiver General, and accounted for thro' the Lords Commissioners of His Majesty's Treasury.

III. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force until the seventeenth day of July, one thousand, eight hundred and twenty-six, and from thence to the end of the then next ensuing Session of the Provincial Parliament.

C H A P. XXVI.

An Act Granting to His Majesty a Sum of Money for the purposes therein mentioned.

[Passed March 19th, 1823.]

**MOST GRACIOUS SOVEREIGN,**  
**W**HEREAS it is expedient that the like provision be made by Law Preamble. for the support of Common Schools in the District of Bathurst as is extended to the other districts in this Province, we beseech Your Majesty that it may be enacted. and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by vir-



£250 to be paid annually to the treasurer of the District of Bathurst, for the support of Common Schools.

due 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 monies now raised, levied, and collected, or hereafter to be raised, levied, and collected to and for the uses of this Province, and unappropriated, there be granted to His Majesty annually the sum of Two hundred and fifty pounds; which said sum of Two hundred and fifty pounds shall be paid into the hands of the treasurer of the said District of Bathurst, for the support of the said Common Schools.

To be paid by the Receiver General, and accounted for through the Lords Commissioners of His Majesty's treasury.

II. *And be it further enacted by the authority aforesaid,* That the monies hereby granted to His Majesty shall be paid by the Receiver General in discharge of such warrant or warrants as shall for the purposes aforesaid be from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government, and the said Receiver General shall account 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.

Continuance.

III. *And be it further enacted by the authority aforesaid,* That this Act shall be an continue in force until the seventh day of March, one thousand eight hundred and twenty-four, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

## C H A P. XXVII.

An Act Granting to His Majesty a Sum of Money for the Support of a Public School in the Bathurst District.

[Passed 19th March, 1823.]

**MOST GRACIOUS SOVEREIGN,**

Preamble.

**W**HEREAS it is expedient that the like provision be made by law for the establishment of a Public School in the District of Bathurst, as is extended to the other Districts of this Province, we beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, en-

intituled ' An Act for making more effectual provision for 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 unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of One Hundred Pounds, which sum of one hundred pounds shall be appropriated, applied and disposed of, in paying the Salary of the Teacher of the Public School which may be hereafter established in the said District of Bathurst, 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, 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 pleased to direct.

£100 granted annually as a Salary for the Teacher of a Public School in Bathurst, and shall be paid by Receiver General, and accounted for through the Lords Commissioners of His Majesty's Treasury.

C H A P. XXVIII.

An Act to provide for the Establishment of a Public School in the District of Ottawa.

[Passed 19th March, 1823.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it is considered expedient, for the purpose of promoting the Preamble: education of the youth in the District of Ottawa, that a Public School should be established in that District, in like manner as Public Schools have by Law been established in the different Districts in this Province: may it therefore please Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That from and after the passing of this Act, provision be made by Law for the establishing a Public School in the said District of Ottawa.

A Public School to be established in Ottawa.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised,

£100 granted to pay a Teacher's salary.

levied, and collected, to and for the public uses of this Province, and unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of One Hundred Pounds, which said sum of One Hundred Pounds shall be appropriated, and applied and disposed of in paying the salary of the Teacher of the said School, which said sum of One 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, Lieutenant 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 pleased to direct.

School to be kept in Longueil.

III. *And be it further enacted by the authority aforesaid,* That the said School shall be opened and kept in the Township of Longueil, in the County of Prescott, at or near the place of holding the General Quarter Sessions of the Peace for the said District, at such place as the trustees appointed or hereafter to be appointed, or the majority of them, may think proper.

Under the same regulations as other Public Schools.

IV. *And be it further enacted by the authority aforesaid,* That the said School shall be established in like manner, and under the same rules, regulations, and restrictions in every particular, as are mentioned in two several Acts of the Parliament of this Province, the one passed in the forty-seventh year of His late Majesty's Reign intituled "An Act to establish Public Schools in each and every District in this Province," and the other passed in the fifty-ninth year of His late Majesty's Reign, intituled "An Act to repeal part of, and to amend the Laws now in force for establishing Public Schools in the several Districts of this Province, and to extend the provisions of the same."

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## C H A P. XXIX.

An Act for the relief of George Delong, George Bates, Alexander Gardener, Thomas Dowsley, and James Smith.

[Passed March 19th, 1823.]

Preamble.

**W**HEREAS by a certain Act passed, in the fifty-fourth year of His late Majesty's Reign, intituled "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 any persons interested in the said lands from traversing any Inquisition or office respecting the same, within one year after the peace shall be established between His Majesty and the United States of America, or within one year after the finding of such Inquisition.

And whereas George Delong of Crosby, George Bates of Yonge in the District of Johnstown, Alexander Gardener of Niagara, mason, Thomas Dowsley and James Smith of Kitley, have not been able to avail themselves of such provision, whereby His Majesty has become seized in law of certain

real estates claimed by the said George Delong, George Bates, Alexander Gardener, Thomas Dowsley, and James Smith, under and by virtue of several inquisitions returned to His Majesty's Court of King's Bench, that is to say, by the said George Delong, the Lot No. Thirteen in the Third Concession of the Township of South Crosby, in the District of Johnstown, and containing two hundred acres; and by the said George Bates, the east half of Lot No. Seventeen in the Fourth Range, or Third Concession of the Township of Yonge, and District of Johnston, containing two hundred acres; and by the said Alexander Gardener the Lot No. One Hundred and Four, in the Township of Niagara, and District of Niagara, containing one hundred acres, and also by the said Thomas Dowsley and James Smith, Front Lot No. Nineteen, in the Ninth Concession of the Township of Kitley, in the District of Johnston; 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 George Delong, George Bates, Alexander Gardener, Thomas Dowsley, and James Smith, and each of them, 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 respective 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 inquisitions, or any of them, shall be received or filed in the office of His Majesty's Court of King's Bench, the said George Delong, George Bates, Alexander Gardener, Thomas Dowsley, and James Smith, or their respective heirs, shall each severally 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 traverses, in case judgment shall be given thereon for His Majesty. His Heirs and Successors, or the said several persons, or either of them, shall fail in prosecuting the same.

George Delong,  
George Bates,  
Alex'r. Gardener,  
Thomas Dowsley,  
and James Smith  
authorised to tra-  
verse certain in-  
quisitions upon  
giving security to  
pay costs.

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## C H A P. XXX.

An Act to repeal part of an Act passed in the first year of His Majesty's Reign, entitled, "An Act for altering the time of holding the General Quarter Sessions of the Peace, in the Home District, and further to fix the time of holding the said Quarter Sessions."

[Passed 19th March, 1823.]

**W**HEREAS, much inconvenience arises from the periods of holding the Courts of Quarter Sessions of the Peace for the Home District, Preamble.

happening at the same times with the terms of the Court of King's Bench, for remedy whereof; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of an Act of the Parliament of this Province, passed in the first year of His Majesty's Reign, entitled, "An Act for altering the time of holding the General Quarter Sessions of the Peace, in the Home District, as fixes the periods of holding the Quarter Sessions in the said District, be, and the same is hereby repealed.

So much of the 1st Geo. IV. ch. as regulates the time of holding the Quarter Sessions in the Home District, repealed.

Time of holding Quarter Sessions in the Home District.

II. *And be it further enacted by the authority aforesaid,* That from and after the Quarter Sessions next ensuing, the passing of this Act, the Court of General Quarter Sessions of the Peace, in and for the said Home District, shall commence on the Tuesday of the week next following the several terms of the Court of King's Bench.

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## C H A P. XXXI.

AN Act to authorise the Minister and Church-Wardens of Saint George's Church, Kingston, to Surrender certain Lands therein mentioned.

[Passed 19th March, 1823.]

Preamble.

**WHEREAS** by letters patent under the Great Seal of this Province, bearing date the eleventh day of March, in the year of our Lord one thousand, eight hundred and five, Lots No. one hundred and twenty-two, and one hundred and thirty nine, in the town of Kingston, and Midland District, described as containing two-fifths of an acre of land, were granted to the Rev. John Stuart, minister, and Jermyn Patrick and Richard Robison, church-wardens of Saint George's Church, Kingston, their heirs and assignees, for ever in trust, for the purpose of building a Parsonage-House for the accommodation of the officiating clergyman for the time being: And whereas it appears from the representation of the present minister and church-wardens of the said church, that the said Grant does not answer the purposes for which it was intended. 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 Minister and Church-Wardens for the time being of the said church, to surrender the said Grant into the hands of His Majesty, His Heirs and Successors.

Minister and  
Church-wardens  
of St. George's  
Church Kingston,  
authorised to sur-  
render a certain  
grant of land in  
Kingston.

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## C H A P. XXXII.

An Act for the Relief of Matthew Crooks, Esq.

[Passed 19th March, 1823.]

**W**HEREAS by an Act of the Provincial Parliament, passed in the forty-<sup>Preamble.</sup> eighth year 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 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 estates in the lands of Lot No. Fourteen, in the Fifth Concession of the Township of Grantham, in the District of Niagara, now claimed by Matthew Crooks of Ancaster, has been vested in the Commissioners appointed under and by virtue of the said Act; and whereas the said Matthew Crooks has not been able in due time to traverse the inquisition, by virtue whereof the said lands became so forfeited; and it being desirable to afford him an opportunity of exhibiting his claim to the said lands, 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

Matthew Crooks  
authorised to tra-  
verse a certain in-  
quisition upon giv-  
ing security for  
costs.

for the said Matthew Crooks, or his heirs, at any time within six months from the passing of this Act, to traverse the said inquisition, so far as the same may affect any title of the said Matthew Crooks, or his heirs, to the parcel, tract, or lot of land, as aforesaid. *Provided always*, 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 Matthew Crooks, 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 should be given thereon for His Majesty, His Heirs and Successors, or the said Matthew Crooks shall fail in prosecuting the same with effect.

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## C H A P. XXXIII.

An Act for the Relief of John Boswell.

[Passed 19th March, 1823.]

Preamble

**WHEREAS** an Act was passed in the second year of His Majesty's Reign, entitled, "An Act to repeal part of, and amend an Act. passed in the thirty-seventh year of His late Majesty's Reign. entitled. 'An Act for the better regulating the Practice of the Law,' and to extend the provisions of the same:" And whereas it is, among other things, enacted, that from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney in this Province, unless upon an actual service under articles for five years with some practising attorney in this Province: And whereas it appears by the petition of John Boswell, a native of England, now resident in this Province, and by certificates and documents produced in support thereof, that he was admitted an attorney of His Majesty's Court of King's Bench in England in the year of Our Lord one thousand, seven hundred, and ninety-seven; and also, that he came into this Province in the hope of being allowed to practise his profession of the law, but arrived a short time subsequent to the passing of the said first recited Act: And whereas the said John Boswell is desirous of practising the Law in this Province, and it is expedient to relieve him from the disability imposed by the said Act. Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain. entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for mak-

ing more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That any thing in the said Act to the contrary notwithstanding, the Court of King's Bench may at its discretion admit the said John Boswell to practise as an attorney in this Province.

Court of King's Bench may admit J. Boswell to practise as an attorney of that Court.

II. *And be it further enacted by the authority aforesaid,* That the Law Society may at its discretion receive into the same, and introduce to the Court of King's Bench as a Barrister the said John Boswell; and thereupon being received at the bar of the Court of King's Bench, he shall thenceforth be authorised to practise the profession of the Law, as fully to all intents and purposes, as any barrister now practises the same in this Province.

And Law Society may admit him into that Society as a Barrister.

C H A P. XXXIV.

An Act to Continue and Amend an Act passed in the fifty ninth year of His late Majesty's Reign, entitled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned."

[Passed 19th March, 1823.]

**W**HEREAS it is expedient to amend and continue in part an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the whole of the same, excepting the second clause in the said Act, be continued.

Preamble.

59 Geo. 3. ch. 5. except the second clause, continued.

II. *And be it further enacted by the authority aforesaid,* That the Magistrates in Quarter Sessions assembled, for the said District, or the major part of them, in the month of April, in each and every year, may raise by assessment from the persons rated upon any assessment for property in the said town, a sum not exceeding fifty pounds in any one year, for keeping in repair a Market-house now erected in the said Town of Niagara, and for purchasing and keeping in repair fire-engines, ladders, buckets, and other utensils for

A sum not exceeding £50 may be raised by assessment on property in Niagara for certain purposes.



Clerk of the Peace  
to prepare Roll.

extinguishing 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 such assessment into effect, it shall be the duty of the Clerk of the Peace for the said District to select from the general assessments of the said District, a list or assessment of the ratable property that each and every person owns or possesses in the said town, ready to be laid before the Magistrates in Quarter Session assembled, for the said District, in April in each and every year after the present.

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## C H A P. XXXV.

An Act to repeal part of an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, "An Ordinance concerning Land Surveyors and the admeasurement of lands," and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled, "An Act to ascertain and establish on a permanent footing the boundary line of the different Townships of this Province; and further, to regulate the manner in which lands are hereafter to be surveyed," in so far as it affects the Township of Cranhahe, and to make further provisions for ascertaining the side-lines of lots within the same, and also to authorise the correction of the eastern side-line of said township.

[Passed 19th March, 1823.]

Preamble.

**WHEREAS** by an Act of the Parliament of this Province, passed in the fifty-ninth year of His late Majesty's Reign, entitled, "An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, 'An Ordinance concerning Land-Surveyors, and the Admeasurement of Lands,' and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign entitled, 'An Act to ascertain and establish on a permanent footing the boundary-line of the different townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" it is, among other things, enacted. That all boundary-lines of townships made in the first survey, shall be the true and unalterable boundary-lines of all and every such townships respectively; and also, That every licenced Surveyor, when and as often as he is employed to run any side-line or limit between lots or lines, required to go the same course of the side line or limits between the lots in the concession in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done before, but the course cannot at such time be

truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such concession, or that boundary of the township from which the lots are numbered, and run such line or lines as aforesaid, truly parallel to such course, which is thereby declared, and shall be deemed and taken to be the true course of such lines in the several townships in this Province. And whereas it appears by the petition of the inhabitants of the township of Cramahe in the Newcastle District, and also from a report of the Surveyor General of this Province, that the eastern side-line of the said township of Cramahe, whence the lots are numbered, was, in the first survey, erroneously run, whereby great confusion is daily arising from the surveying of the side-lines of lots in the said township parallel to such erroneous line: And whereas it also appears by the report aforesaid, that the western side line of the said township of Cramahe, toward which the lots are numbered, has been correctly and truly surveyed: 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 when and so often as any licensed surveyor shall be employed to run any side line or limit between lots in the said township of Cramahe, reference shall only be had to the western side-line of the township in that concession in which he is required to survey any such side-line or limit, in the same manner as is now directed by the before-recited Act for such reference to be had to the side-line from whence the lots are numbered, any thing in the said Act contained to the contrary notwithstanding.

Reference to be had to the western side line of the township of Cramahe in all future surveys of that township.

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, to direct the Surveyor General to order the said erroneous line to be re-surveyed and corrected, and that the expenses incurred thereby shall be considered as part of the contingent expenses of the Surveyor General's Office, and that such line, so corrected as aforesaid, shall be, and it is hereby declared to be, the true and unalterable boundary line of the said township of Cramahe.

Surveyor General to order the eastern line of the said township to be re-surveyed.

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## C H A P. XXXVI.

An Act for the Relief of Teachers of Common Schools in the Niagara District.

[Passed 19th March, 1823.]

**WHEREAS** it appears that part of the funds advanced to the Treasurer Preamble,

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## C H A P. XXXVII.

An Act for the better Preservation of the Herring Fishery at the Outlet of Burlington Bay.

[Passed 19th March, 1823.]

**W**HEREAS it is expedient to provide for the preservation of the Herring Fishery at the Outlet of Burlington Bay, in the Gore 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 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 not be lawful for any person or persons, to take or catch, or attempt to take or catch, by setting or drawing any net or nets, weir or weirs, seine or seines, any Herring at the Outlet of Burlington Bay, or within two hundred yards of the said Outlet on the shore of Lake Ontario, between the first day of September and the first day in January inclusive, in each and every year, at any other days or times, than Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.

Preamble.

No person to take any Herring at the Outlet of Burlington Bay between 1st September and 1st January, except on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be convicted before any two of His Majesty's Justices of the Peace for the Gore District, on the oath of one credible witness other than the informer, of infringing the provisions of the foregoing clause, such person or persons respectively, shall forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings, with costs, or in default of payment, be committed to the Common Gaol of the District for a term not exceeding thirty days, nor less than two days, unless the penalty and costs shall be sooner paid; one half the said penalty to be paid to the informer or informers, and the other half into the hands of His Majesty's Receiver General, to and for the public uses of this Province, to 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 shall be graciously pleased to direct.

Penalty for infringing the before-mentioned Regulation.

Distribution of penalty.

CHAR.

## C H A P. XXXVIII.

AN Act for the Division of the Township of Ameliasburgh in the County of Prince Edward;

[Passed 19th March, 1823.]

*Preamble.* **W**HEREAS from the great extent of the Township of Ameliasburgh, in the County of Prince Edward, in the Midland District of this Province, and from the increase of population therein, many great inconveniences occur to the inhabitants of the said township in meeting together upon public occasions; and whereas it becomes expedient and necessary to divide the said township of Ameliasburgh into two parts; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of January next ensuing, the aforesaid township of Ameliasburgh shall constitute and form Two Townships, and shall be divided by the line running between the Fourth and Fifth Concessions of the said Township, as follows: commencing on the eastern boundary line of the said township, in the centre of the allowance for road between the fourth and fifth concessions, from the Bay of Quinty, along the said concession line, then south fifty-eight degrees, thirty minutes west, to Consecon Lake, then through the same to the outlet from the said Lake; thence along the said outlet to Wellar's Lake; thence through Wellar's Lake north eighty-three degrees west, until it intersects the beach on Lake Ontario, and crossing the beach to Lake Ontario.—The north part to constitute and form the township of Ameliasburgh.

The township of Ameliasburgh divided into two townships.

South part to be called Hillier.

II. *And be it further enacted by the authority aforesaid,* That the south or lower part of the aforesaid township of Ameliasburgh shall constitute and form the township of Hillier.

And to have the same privileges as other townships.

III. *And be it further enacted by the authority aforesaid,* That the said township of Ameliasburgh, and the said township of Hillier respectively, shall be under the same regulations and entitled to the same privileges as any other township within this Province.

Not to affect any commission or other matter heretofore existing.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That such division shall not by any means invalidate the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said townships, or to make void, or otherwise affect any grant of lands, or other legal proceedings, within the limits of the said townships, any law or usage to the contrary notwithstanding.