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*1823*

# STATUTES

OF

HIS MAJESTY'S PROVINCE

OF

# UPPER-CANADA.

PASSED IN

*The Fifth Session of the Seventh—and during the First and  
Second Sessions of the Eighth Provincial Parliament  
of Upper-Canada.*

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BY AUTHORITY.



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

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YORK, U. C.

REPRINTED BY CHARLES FOTHERGILL, U. C. GAZETTE-OFFICE.

1823.



# STATUTES

OF

## UPPER-CANADA;

PASSED IN THE FIFTH SESSION OF THE SEVENTH PROVINCIAL PARLIAMENT,

MET AT YORK, ON THE TWENTY FIRST DAY OF FEBRUARY, AND PROROGUED ON THE SEVENTH DAY OF MARCH FOLLOWING, IN THE SIXTIETH YEAR OF THE REIGN OF GEORGE III.

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

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ANNO DOMINI, 1820.

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### CHAP. I.

An Act to Regulate the Commercial Intercourse between this Province and the United States of America, by Land and Inland Navigation.

[Passed 7th March, 1820.]

**W**HEREAS it is expedient to provide for the Commercial Intercourse Preamble.  
between this Province and the United States of America, Be it therefore  
enacted by the King's Most Excellent Majesty, by and with the advice and  
consent of the Legislative Council and Assembly of the Province of Upper  
Canada, constituted and assembled by virtue of and under the authority of  
an Act 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 following articles, of the growth, produce and manufacture of the Certain Articles  
may be imported  
from the United  
States on payment  
of the duties here-  
in mentioned.  
United States of America, may, during the continuance of this Act, be im-  
ported into this Province from the territories of the said United States of A-  
merica, on payment of the several duties respectively affixed to the same,  
that is to say:—

- Cable and Tarr'd Rope, per pound, two pence.
- Cordage Untarred, per pound, two pence.

C. 1. IN THE 60th YEAR OF GEORGE III. A. D. 1820. FIFTH SESSION.

Salt per bushel, six pence.

Sole Leather, per pound, two pence.

Calf Skins, and Skins dressed as Upper Leather, two shillings each.

Harness Leather, per pound, three pence.

Nails, per pound, two pence.

Flour, per barrel, ten shillings.

Pork, per barrel, ten shillings.

Fresh Pork, per cwt. five shillings.

Manufactured Tobacco, per pound, four pence.

Beef, per barrel, seven shillings and six pence.

Spirits distilled from grain, per gallon, two shillings and six pence.

Shoes, per pair, two shillings and six pence.

Boots per pair, five shillings.

On other articles,  
a duty ad valorem  
of 10 per cent.

And all other Goods, Wares, and Merchandise, not herein before enumerated, the growth, produce, or manufacture of the said United States of America, a Duty of ten pounds on every hundred pounds, ad valorem, of the value of such Goods, Wares, and Merchandise, as aforesaid.

Certain articles to  
be admitted free of  
duty.

*Provided always*, That nothing in this Act contained shall extend or be construed to extend to prevent, or in any wise prohibit the importation, free from the payment of any Duty, of the following articles, being the growth, produce, and manufacture of the said United States of America: unmanufactured Tobacco, Sheep, the personal Baggage, travelling Horse or Horses, travelling Carriage or Carriages, of any person or persons, Subjects or foreigners, who may lawfully come into or reside in this Province. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prohibit the admission of Flour, Pork, and other Provisions into this Province, free of Duty, for exportation only, and *Provided also*, That the importer of such Goods, or the consignee thereof, is hereby required, before landing the same, to enter into a Bond in double the amount of the value thereof, that the same shall be exported from this Province.

Flour, pork, and  
other provisions  
for exportation  
free of duty.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be paid on all Vessels or Boats the property of the citizens of the United States of America, coming into any of the Ports of this Province, the following Duties, namely: on all Vessels above five tons to fifty tons, the Tonnage Duty of three pence per ton; on all Vessels above fifty tons, six pence per ton. *Provided always*, That whenever any Ship or Vessel, laden as aforesaid, the cargo or load whereof is intended to pass by such Port or Ports, in order to be transported to Lower Canada, the Master or other person having charge or command of such Ship or Vessel, or the agent or agents for the proprietor or proprietors thereof, shall forthwith on the arrival at any such Port or Ports of Entry, as aforesaid, make a report and declaration thereof to the Collector, or to his Deputy, stationed at such Port or Ports of Entry, and such report or declaration shall be verified on oath, and such Master or person commanding such vessel, or agent or agents for the proprietor, if required, shall and he is hereby required to enter into a bond in double the amount of the tonnage duty imposed by this Act, for the payment thereof, should the whole or any part of such goods, wares, and merchandize, remain in, or

Tonnage duty on  
vessels owned by  
American citizens.

Vessels laden for  
Lower Canada, &  
passing by ports in  
this Province, to  
make report and  
enter into bonds.

be unexported from this Province. And *Provided also*, That nothing in this Act contained shall extend, or be construed to extend, to compel the payment of any tonnage duty on vessels exclusively employed for the purpose of transporting passengers and their baggage.

No tonnage duty on vessels exclusively employed in transporting passengers and their baggage.

III. *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 demand of tonnage duty on any such vessel, laden exclusively with goods, wares, and merchandise, in transitu for Lower Canada.

No tonnage duty on vessels laden only with goods for Lower Canada.

IV. *And be it further enacted by the authority aforesaid*, That all monies collected under and by virtue of this Act, shall be paid into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner as it shall please His Majesty to direct. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend to affect the provisions of any Act of the Parliament of Great Britain for regulating the intercourse of this Province with the United States of America.

Appropriation of duties levied under this Act, and how the same are to be accounted for.

This Act not to affect any British Act regulating our trade with America.

V. *And be it further enacted by the authority aforesaid*, That this Act shall be in force for one year, and from thence until the end of the next ensuing Session of Parliament, and no longer.

Continuance.

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## C H A P. II.

An Act to provide for Increasing the Representation of the Commons of this Province in the House of Assembly.

[Passed 7th March, 1820.]

**W**HEREAS, from the rapid increase of the population of this Province, the Representation thereof in the Commons House of Assembly is deemed too limited; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much

Preamble.

of the several Laws now in force as regulates the number of Representatives to serve in the Provincial Parliament, be; and the same is hereby repealed.

Counties containing one thousand inhabitants to be represented by one Member.

When they contain four thousand inhabitants, by two Members.

Certain towns when they contain one thousand souls shall be represented by one member.

Provision for ascertaining the number of inhabitants.

Whenever an University shall be established in this Province, it shall be represented by one Member.

By whom such Member may be elected.

Governor to issue writs of Election as provided by 31st Geo. 3d, c. 21, s. 18.

II. *And be it further enacted by the authority aforesaid,* That from and after the end of the present Parliament, each and every County now formed or organized, or which shall or may hereafter be formed or organized, the population of which shall amount to one thousand souls, shall be represented in the Provincial Parliament by one Member; and when the population of such County or Counties as aforesaid, shall amount to four thousand souls, the said County or Counties shall be represented by two Members; and that each and every town, in which the Quarter Sessions for the District are or may by Law be holden, and in which there shall be one thousand souls, shall be represented by one Member.

III. *And be it further enacted by the authority aforesaid,* That the population required to be contained in each and every Town or County for the purposes aforesaid, shall be ascertained by the returns of the several Town Clerks of the number of souls in the several Towns and Townships of this Province, certified copies of which Returns the Clerk of the Peace of the District in which such Town, Township, or County shall or may be situated is hereby required to transmit to the Office of the Governor, Lieutenant Governor, or Person administering the Government of this Province.

IV. *And be it further enacted by the authority aforesaid,* That whenever an University shall be organized, and in operation as a Seminary of Learning in this Province, and in conformity to the Rules and Statutes of similar Institutions in Great Britain, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to declare by Proclamation the Tract of Land appendant to such University, and whereupon the same is situated, to be a Town or Township, by such name as to him shall seem meet, and that such Town or Township, so constituted, shall be Represented by one Member. *Provided always, nevertheless,* That no person shall be permitted to vote at any such Election for a Member to represent the said University in Parliament, who besides the qualification now by Law required, shall not also be entitled to vote in the convocation of the said University.

V. *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, to issue Writs of Election for Members to serve in the Commons House of Assembly for such Counties and Towns as aforesaid, and for the said University, in like manner as is provided by the eighteenth clause of an Act passed in the thirty first year of His Majesty's Reign, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign," entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province."

VI. *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 lessen the number of Members now returned for any County or Counties under the authority of any Law heretofore in force in this Province, or to make necessary the issuing of any new Writ of Election, during the continuance of any Parliament, by reason of the increase of inhabitants in any Town or County since the then last preceding General Election.

This Act not to lessen the number of Members now to be returned for any County, &c.

Not to make it necessary to issue any new writs of Election on account of any increase of inhabitants since the last election.

VII. *And be it further enacted by the authority aforesaid,* That when any County now formed, or hereafter to be formed, shall contain less than one thousand souls, the said County or Counties shall be attached to the next adjoining County of the District in which there shall be the smallest number of souls.

Counties containing less than 1000 souls to be attached to the next adjoining County having the smallest number of inhabitants.

VIII. *And be it further enacted by the authority aforesaid,* That the number of souls residing in any Town as aforesaid, shall be ascertained and distinguished in the Return of the Town Clerk of the Township in which such Town shall be situated, from the number of souls of such Township.

Inhabitants of Towns to be distinguished from those of Counties in the Returns.

IX. *And be it further enacted by the authority aforesaid,* That no person qualified to vote in any Town as aforesaid, shall be allowed to vote in the County in which such Town is situated, upon the same Freehold which may qualify him to vote for a Member to represent the said Town.

No person qualified to vote in a Town shall be allowed to vote for the County in respect of the same property.

X. *And be it further enacted by the authority aforesaid,* That the number of souls contained in any Town which may hereafter elect a Member, as aforesaid, shall not be considered as a part of the number of souls required to give the County in which such Town shall be situated two Members.

Inhabitants of Towns sending a Member not to be included among the inhabitants of Counties for the purposes of this Act.

*see 4 Geo 4 Ch. 5. Sec 3.*

### C H A P. III.

An Act granting to His Majesty a sum of Money to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor, pursuant to an Address of the House of Assembly, during its last Session.

[Passed 7th March, 1820.]

MOST GRACIOUS SOVEREIGN;

WHEREAS, in pursuance of an Address of your Commons House of Assembly, during its last Session, to His Excellency Sir Peregrine Maitland, Lieutenant Governor of your Province of Upper Canada, the sum of three hundred and sixty-two pounds eighteen shillings and ten pence, has been issued and advanced by your Majesty through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the contingent expences of the last Session of the Provincial Legislature; May it therefore please your Majesty

Preamble.



that it may be enacted and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of three hundred and sixty-two pounds eighteen shillings and tenpence, to make good the said sum which has been issued and advanced in pursuance of the aforesaid Address.

£862: 18: 10 applied to make good that sum advanced by the Lieutenant Governor to pay the contingent expences of the last Session.

How the same is to be accounted for.

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

## C H A P. IV.

An Act to repeal an Act passed in fifty-ninth year of His Majesty's Reign, entitled, "An Act to prevent Certain Meetings within this Province."

[Passed 7th March, 1820.]

Preamble.

**W**HEREAS it is inexpedient to continue an Act passed in the fifty-ninth year of His Majesty's Reign, entitled, "An Act to prevent certain Meetings within this Province;" Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the aforesaid Act, and every matter and thing therein contained, shall be, and the same is hereby repealed.

6 1  
59th Geo. 3d. sess.  
Act, c. 11. repealed.

C H A P. V.

An Act to amend and extend the provisions of an Act passed in the forty-first year of His Majesty's Reign, entitled, "An Act to authorise the Governor, Lieutenant Governor, or Person administering the Government, to appoint Inspectors of Flour, Pot and Pearl Ashes within this Province.

[Passed March 7th, 1820.]

**W**HEREAS, it is expedient to amend and extend the provisions of Preamble.  
an Act passed in the forty-first year of His Majesty's Reign, entitled "An Act to authorise the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint Inspectors of Flour, Pot and Pearl Ashes, within this Province," Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 September next, every Miller or Manufacturer of Flour for sale within this Province, shall provide brands or marking irons for the purpose of branding and marking Flour packed in barrels, on which brands or marking-irons shall be expressed the name of the Mills the Flour was packed in, with the words "Upper Canada," the net weight and tare in figures, and also the words, Superfine, Fine, or Fine Middlings, as the case may be. Flour packed in barrels, to be branded.

II. *And be it further enacted by the authority aforesaid,* That all Wheat Flour manufactured and packed in Casks and branded as aforesaid, at any Mill in this Province, by the owner of such Flour, shall be by such Miller or Manufacturer made Merchantable and of due fineness, and shall be honestly and well packed in good and sufficient casks made of staves well seasoned and bound with ten hoops, and the tare marked on the said cask, together with the net weight of Flour contained in such cask; each cask to contain one hundred and ninety-six pounds. Flour to be merchantable, and well packed. Each cask to contain 196 lbs.

III. *And be it further enacted by the authority aforesaid,* That on any Miller or Manufacturer being required to make Flour intended to be of the first quality, on each cask shall be branded Superfine, and on each cask of Flour intended to be of the second quality, shall be branded the word Fine, and on each cask of Flour intended to be of the third quality, shall be branded the words Fine Middlings, under the penalty of ten shillings for each cask. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to compel any Miller or Manufacturer of Flour to brand any casks of Flour, unless he shall be satisfied that the Flour to be marked according to its quality, under a penalty.

Flour is of the quality that it is required to be branded or marked as aforesaid.

To be liable to inspection.

IV. *And be it further enacted by the authority aforesaid,* That all Flour packed in casks and branded as aforesaid, and exposed for sale in any of the County Towns or Villages in this Province, shall be liable to Inspection at the election of any purchaser, and the expence of such Inspection shall be paid equally by the purchaser and seller, each one half.

Expence of inspection.

Punishment for putting a false tare on any Flour-cask.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons shall put a false or wrong tare on any cask of Flour, to defraud any purchaser, the persons so offending shall forfeit for every such cask so falsely tared as aforesaid the sum of ten shillings.

Penalty for counterfeiting brands, or putting other Flour in casks properly branded.

VI. *And be it further enacted by the authority aforesaid,* That any person or persons who shall counterfeit any of the aforesaid brand marks, or brand the same on any cask of Flour, or shall empty any cask of Flour, branded as aforesaid, in order to put therein other Flour for sale, without first cutting out the said brand marks, the person or persons so offending, shall for every such offence forfeit and pay the sum of twenty shillings.

Inspectors to weigh casks of Flour, &c.

VII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Inspectors from time to time to weigh such casks of Flour as he or they shall suspect to be light, and if found not to contain the just and true weight, to mark or brand the same on the head with the word "Light," and for every cask of Flour so marked "Light," the Manufacturer thereof shall forfeit and pay the sum of ten shillings.

Penalty if found light.

Inspector to mark Flour inspected by him,

VIII. *And be it further enacted by the authority aforesaid,* That on all casks of Flour inspected by any of the Inspectors aforesaid, the Inspector shall brand the initial letters of his Christian name, and his Surname at full length, together with the name of the District or place where the same is inspected.

and to alter the mark denoting its quality, if incorrect.

IX. *And be it further enacted by the authority aforesaid,* That in all cases where the brands describing the quality of Flour, shall not in the judgment of the said Inspector be branded according to its respective kinds and qualities, he shall alter the same so as to describe the real quality according to the true intent and meaning of this Act.

Inspectors of Flour not to deal in Flour.

X. *And be it further enacted by the authority aforesaid,* That no person appointed, or hereafter to be appointed Inspector of Flour, shall deal in, buy, barter or exchange, any Flour by him inspected, under pain of the Commission under which he acts, being null and void, except such Flour as may be necessary for the consumption of his own family.

How fines, &c. should be recovered.

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

and determined by any one or more of His Majesty's Justices of the Peace, acting in the District where the offence shall have been committed, and in order thereto, it shall and may be lawful to and for any one of His Majesty's Justices of the Peace within the District where the offence has been committed, to summon any person or persons to appear before such Justices, as aforesaid, and they are fully authorised and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such complaint, and thereupon to proceed to give judgment; the one moiety of all fines and forfeitures when recovered, shall be paid into the hands of the Receiver General, for the use of His Majesty, His Heirs and Successors, towards the support of the Government of this Province, and shall be accounted for to His Majesty through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct, and the other moiety to the person who shall sue for the same. and accounted for.

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## C H A P. VI.

An Act to provide for the Remuneration of John Beikie, Esquire, for Services rendered to this Province.

[Passed 7th March, 1820.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it is expedient to remunerate John Beikie, Esquire, for Preamble.  
long and faithful services rendered to this Province, as Clerk to the Commissioners appointed under and by virtue of 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 Nominees of the Crown in cases where no Patent hath issued for such Lands," 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, or hereafter to be raised, levied and collected, to and for the public uses of this Province, and remaining in the hands of the Receiver General, and unappropriated, there be granted to His Majesty, His Heirs and Successors the sum of Two

£200 granted to John Beikie, Esq. for certain services rendered to this Province.

Hundred Pounds, which said sum of Two Hundred Pounds shall be appropriated, applied and disposed of in remunerating John Beikie, Esquire, for services rendered to this Province as Clerk to the Commissioners aforesaid.

How such sum is to be paid and accounted for.

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

## C H A P. VII.

*See 4 Geo. 4. c. 24  
2. & 3. c. 1  
Act of 1820*

AN Act to amend and continue, under certain modifications, an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act granting to His Majesty a sum of Money to be applied to the use of Common Schools throughout this Province, and to provide for the regulation of the said Common Schools."

[Passed 7th March, 1820.]

Preamble.

**W**HEREAS, it is expedient for the encouragement of Education, to continue under certain modifications an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act granting to His Majesty a sum of money to be applied to the use of Common Schools throughout this Province," Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act of the fifty-sixth year of His Majesty's Reign, except the first, tenth, twelfth, and so much of the thirteenth clause as fixes the Salary to be paid to any Common School to twenty-five pounds, which is hereby repealed, be, and the same is hereby continued.

56th Geo. 3d, c. 6, continued with certain exceptions.

II. *And be it further enacted by the authority aforesaid*, That for the establishment of Common Schools in each and every District of this Province, there shall be annually paid, during the continuance of this Act, the sum of Two Thousand Five Hundred Pounds, in manner hereinafter mentioned,

£2,500 to be paid annually in aid of Common Schools.

out of any monies which are now raised or levied, or which hereafter may be raised or levied by authority of Parliament, to and for the uses of this Province, of which said sum of two thousand five hundred pounds, there shall be paid annually to the Home District, two hundred and fifty pounds; to the District of Newcastle, two hundred and fifty pounds; to the Midland District, two hundred and fifty pounds; to the Johnston District, two hundred and fifty pounds; to the Eastern District, two hundred and fifty pounds; to the District of London, two hundred and fifty pounds; to the District of Gore, two hundred and fifty pounds; to the Niagara District, two hundred and fifty pounds; to the Western District, two hundred and fifty pounds; to the District of Ottawa, two hundred and fifty pounds.

Distribution.

III. *And be it further enacted by the authority aforesaid,* That the monies granted by this Act shall be equally portioned to the Teachers of the several Common Schools in each and every District of this Province, to be paid to the Teachers yearly, or half yearly, as may be directed by the said Trustees; *Provided nevertheless,* That nothing herein contained shall extend, or be construed to extend, to authorise the payment of a greater sum than twelve pounds ten shillings to the several Teachers of the said Schools.

Sums to be equally divided among the teachers of the respective districts.

None to receive more than £12 10 per annum.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Board of Education, in each and every District, to nominate and appoint a Clerk to the said Board, and direct the Treasurer of the District to pay him annually out of the monies in his hands for the purposes of this Act, a sum not exceeding five pounds.

The Board of trustees in each district may appoint a clerk, who may be paid a sum not exceeding £5 annually.

V. *And be it further enacted by the authority aforesaid,* That any thing in the said Act of the fifty-sixth year of His Majesty's Reign notwithstanding, it shall not be lawful for the Governor, Lieutenant Governor, or person administering the Government, to issue any further warrant on the Receiver General, under the provisions of the said Act, to any District Treasurer, until a faithful account shall be rendered, authenticated by proper vouchers, and attested by the oath of the respective Treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account, to their respective Districts.

No warrant to issue to any district treasurer, till the sums heretofore paid have been accounted for.

VI. *And be it further enacted by the authority aforesaid,* That when any balances shall remain in the hands of the Treasurer of any District, beyond the payment of the lawful requisitions, orders, or certificates of the Trustees respectively, after the first day of July next, it shall and may be lawful for the said Treasurer to retain so much thereof as is directed to be paid by this Act in any one year to the District of which he is Treasurer, to carry into effect the provisions of this Act, and the balance thereof pay over to His Majesty's Receiver General, for the public uses of this Province, on or before the said first day of July.

Disposition of balances in the hands of District Treasurers.

VII. *And be it further enacted by the authority aforesaid,* That the money hereby granted to His Majesty, shall be paid by the Receiver General in discharge of such warrant or warrants as shall for the purpose herein set forth be

How the monies hereby granted are to be paid and accounted for.

issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and shall be accounted for by the Receiver General of this Province 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.

Continuance of this Act.

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

*Repealed by 4 Geo 4. Ch. 8 (2<sup>nd</sup> Sep)  
I made permanent*

*Not Hanson*

# T W O   A C T S

PASSED BY BOTH HOUSES OF THE LEGISLATURE IN THE  
FOURTH SESSION OF THE SEVENTH PROVINCIAL PARLIAMENT,

WHICH BEING RESERVED FOR THE SIGNIFICATION OF HIS MAJESTY'S PLEASURE THEREON,  
HAVE SINCE RECEIVED THE ROYAL ASSENT.

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

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ANNO DOMINI, 1819.

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## C H A P. XXIV.

An Act to incorporate sundry Persons under the style and title of the President, Directors and Company of the Bank of Upper Canada.

[The Royal Assent to this Act was promulgated by Proclamation, bearing date April twenty first, in the Year of our Lord one thousand eight hundred and twenty one, and second of His Majesty's Reign ]

**WHEREAS**, the establishment of a Bank in the Province of Upper Preamble:

Canada, will conduce to the prosperity and advantage of Commerce and Agriculture in the said Province, and, whereas, William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C. Wood, Robert Anderson, John Baldwin, and others, by their Petition presented to the Legislature, have prayed for the privilege of being Incorporated, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America. and to make further provision for the Government of the said Province,'" and by the authority of the same, That William Allan, Robert Charles Horne, John Scarlett, Francis Jackson, William Warren Baldwin, Alexander Legge, Thomas Ridout, Samuel Ridout, D'Arcy Boulton, junior, William B. Robinson, James Macaulay, Duncan Cameron, Guy C.

Petitions of certain persons to be incorporated.



Incorporation of a Bank under the name of the Bank of Upper Canada.

Wood, Robert Anderson, John Baldwin, and all such Persons as hereafter shall become Stock-holders of the said Bank, shall be and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and forty-eight, a Body Corporate and Politic, in fact and in name of the President, Directors, and Company, of the Bank of Upper Canada, and that by that name, they and their successors, shall and may have continual succession, and shall be persons in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a Common Seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the President, Directors, and Company, of the Bank of Upper Canada, shall be in Law capable of purchasing, holding and conveying any Estate, real or personal, for the use of the said Corporation.

Amount of each Share.

Number of Shares.

Books of Subscription where and when to be opened.

II. *And be it further enacted by the authority aforesaid,* That a Share in the Stock of the said Bank, shall be twelve pounds ten shillings, or the equivalent thereof in specie; and the number of Shares shall not exceed sixteen thousand, and that Books of Subscription shall be opened at the same time in the Towns of Kingston, Niagara, York, Brockville, Amherstburgh, Ancaster, Vittoria, Hamilton in the District of Newcastle, and Cornwall in the Eastern District, within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners shall direct.

The Government authorised to subscribe 2000 shares.

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 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 of this Province 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 General for the future disposition of the Parliament of this Province.

No person to take in the first instance more than 80 shares.

Ten per cent. may be required as an immediate deposit. Remainder payable by instalments.

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any person, His Majesty's subjects or foreigners, to subscribe for such and so many Shares, as he, she, or they may think fit, not, however, exceeding in the first instance eighty; and that the Shares respectively subscribed shall be payable in Gold or Silver, that is to say, ten per centum, to be ready as a deposit at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such Instalments as a majority of the Stock holders, at a meeting to be expressly convened for that purpose, shall agree upon; provided no Instalment

shall exceed ten per centum upon the capital stock, or be called for, or become payable, in less than sixty days after public notice shall have been given in the Upper-Canada Gazette and Kingston Chronicle to that effect; *Notice of calling in instalments.* *Provided always,* That if any stock-holder or stock-holders, as aforesaid, shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her, or them, at the time required by law so to do, such stock-holder or stock-holders as aforesaid, shall forfeit such shares as aforesaid, with the amount previously paid thereon; and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Bank. *Forfeiture in case subscription not paid when required,*

V. *Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of shares shall not be subscribed within two months after the said books of subscription shall be opened, then and in such case it shall be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions; and *provided further,* That if the total amount of subscriptions within the period aforesaid shall exceed the capital stock limited by this Act, then and in such case, the shares of each subscriber or subscribers above ten shares, shall, as nearly as may be, be proportionably reduced until that the total number of shares be brought down to the limits above said; and *Provided nevertheless,* That the said limitation in respect to persons subscribing to the said capital stock, shall not extend, or be construed to extend, to prevent the acquisition of a greater number of shares by purchase, after the said bank shall have commenced its operations. *How shares may be made up.* *Shares may be acquired to any amount by purchase after Bank is in operation.*

VI. *And be it further enacted by the authority aforesaid,* That the whole amount of the stock, estate, and property which the said corporation shall be authorised to hold, including the capital stock or shares before mentioned, shall never exceed in value two hundred thousand pounds. *Stock not to exceed £200,000.*

VII. *And be it further enacted by the authority aforesaid,* That as soon as the sum of fifty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting at some place to be named at the seat of the Government of this Province, for the purpose of proceeding to the election of the number of Directors herein-after mentioned, and such election shall then and there be made by a majority of shares, voted in manner herein-after prescribed, in respect of the annual elections of Directors; and the persons then and there chosen, shall be the first Directors, and be capable of serving until the expiration of the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one; and the Directors so chosen shall, as soon as the deposit amounting to twenty thousand pounds subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said bank. *Directors, when to be elected.* *In what manner.* *When the Bank shall be opened.* *Notice of meeting of Subscribers.* *Provided always,* That no such meeting of the said subscribers shall take place until a notice is published in all the public newspapers of this Province, at the distance of not less than thirty days from the time of such notification.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by fifteen Directors, one of whom to be the President, who *Directors.* *President.*

## Qualifications of Directors.

excepting as is herein before provided for, shall hold their offices for one year; which Directors shall be Stock-holders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in June in every year, at such time of the day, and at such place at the Seat of Government, as a majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in the different newspapers printed within the Province of such time and place, not more than sixty, nor less than thirty, days previous to the time of holding the said election; and the said election shall be held and made by such of the said stock-holders of the said Bank as shall attend for that purpose in their own proper persons or by proxy; and all elections for Directors shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any election shall be the Directors, except as is herein after directed; and if it should happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than fifteen shall, by plurality of votes, appear to be chosen as Directors, then the said stock-holders herein-before authorised to hold such election, shall proceed to ballot a second time, and by plurality of votes, determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of fifteen; and the said Directors, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be their President; and four of the Directors which shall be chosen at any year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than ten of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes, shall be considered void, and such other of the stock-holders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, who are hereby declared to be ineligible as aforesaid, and the President for the time being shall always be eligible to the office of Director, but stock-holders not residing within the Province shall be ineligible, and if any Director shall move out of the said Province, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein-before directed respecting annual elections, at such time and place at the seat of Government as the remainder of the Directors, or a major part of them, shall appoint. *Provided always, That no person shall be eligible to be a Director who shall not be a stock-holder to the amount of at least twenty shares.*

## Election of Directors.

## Vacancies how to be supplied.

## Directors to have at least twenty shares.

Corporation not to be dissolved by non election of Directors, on the proper day.

XI. *And be it further enacted by the authority aforesaid, That in case it should at any time happen, that an election of Directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not, for that cause, be deemed to be dissolved, but*

that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

X. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios: that is to say, at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten. Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy. *Provided always,* That no person, co-partnership or body politic, shall be entitled to more than fifteen votes at any such election. Who are to vote.

XI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Bank, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios herein before established, at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits, if any, after deducting losses and dividends. Half yearly dividends of profits to be made.

XII. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks, and Servants employed therein; and all such other matters as appertain to the business of a Bank; and shall also have power to appoint as many Officers, Clerks, and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet, provided that such rules and regulations be not repugnant to the Laws of this Province. Accounts to be rendered of debts, losses, &c.

XIII. *And be it further enacted by the authority aforesaid,* That the total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed, and actually paid into the Bank, and in case of such excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities: but this shall not be construed to exempt the said Corporation, or any estate real or personal which they may hold as a Body Corporate, from being also liable for and chargeable with the said excess; but such of the said Directors who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act whereby the same was so contracted, may respectively exonerate themselves from being Directors may make rules.

Appoint and pay clerks and servants.

Debts never to exceed three times the amount of monies actually paid into the Bank.

In case of excess, Directors in whose time it shall happen, shall be personally liable.

Exceptions.

so liable, by giving immediate notice of the fact and of their absence or dissent, to the Stockholders at a general meeting which they shall have power to call for that purpose.

The Bank to issue no bill under five shillings,

XIV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said corporation to issue any note or bill under the value of five shillings of lawful money of the Province of Upper Canada.

To hold no lands, except as herein mentioned.

XV. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts; and further the said corporation shall not, directly, or indirectly, deal or trade in buying or selling any goods, wares, or merchandise, or commodities whatsoever. *Provided,* That nothing herein contained, shall any wise be construed to hinder the said corporation from dealing in Bonds, Bills of Exchange, or Promissory Notes, or in buying or selling Bullion, Gold or Silver.

Not to deal in merchandize.

Exception.

Shares may be transferred.

XVI. *And be it further enacted by the authority aforesaid,* That the shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing the same: *Provided always,* that such transfer be entered or registered in a book or books, to be kept for that purpose by the Directors.

Bills obligatory & of credit under seal of the Bank made assignable.

XVII. *And be it further enacted by the authority aforesaid,* That the Bills obligatory and of credit under the seal of the said corporation which shall be made to any person or persons shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names, and bills or notes which may be issued by order of the said corporation signed by the President, and countersigned by the principal Cashier or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect as upon any private person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills or notes negotiable.

Cashier and Clerk to give security.

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

No greater interest than six per cent,

XIX. *And be it further enacted by the authority aforesaid,* That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

XX. *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services, and that seven Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in the case of sickness or absence, in which case, the Directors present may choose a Chairman for the said meeting.

Directors to have no emolument, except the President. Seven to form a board.

XXI. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased, or leased, and the business thereof at all times hereafter transacted at such place at the Seat of the Government of this Province, as the Directors or the majority of them may appoint: *Provided always,* as soon as it may be deemed expedient, Branches of the said Bank, and Offices of Deposit and Discount may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations as the said Directors, or the major part of them, may think proper, not repugnant to the general rules of the said Corporation.

Bank to be established at the seat of Government of this Province.

Branch Banks may be authorised by the Directors.

XXII. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President, Directors and Company should refuse, on demand being made at their Banking-house, or any Branch or Branches hereafter to be established, during the regular hours of doing business to redeem in specie, or other lawful money of this Province, their said bills, notes, or other evidences of debt issued by the said Company, the said President, Directors and Company shall, on pain of forfeiture of their Charter, wholly discontinue and close their said Banking operations, either by way of discount or otherwise, until such time as the President, Directors and Company shall resume the redemption of their bills, notes, or other evidences of debt, in specie, or other lawful money of this Province.

When bank refuses payment of their bills, its proceedings shall be closed till payment is resumed.

XXIII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the funds and property of the said Bank, the amount of its Capital Stock subscribed and paid, the amount of the debts due to and from the said Bank, the amount of the bills and notes emitted by the said Bank in circulation, and the amount of specie in the said Bank at the time of making such return.

Annual returns, if required, to be made to the Legislature by the President and Cashier.

XXIV. *And be it further enacted by the authority aforesaid,* That this Act be and is hereby declared to be a public Act, and that the same may be construed as such in His Majesty's Courts in this Province.

This Act to be deemed a public Act.

XXV. *And be it further enacted by the authority aforesaid,* That this present Act of Incorporation shall in no wise be forfeited by any non user at any time before the first day of January, one thousand eight hundred and twenty-two.

Non user before 1st Jan. 1822, not to occasion forfeiture of charter.

## G H A P. XXV.

An Act to prevent the Abatement of any Action against a Joint Obligor, Contractor, or Partner, on account of the other Joint Parties not being made Defendants.

[The Royal Assent to this Act was promulgated by Proclamation, bearing date April twenty first, in the Year of our Lord one thousand eight hundred and twenty one, and second of His Majesty's Reign.]

## Preamble.

WHEREAS, by Law the several Defendants named in any Civil Suit or Action must be personally served with Process, and whereas, by Law if any Joint Obligor, Contractor, or Partner be sued in any Action, without naming the other Joint Obligors, Contractors, or Partners, the Defendant may plead the same in abatement of such Action, to the great delay of justice in such cases where one or more Joint Obligors, Contractors, or Partners reside out of the jurisdiction of the Courts of this Province, and cannot be served with Process; for remedy whereof, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 in any Action to be brought in this Province against any joint Obligor, Contractor, or Partner, the Action shall not abate for or on account of any joint Obligor, Contractor, or Partner, not being made Defendant, unless the party pleading such matter in abatement shall shew to the Court that such joint Obligor, Contractor, or Partner is living within the jurisdiction of the Court so to be served with its Process conformably to Law.

No action to abate by reason that any one or more of several joint obligors, &c. contrary are not made Defendants, unless the party pleading in abatement shall shew that the joint contractor not named is within the jurisdiction of the Court.

Joint obligation, contract or promise may be given in evidence against any one or more of the joint contractors, partners, &c. as if it were a sole obligation

No execution to issue upon a judgment against one of several joint obligors until the joint bond, contract, &c. be filed in Court.

II. And be it further enacted by the authority aforesaid, That the joint obligation, contract, or promise, may be given in evidence against any one or more of the joint Obligors, Contractors, or Partners, and have the same force and effect as to any judgment or execution thereon, as if the same was the sole obligation, contract, or promise of the Defendant, any Law, usage, or custom to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That for satisfaction of any judgment against one or more of several joint Obligors, Contractors, or Partners, no execution shall issue until the bond, obligation, or other written evidence on which judgment shall be had, be first filed with the record of the said judgment.

# STATUTES

OF

## UPPER-CANADA;

PASSED IN THE FIRST SESSION OF THE EIGHTH PROVINCIAL PARLIAMENT,  
MET AT YORK, ON THE THIRTY-FIRST DAY OF JANUARY, AND PROROGUED ON THE FOURTEENTH  
DAY OF FEBRUARY FOLLOWING, IN THE SECOND 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, 1821.

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### CHAPTER I

An Act to Repeal an Act passed in the first year of His Majesty's Reign, entitled "An Act to Regulate the Commercial Intercourse between this Province and the United States of America, by land and inland navigation," and further to regulate the Trade between this Province and the United States of America, by land and inland navigation.

[Passed 14th April, 1821.]

**W**HEREAS it is expedient further to provide for the Commercial Intercourse between this Province and the United States of America, and to repeal the laws now in force relative thereto: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Act of the Parliament of this Province, passed in the first year of His present Majesty's Reign, entitled "An Act to regulate the Commercial Intercourse between this Province and the United States of America, by land and inland navigation," be, and the same is hereby repealed.

Preamble.

1st Geo. 4. ch. 1,  
repealed.

II. *And be it further enacted by the authority aforesaid,* That the following articles of the growth or produce or manufacture of the United States of America, may during the continuance of this Act, be imported into this Province, from the territories of the said United States of America, on payment of the several duties respectively affixed to the same: that is to say.



Articles which may be imported from the United States on payment of the duties, respectively affixed to them.

Beer in Bottles, six shillings per dozen.  
 Beer in Casks, one shilling per gallon.  
 Cable and tarred Rope, three pence per pound.  
 Cordage untarred, three pence per pound.  
 Cider, one shilling per gallon.  
 Salt, six pence per bushel.  
 Sole Leather, three pence per pound.  
 Calf Skins, and Skins dressed as Upper Leather, two shillings and six-pence each.  
 Harness Leather, four pence per pound.  
 Nails, two pence per pound.  
 Pork, twenty shillings per barrel.  
 Pork, not in barrel, ten shillings per hundred weight.  
 Manufactured Tobacco, three pence per pound.  
 Beef, fifteen shillings per barrel.  
 Beef, ten shillings per hundred pounds.  
 Distilled Spirits, two shillings and six pence per gallon.  
 Shoes, five shillings per pair.  
 Boots, fifteen shillings per pair.  
 Boards of Pine, twenty shillings per 1000 feet.  
 Boards of Oak, twenty shillings per 1000 feet.  
 Lumber of Pine, twenty shillings per 1000 feet.  
 Lumber of Oak, twenty shillings per 1000 feet.  
 All other Lumber, hewed or sawed, thirty shillings per 1000 feet.  
 Shingles, five shillings per 1000.  
 Oxen, fifty shillings per head.  
 Young Cattle, from two to four years old, thirty-five shillings per head.  
 Cows, twenty-five shillings per head.  
 Sheep, one shilling per head.  
 Live Hogs, twenty shillings per head.  
 Flour, ten shillings per barrel of one hundred and ninety-six pounds.  
 Flour, six shillings per hundred weight.  
 Wheat, two shillings and sixpence per bushel.  
 Indian Corn, two shillings per bushel.  
 Rye, two shillings per bushel.  
 Barley, two shillings per bushel.  
 Oats, one shilling per bushel.  
 Potatoes, one shilling per bushel.  
 Apples, one shilling per bushel.  
 Butter, six pence per pound.  
 Cheese, sixpence per pound.  
 Hog's Lard, six pence per pound.  
 Hams and Bacon, six pence per pound.  
 Chord Wood, or Wood intended for fuel, five shillings per Chord.  
 Flax-seed Oil, one shilling per gallon.

Ad valorem duty And all other Goods, Wares, and Merchandise, not herein before enumerated,  
 on other articles— the growth, produce, or manufacture of the said United States of America, a  
 10 per cent. Duty of ten pounds on every hundred pounds, ad valorem, of the value of  
 such Goods, Wares, and Merchandise, as aforesaid. *Provided always, That on*

all kinds of iron-castings, and tin-ware, there be a duty of twenty pounds on every hundred pounds of the value thereof. 20 percent. on iron castings and tin ware.

III. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prevent, or in any wise prohibit the importation, free from the payment of any duty, of the following articles, being the growth, produce, or manufacture of the said United States of America: Unmanufactured Tobacco, Cotton Wool, Tallow, Raw Hides, Printing Paper, the personal Baggage, travelling Horse or Horses, travelling Carriage or Carriages, of any person or persons, subjects or foreigners, who may lawfully come into or reside in this Province. Certain articles exempt from duty.

IV. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prohibit the admission of Flour, Pork, and other Provisions, Pot and Pearl Ashes, Salt, Lumber, Wheat, Meal and Grain, Furs and Skins undressed, into this Province, free of duty, for exportation only; and *Provided also*, That the importer of such goods, or the consignee thereof, is hereby required, before landing the same, to enter into a bond in double the amount of the value thereof, that the same shall be exported from this Province, which bond shall be made out by the Collector on payment of two shillings and six-pence for the same. *Provided always*, That all such articles as last aforesaid, shall be entered and reported according to Law, on their importation into this Province. Others to be admitted free of duty for exportation only.  
Bonds for exportation to be given, and articles entered and reported.

V. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be paid on all vessels or boats, the property of the citizens of the United States of America, coming into any of the ports of this Province, the following duties, namely, on all vessels above five tons to fifty tons, the tonnage duty of six-pence per ton; on all vessels above fifty tons, one shilling per ton: *Provided always*, That whenever any ship or vessel, laden as aforesaid, the cargo or load whereof is intended to be imported, in order to be transported to Lower Canada, the master or other person having charge or command of such ship or vessel, or the agent or agents for the proprietor or proprietors thereof, shall forthwith, on the arrival at any such Port or Ports of Entry as aforesaid, make a report and declaration thereof, to the Collector, or to his Deputy, stationed at such Port or Ports of Entry, and such report and declaration shall be verified upon oath, and such master or person commanding such vessel, or agent or agents for the proprietor, if required, shall, and he is hereby required to enter into a bond in double the amount of the tonnage-duty imposed by this Act, for the payment thereof, should the whole or any part of such goods, wares, and merchandize, remain in or be unexported from this Province: *Provided also*, That nothing in this Act contained shall extend, or be construed to extend, to compel the payment of any tonnage duty on vessels exclusively employed for the purpose of transporting passengers and their baggage. Tonnage duty on American vessels.  
Vessels laden with goods in transitu for Lower Canada to report.  
Bond to be given.  
Vessels employed only in transporting passengers to pay no tonnage duty.

VI. *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 authorize the demand of tonnage duty on any such vessel, laden exclusively with goods, wares, and merchandize, in transitu, or for exportation to Lower Canada, or with Salt, or other commodities, in transitu from Queenston to Erie, secured to be re-exported to the United States. nor vessels laden with goods in transitu or for exportation.

VII. *And be it further enacted by the authority aforesaid*, That it shall and

Goods entered free of duty for exportation may be afterwards entered for home consumption, on payment of duties.

Ad valorem duty how ascertained.

If goods subject to an ad valorem duty appear to be under-valued by the owner or his agent, the Collector may take them at the valuation given, and 10 per cent. over.

Distribution of the amount they may be sold for by the Collector, above the value inserted in the owner's report.

Settlers coming in to this Province may import, free of duty, 4 oxen, 4 cows, and 25 sheep, on making oath that the same were not brought in for sale, and that they intend to settle in the Province.

may be lawful for the owner or owners, agent or agents, of all such person or persons as shall or may import any such goods, wares, or merchandize, hereby authorised to be imported free of duty for exportation, to enter the whole or any part thereof, for home consumption, on payment, or securing the payment of the duties imposed by this Act, at the port where the same shall be deposited at the time of making such entry, as aforesaid.

VIII. *And be it further enacted by the authority aforesaid,* That the value of all goods and merchandize, subject to a duty, *ad valorem*, by this Act, shall be deemed and taken to be the value at the port or place of entry, as stated in the report of the same, made by the master of any vessel, boat, raft, or carriage, or by the owner, or agent of the owner of such goods.

IX. *Provided always, and it is hereby enacted by the authority aforesaid,* That if upon view and examination of the said goods, wares, and merchandize, by the proper officer or officers of the Customs, it shall appear to him or them, that the same are not valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then it shall and may be lawful for such officer or officers to detain such goods, wares, or merchandizes, and to cause the same to be properly secured, and to take such goods, wares, and merchandizes for the benefit of the Crown, within two days from the landing thereof; and the Collector or his Deputy shall, out of any monies in his hands arising by Customs or other duties belonging to the Crown, pay to the importer or proprietor on demand, the value so stated in such report, and an addition of ten per centum thereon, and also the Customs and other duties which shall have been paid for such goods, taking a receipt for the same from such importer or proprietor, in full satisfaction for the said goods, as if they had been sold. And it shall be lawful for the said Collector or his Deputy, (whether the value of the goods, and ten per centum thereon, and the duties which shall have been paid for such goods, be demanded or not, or whether the receipt herein ordered to be taken, be given or not,) to cause the said goods to be publicly sold for the best advantage, and out of the produce thereof, the money so as aforesaid directed to be paid for such goods, shall be paid to the said Collector or his Deputy, to be replaced to such funds whence he borrowed the same, provided the same shall have been paid by him, but if it has not, then the same shall remain in the hands of the said Collector or his Deputy, until the importer or proprietor shall demand the same, and give a receipt as herein before directed; and after deducting from the overplus, if any, the charges arising from the detaining, securing, and sale of such goods, the said Collector or his Deputy shall be entitled to retain as an encouragement for the discharge of his duty therein, one moiety of the remainder of such overplus, if any, and the other moiety shall be paid into the hands of the Receiver General of this Province, to be accounted for by him.

X. *And be it further enacted by the authority aforesaid,* That any person who may lawfully come into this Province as a settler, upon taking the following oath:

"I A. B. do solemnly swear, that the (Oxen or Cows, &c. as the case may be,) brought into this Province by me, are *bona fide* my own property, and that I have not imported the same for the purpose of selling the whole or any part thereof, and that I have come into this Province with intention to settle therein—So help me God," shall be entitled to import into this Pro-

vince, free from the payment of any duty whatever, four Oxen, four Cows, and twenty-five Sheep.

XI. *And be it further enacted by the authority aforesaid,* That all monies collected under and by virtue of this Act, shall be paid into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Treasury for the time being, in such manner as it shall please His Majesty to direct.

Application of monies collected under this Act.

XII. *And be it further enacted by the authority aforesaid,* That this Act shall be in force for two years, and from thence until the end of the next ensuing Session of Parliament and no longer.

Act to continue for two years and from thence to the end of the next session of Parliament.

## C H A P. II.

AN Act to make provision for the Improvement of the Internal Navigation of this Province.  
[Passed 14th April, 1821.]

**W**HEREAS an Act was passed in the fifty-ninth year of His late Majesty's Reign, entitled "An Act granting to His Majesty a sum of money for the survey of the waters of the St. Lawrence, and for other purposes therein mentioned," And whereas it is expedient to provide means for ascertaining the practicability of improving the Internal Communications of this Province by Inland Navigation; and also for procuring plans and estimates of the expence necessary to be incurred for that purpose, and also to repeal 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 making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said first recited Act shall be, and the same is hereby repealed.*

59th Geo. 3, sec. 2. c. 18, recited.

and repealed.

II. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint five Commissioners, two of whom, with the President, to be a quorum, for the purpose of exploring, surveying, and levelling the most practicable routs, for opening a communication, by Canals and Locks, between Lake Erie and the Eastern boundary of this Province.

The Governor, &c. may appoint five Commissioners (two with the President to be a quorum) to explore, survey, and level the most practicable routes for Canals between Lake Erie and the Eastern extremity of the Province.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall choose one of their number to be President of the Board, and shall appoint a fit person to be Secretary, who shall be allowed and paid such salary as the said Commissioners shall deem proper and reasonable; and the President of the said Board of Commissioners, shall have power to call a meeting of the same, whenever in his opinion the public interests require it; and the said Board may adjourn from time to time, to meet at any time and

The Commissioners to appoint a President and Secretary. Meetings to be called by the President.

Adjournments to be at the discretion of the Board.

Commissioners may employ agents, engineers, surveyors, &c. and pay them.

place they may deem most conducive to the public good: *And further*, the said Commissioners shall have power to employ such and so many Agents, Engineers, Surveyors, Draftsmen, and other persons, as in their opinion may be necessary to enable them to fulfil and discharge the duties imposed upon them by this Act, and to allow and pay the said Agents, Engineers, Surveyors, Draftsmen, and other persons for their respective services, such sum or sums as may be adequate and reasonable.

Duties of the Commissioners.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Commissioners, as soon as may be after the passing of this Act, to cause those parts of this Province, which may lie upon or contiguous to the probable courses and ranges of the said Canals, to be explored and examined, for the purpose of fixing and determining the most eligible and proper routes for the same, and to cause all necessary surveys and levels to be taken, and accurate maps, field books, and drafts thereof to be made, and further to adopt and recommend proper plans for the construction of, and formation of the said Canals, and of the locks, dams, embankments, tunnels, and aqueducts, which may be necessary for the completion of the same; and to cause all necessary plans, drafts, and models thereof, to be executed under their direction, and also to devise ways and means for completing the said Canals.

Plans and estimates to be made, which, together with all maps, field books, &c. &c. the Commissioners shall transmit to the Governor, &c. accompanied by a report of all their proceedings, to be laid before the Provincial Parliament within 20 days after their session in 1822.

V. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said Commissioners to make, or cause to be made, with as much accuracy and minuteness as may be, calculations and estimates of the sum or sums of money which will be necessary for completing the said Canals, according to the plan or plans which may be adopted and recommended by them for the construction or formation of the same; and to cause the said calculations and estimates, and all surveys, maps, field books, plans, drafts and models, authorized and directed by this Act, or so many thereof as may be completed, together with a plain and comprehensive report of all their proceedings under and by virtue of this Act, to be transmitted to the Governor, Lieutenant Governor, or Person administering the Government of this Province, to be laid before the Provincial Parliament, within twenty days after the Session, which will be in the year of our Lord one thousand eight hundred and twenty-two.

Governor to issue his warrant in favour of the Commissioners for such sums of money not exceeding in the whole £2000 as shall be required to defray the expenses of carrying this Act into effect, to be accounted for to the Lords Commissioners of H. M. Treasury.

VI. *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 in favor of the said Commissioners for such sum or sums of money, not exceeding in the whole the sum of Two Thousand Pounds Currency, to enable them to pay the necessary expences to be incurred in carrying into effect the provisions of this Act, which sum or sums of money, shall be paid out of any monies now in the hands of, or which may hereafter come into the hands of the said Receiver General, and unappropriated, 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: *Provided always*, That an account in detail of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly, at the then next ensuing

Account in detail to be laid before the House of Assembly at their next session, and

by 21 Feb 1822  
15 Feb 1822

Session of Parliament, and *provided also*, that so much of the said sum as shall remain unexpended, shall be subject to the future disposition of Parliament.

the amount unexpended to be subject to the future disposition of Parliament. Continuance of this Act.

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

### C H A P. III.

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..

[Passed 14th April, 1821.]

**WHEREAS** it is expedient to provide by law for the better division of the several Townships in this Province into Counties and Districts; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the twenty-third section of an Act of the Parliament of this Province, passed in the thirty-third year of His late Majesty's Reign, entitled, "An Act for the better division of this Province," be and the same is hereby repealed.

23d sen. of 38th Geo. 3, c. 5, repealed.

II. *And be it further enacted by the authority aforesaid*, That a tract of land in the Eastern District, adjoining to the Townships of Charlottenburgh and Kenyon, lately owned by the St. Regis Indians, shall be attached to the said Townships in the following manner: that is to say, so much of the said tract as adjoins the township of Charlottenburgh, shall constitute and form a part of the said township; and that the remainder of the said tract shall constitute and form part of the Township of Kenyon.

A certain tract in the Eastern District attached to the Townships Charlottenburgh and Kenyon.

III. *And be it further enacted by the authority aforesaid*, That the Townships of Gouldburn, Beckwith, Drummond, Bathurst, March, Huntly, Ramsay, Lanark, Dalhousie, and Sherbrooke North and South, together with such other Townships as may hereafter be surveyed by direction of the Governor, Lieutenant Governor, or Person administering the Government of this Province, lying within the present limits of the County of Carlton, shall continue and remain the County of Carlton.

County of Carlton.

*repealed by 4 Geo. 4. Ch. 5.*

IV. *Provided always, 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, and he is hereby authorised to declare by Proclamation, as soon as he may think fit, the said County of Carlton to be a separate District, by such name as to the Governor, Lieutenant Governor, or Person administering the Government of this Province may seem meet. *Provided also*, That nothing in this Act contained shall be construed to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary or lawful to issue any Commission of Oyer and Ter-

The Governor authorised as soon as he may think fit to declare by Proclamation the County of Carlton to be a separate District under certain restrictions and modifications.

miner and General Gaol Delivery, and Commission of Assize and Nisi Prius, for the said District, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court within the present limits of the District of Johnstown, until provision be made by law to that effect.

Certain new Townships in the Midland District, attached to the County of Frontenac.

to the County of Lennox and Addington, to the Co. of Hastings.

New Townships in the District of Newcastle to be attached to the Co. of Northumberland.

to the Co. of Durham

New Townships in the Home District to be attached to

the East Riding of the County of York

to the West Riding County of Simcoe, now constituted.

County of Simcoe may be declared by the Governor to be a separate District under the same restrictions as the County of Carlton.

New Townships attached to the County of Halton.

Certain Gores of Land attached to the Townships of Beverly and Dumfries respectively.

The Gore attached to Burford to form a new Township of Oakland, which with Nisouri and Zora, shall be added to the County of Oxford.

V. *And be it further enacted by the authority aforesaid,* That the following Townships in the Midland District shall be attached to, and be incorporated with the counties hereinafter mentioned, in manner following: that is to say, the Townships of Oso, Olden, and Kennebec, to the County of Frontenac; the Township of Kaledar, to the Counties of Lenox and Addington; and the Townships of Elzever, Madoc, and Marmora, to the County of Hastings.

VI. *And be it further enacted by the authority aforesaid,* That the unattached Townships in the Newcastle District shall be incorporated in manner aforesaid, with the Counties in the said District, as follows: that is to say, the Townships of Asphodel, Otanabee, Monaghan, and Smith, to be attached to the County of Northumberland; and the Townships of Cavan, Manvers, Cartwright, Emily, Ops, and Mariposa, to the County of Durham.

VII. *And be it further enacted by the authority aforesaid,* That the unattached Townships in the Home District, shall be incorporated in manner aforesaid, with the Counties in the said Home District, as follows: that is to say, the Townships of Reach, Brock, Scott, and Georgina, shall be attached to the East Riding of the County of York; and that hereafter the following Townships, to wit: Chinguacousy, Caledon, Albion, and the Gore of Toronto, be added to the West Riding of York; and that the following Townships shall constitute and form the County of Simcoe, namely, West Gwillimbury, Tecumseh, Adjala, Mono, Amaranth, Luther, Proton, Melancthon, Mulmar, Tosorontio, Essa, Inni-fil, Oro, Vespra, Sunnidale, Flos, Medonta, Aurelia, Merlin, Osprey, Artemisia, Alba, Java, Tiny, Tay, Euphrasy, Zero, Matchedash, Thora, Mara, and Ramah.

VIII. *Provided,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, and he is hereby authorized to declare by Proclamation, the said County of Simcoe to be a separate District, by such name as to the Governor, Lieutenant Governor, or Person administering the Government of this Province, may seem meet, under the same provisions, limitations, and restrictions, as are herein before provided for the County of Carlton.

IX. *And be it further enacted by the authority aforesaid,* That the following Townships, to wit: Esquesing, Erin, Nasagawaya, Eramosa, Garafrana, and the Church Land, be annexed to the County of Halton.

X. *And be it further enacted by the authority aforesaid,* That the Gore of Land in the District of Gore, lying between the Townships of Beverly and Dumfries, be attached to the Township of Beverly, and the Gore lying between Dumfries and Dundas Street, be attached to Dumfries.

XI. *And be it further enacted by the authority aforesaid,* That the Gore of Land attached to the Township of Burford, be formed into a separate Township, by the name of the Township of Oakland, and that the said Township of Oakland, and the Townships of Nisouri and Zora be added to the County of Oxford, and that hereafter the Townships of Moza, Ecfrid, Carradoc, and Lobo, be added to the County of Middlesex; also, that a Gore of Land

on the east side of the Township of Norwich, be attached to that Township, and a gore of land on the east of the Township of Dorchester, be attached to the said Township.

XII. *And be it further enacted by the authority aforesaid,* That the following new Townships in the Western District be attached to the County of Kent, namely, the Townships of Zone, Dawn, Sombra, and Saint Clair.

New Townships attached to the County of Middlesex.  
Certain Gores of land attached to the Townships of Norwich and Dorchester respectively  
Certain new Townships attached to the County of Kent.

## C H A P. IV.

An Act to Repeal an Act passed in the fifty-fifth year of His late Majesty's Reign, entitled, "An Act to explain and amend an Act passed in the fifty-third year of His Majesty's Reign, entitled, 'An Act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed in His Majesty's service,'" and also an Act passed in the fifty-sixth year of His late Majesty's Reign, entitled, "An Act to repeal part of, and to alter and amend the laws now in force for granting pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same," and an Act passed in the fifty-seventh year of His late Majesty's reign, entitled, "An Act to repeal part of, and amend an Act, passed in the fifty-sixth year of His Majesty's reign, entitled, 'An Act to repeal part of, and to alter and amend the Laws now in force for granting Pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same,' and to make provision for granting Pensions to persons disabled in the service, and to the widows and children of persons who may have been killed in the service, or who may have died while in captivity with the enemy, during the late war with the United States of America."

[Passed 14th April, 1821.]

**WHEREAS** by a certain Act of the Parliament of this Province, passed in the fifty-sixth year of His late Majesty's Reign, entitled, "An Act to Repeal part of, and to alter and amend the Laws now in force for granting Pensions to persons disabled in the service, and to the widows and children of persons who may have been killed in the service, and to extend the provision of the same," the classes of Militia Pensioners were greatly increased, so that the public revenue has been found wholly unable to bear the charge thereby incurred: And whereas the said Act being limited in its duration, is now about to expire, and it is become necessary to confine the Militia Pensions, with the exceptions herein-after mentioned, to the objects provided for by the laws of this Province passed during the late war; and to provide for such investigation of the claims of the different pensioners, as may prevent further loss to the revenue, from any misrepresentation or deceit which may have been practised: 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

Preamble.  
56th Geo. 3, ch. 17, re-cited.

55th Geo. 3, c. 5, 56th Geo. 3, ch. 17, and 57th Geo. 3, ch. 5, repealed.

the Act of the Parliament of this Province, passed in the fifty-fifth year of the Reign of His late Majesty, King George the Third, entitled, "An Act



to explain and amend an Act passed in the fifty-third year of His Majesty's Reign, entitled "An Act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed in His Majesty's service," and also the Act of the Parliament of this Province, passed in the fifty-sixth year of His said late Majesty's Reign, entitled, "An Act to repeal part of, and to alter and amend the Laws now in force for granting Pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provision of the same," and also the Act of the Parliament of this Province passed in the fifty-seventh year of His said late Majesty's Reign, entitled "An Act to repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, 'An Act to repeal part of, and to alter and amend the Laws now in force for granting Pensions to persons disabled in the service, and the widows and children of persons who may have been killed in the service, and to extend the provisions of the same,'" shall be, and the same are hereby repealed.

All pensions to cease which are not authorised by 53d Geo. 3, ch. 4.

Exception of such pensions as are now paid to widows whose husbands died in captivity with the enemy.

All applications to be placed on the Pension List must be made within twelve months from the passing of this Act.

Inspectors of Militia Pensioners appointed, two of whom are to attend in each District for the purpose of examining all such as claim pensions on the ground of incapacity for hard labor.

Period of visitation. Places at which the Inspectors are to attend.

II. *And be it further enacted by the authority aforesaid,* That the Pensions of all and every person and persons, who have been placed on the Militia Pension List of this Province, under the provisions of any Act of the Parliament thereof, passed since the fifty-third year of the Reign of His said late Majesty, and who could not, by a certain Act of the Parliament of this Province passed in the said fifty-third year of His said late Majesty's Reign, entitled, "An Act to provide for the maintenance of persons disabled, and the widows and children of such persons as may be killed in His Majesty's service" have been entitled to be placed upon the Pension List of this Province, shall cease and be no further payable after the period of the payment of the same respectively, that shall arrive next after the passing of this Act. *Provided always nevertheless,* That the widows now on the Pension List, whose husbands died in captivity with the enemy during the late war, shall and may continue to receive their Pensions in the same manner as if their husbands had been killed in action with the enemy.

III. *And be it further enacted by the authority aforesaid,* That no person shall be placed upon the Militia Pension List of this Province by reason of any claim now existing, unless such person shall make his application within twelve months from the passing of this Act, and that the Pension of any person who may be placed upon the Pension List of this Province by reason of any such claim, shall be payable and take date only from the time of his application.

IV. *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, to appoint any two or more Members of the Medical Board of this Province, for the time being, to be Inspectors of Militia Pensioners now placed, or hereafter to be placed on the Pension List of this Province on the ground of incapacity to earn their living by hard labour, in consequence of wounds or casual injuries received on service during the late war, and that two of the Inspectors so appointed shall, between the first day of May and the first day of November next after the passing of this Act, attend on two successive days at Cornwall, Brockville, Kingston, Hamilton in the District of Newcastle, Hamilton in the District of Gore, Ni-

agara, Vittoria, and Sandwich, for the purpose of inspecting such of the said pensioners as shall present themselves for their inspection, and that notice of the time and place of the sitting of such Inspectors, at each of the said places respectively, shall be published at least two months before such sitting in the Upper-Canada Gazette, and also put up at least four weeks before such sitting at the door of the Court-house or place where the Quarter Sessions in each District are usually holden.

Notice of their sittings.

V. *And be it further enacted by the authority aforesaid,* That the said Inspectors shall examine all such pensioners as shall present themselves at the times and places so to be appointed, of which pensioners a nominal list shall be furnished to the said Inspectors by the Pension Agent of this Province, and that the said Inspectors, or either of them, may administer an oath to any such Pensioner as aforesaid, and take his affidavit in writing upon any matter relative to the wound or injury stated by him to have been received on actual service during the war, the circumstances under which it was received, the duty he was upon, and the nature and extent of the wound or injury; and if it shall appear to the said Inspectors, upon due examination and personal inspection, that such Pensioner is, at the time of such examination, so disabled from the wound or injury stated by him to have been received on actual service during the late war, as to be incapable of earning his livelihood, the said Inspectors shall give to such Pensioner a certificate under their hands to that effect. *Provided always,* That in case of any difference of opinion between the said Inspectors as to the propriety of granting such certificate in any particular case, the same shall and may be decided by the opinion on personal examination and inspection of any person duly authorised to practise physic or surgery within this province, who may be called in by the said Inspectors for that purpose.

Nominal list of Pensioners to be furnished to the Inspectors by the Pension Agent.

Inspectors may examine each Pensioner on oath as to the circumstances of his wound, injury, &c.

If they deem him entitled to a pension, they are to give him a certificate to that effect.

In case the two Inspectors disagree in opinion respecting any particular case, such case shall be decided by the opinion, on personal examination, of some person duly authorised to practise physic and surgery to be called in for that purpose.

VI. *And be it further enacted by the authority aforesaid,* That the said Inspectors shall keep a record in writing of all their proceedings, and shall deposit the same in the hands of the General Agent for Militia Pensions, and that all such Pensioners as shall be reported by the said Commissioners in manner aforesaid, not to be so incapacitated as to entitle them to a pension, according to Law, shall from the time of such report being received by the Pension Agent be struck off the Pension List of this Province, and shall receive nothing more than the arrearages that may be due him on account of this pension, up to the time of his examination before such Inspectors.

Inspectors shall keep a record of their proceedings, and deposit the same with the Pension Agent.

Persons reported by them not to be incapacitated shall receive only the arrears due him and be struck off the list.

VII. *Provided always nevertheless,* That it shall be in the power of any person who may think himself aggrieved by the report of such Inspectors to present himself personally at any time within two years thereafter, before the Medical Board at York, at any of their appointed sittings, and if it shall appear to such Board, on revising the report and proceedings on the examination of such Pensioner by the Inspectors as aforesaid, and on personal examination, that he is entitled by reason of his disability, to be placed upon the Pension List of this Province, it shall and may be lawful for the Secretary of the said Board under their direction, to give such Pensioner a certificate to that effect, for which he shall be authorised to receive a fee of five shillings, and upon production of such certificate to the Pension Agent of this Province, it shall and may be lawful for such Agent to replace the name

Persons may appeal from the decision of the Inspectors to the Medical Board at York.

Fee to Secretary of Medical Board.

of such Pensioner upon the List, and to pay him all arrearages of Pensions, as if he had never been struck off.

After the Inspectors have made their report no pension shall be paid to any person who ought to have presented himself for examination unless he has done so, and been admitted by the Inspectors.

or until such pensioner shall have obtained the certificate of the Medical Board by attending personally at their sitting.

If pension remains suspended for 2 years all arrears from time of suspension shall cease, and the pensioner if restored shall be paid only from his restitution.

Remuneration to Inspectors.

False oaths taken in cases where oaths are required by this Act made perjury.

Pension Agent to continue in Office.

New security to be entered into.

Salary and allowances.

Future appointments in case of vacancy.

Pensions to be paid in advance every six months.

Pension Agent to give

VIII. *And be it further enacted by the authority aforesaid,* That after the Report of the Inspectors so to be appointed shall have been received by the Pension Agent, such Agent shall pay no pension to, or on account of, any person who by this Act ought to have presented himself to such Inspectors; unless he has so presented himself, and been recommended by them to be continued on the list, but that all payment of such pension shall be suspended until such Pensioner shall have appeared personally before the Medical Board at York, and obtained their certificate in the same manner, and on payment of the same fee as is herein before provided in the case of appeal to the said Board, and if such pension shall, for default of such appearance and certificate, remain suspended for two years, all arrears from the time of such suspension shall cease, and in case of the restitution of such Pensioner to the list, his pension shall be payable only from the time of his restitution.

IX. *And be it further enacted by the authority aforesaid,* That the Inspectors appointed under this Act shall be entitled to receive the sum of two guineas per day for every day they shall be necessarily employed in the execution of this Act, and one guinea per day for their travelling expenses, to be paid by warrant of the Governor, Lieutenant Governor, or person administering the Government of this Province.

X. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully forswear himself in any oath taken by virtue of this Act, he shall be deemed guilty of wilful and corrupt perjury.

XI. *And whereas it is necessary to continue the provisions for the more easy payment of the said pensions, Be it therefore further enacted by the authority aforesaid,* That the agent now appointed for the payment of Militia Pensions, shall and may, during the pleasure of the Governor, Lieutenant Governor, or person administering the Government of this province, continue in the discharge of his duty as such agent, upon his entering into a bond with sureties to His Majesty, His Heirs and Successors, himself in one thousand pounds, and two sureties in five hundred pounds each, for the due performance of the several duties imposed by this Act, and such agent shall be entitled to receive the annual salary of one hundred pounds, and the annual sum of fifty pounds, in lieu of all contingencies; and that upon any future vacancy of the said office, the Governor, Lieutenant Governor, or person administering the Government of this Province, shall and may appoint a fit and proper person resident at the seat of Government, to act as general agent for the payment of all such pensions as aforesaid, which agent shall be required to give the like security, and shall be entitled to receive the same salary and allowances as before mentioned.

XII. *And be it further enacted by the authority aforesaid,* That the amount due upon all such pensions as aforesaid shall be paid in advance every six months by the Receiver General to such agent as aforesaid in discharge of any warrant or warrants which shall for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province.

XIII. *And be it further enacted by the authority aforesaid* That when and so often as such agent shall have received the amount of such pension or pen-

sions he shall insert a notice thereof in the York Gazette for three months immediately after such receipt, and that any person or persons not appearing personally, or by agent, to claim the amount of pension due him, her, or them, within two years after such notice, shall receive no arrears unless he can prove himself to have been resident out of this Province during one half of the said period.

notice of his readiness to pay the pensions. Persons not claiming within 2 years to lose arrears. Exception.

XIV. *And be it further enacted by the authority aforesaid,* That on the receipt of such pension or pensions as aforesaid by the said agent, he shall, and he is hereby required so to do, pay the full amount of all such pensions, without any deductions, to such person or persons as may be entitled to claim the same, or to his, her, or their agent or agents, representative or representatives, guardian or guardians, executors or administrators.

Pensions to be paid without deductions.

XV. *And be it further enacted by the authority aforesaid,* That each and every person or persons whose names may have already been, or who may hereafter be inserted on the Pension List of this Province, shall, as soon after the first day of July and first day of January in each and every year, as may be convenient, transmit to the said agent an affidavit, as the case may require, in the following forms:

"I, *A. B.*, of            in the District of            late            in the            Regiment of            Militia, do solemnly swear, that I am the person whose name has been heretofore inserted in the Pension List of this Province."

Forms of affidavits and certificates to be transmitted by pensioners.

"I, *G. H.*, of            in the            District            do solemnly swear, that I am the Widow of *A. B.* who died of wounds received in action with the enemy (or who was killed in action with the enemy.)"

"I, *G. H.* do solemnly swear, that I am the Widow of *A. B.* who was killed by casualty while on duty in actual service during the late war."

"I, *A. B.* (Guardian, Executor, or Administrator, as the case may be) do solemnly swear, that I verily believe, that *J. H.* is the youngest son (or daughter) of *G.* who was killed in action with the enemy, (or who died from wounds received in action) (or who was killed by casualty on actual service during the late war,) and that the said *J. H.* is not sixteen years of age."

"I, *C. D.* Senior Officer of the            Regiment of            Militia (as the case may be) do hereby certify, that *C. D.* the Widow of *A. B.* who was killed in action during the late war with the United States of America, or wounded and died in consequence, or was killed by casualty, while performing duty on actual service (as the case may be) is still living and unmarried."

Which affidavit and certificate, with the receipt of such pensioner or pensioners, guardian or guardians, agent or agents, executors or administrators, shall be taken and allowed to be a sufficient voucher for the payment of such pension or pensions as aforesaid.

XVI. *And be it further enacted by the authority aforesaid,* That any person claiming hereafter, within the period prescribed by this Act to be placed upon the Pension List of this Province, by reason of disability from wounds or other injuries received during the service, shall before his admission upon such list, attend personally at York, and present himself for examination to the Medical Board at York, and obtain their certificate in like manner, and on payment of the like fees as in the case of persons appealing to the said Board, under the provisions of this Act.

Persons claiming hereafter to be placed on the pension list by reason of wounds, &c. must appear and be examined by the Medical Board, & obtain their certificate.

Monies paid under this Act to be accounted for to His Majesty.

XVII. *And be it further enacted by the authority aforesaid,* That all monies paid under the authority of this Act shall be accounted for to His Majesty 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 be graciously pleased to direct.

Oaths to be taken under this Act, by whom to be administered.

XVIII. *And be it further enacted by the authority aforesaid,* That the oaths directed to be taken by this Act, except those herein before directed to be administered by the Members of the Medical Board, shall and may be administered by any Justice of the Peace in this Province.

Persons serving in Provincial Artillery, Drivers, Colored Corps, employed with the Indians, or in the late Provincial Marine, to be deemed Militia men.

XIX. *And be it further enacted by the authority aforesaid,* That every Officer, Non-commissioned Officer, or Private Militia-man, acting as Provincial Artillery Driver, or in the Colored Corps, or employed with the Indians, or serving in the late Provincial Marine Establishment, who now is placed on the Pension List of this Province, or whose Widow or Children are now receiving a Pension on their account, shall be deemed and taken to have been a Militia-man.

Agent to render account.

XX. *And be it further enacted by the authority aforesaid,* That the said Agent shall, regularly on the thirty-first day of December in each and every year, transmit to the Governor, Lieutenant Governor, or person administering the Government of this Province, a detailed abstract account, supported by the vouchers, of all Pensions paid by him under the authority of this or any former Act.

All pensions for disability by wounds, &c. to be £20 per annum.

XXI. *And be it further enacted by the authority aforesaid,* That notwithstanding the repeal of the above mentioned Act passed in the fifty-fifth year of His late Majesty's Reign, the Pension of all persons placed, or to be placed, on the List, by reason of disability from wounds or injuries received on service, shall be the sum of twenty pounds per annum.

None to receive pensions under the Laws of this Province who receive pensions in any other of His Majesty's dominions for wounds or injuries received on service in this Province.

XXII. *Provided always, nevertheless,* That no person receiving a Pension in any of His Majesty's Dominions, by reason of wounds or injuries received on Militia-service in this Province, shall be entitled to receive any additional Pension by virtue of this Act, or of the above recited Act passed in the fifty-third year of His late Majesty's Reign.

Continuance of this Act.

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

## C H A P. V.

An Act to authorise the Governor, Lieutenant Governor, or Person administering the Government of this Province, to borrow a sum of money upon the Securities therein mentioned, to be applied in discharging the arrearages due to Militia Pensioners.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, large arrearages are due to the persons placed on the Militia Pension List of this Province, which the Governor, Lieutenant Governor, or Person administering the Government is not enabled to discharge, by reason of the proportion of duties payable to this Province upon articles imported into Lower Canada, since the first day of July, in the

year of our Lord one thousand eight hundred and nineteen, not having been received; which amount of duties is yet to be adjusted by Commissioners, to be appointed on the part of the Provinces of Upper and Lower Canada: And whereas, it is expedient to make certain provisions for the payment of the said pensions within a limited time; 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 if on the first day of August next, more than one-third of the sum which may then be due on account of Militia Pensions up to the thirtieth day of June now next ensuing, shall remain undischarged, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, so soon thereafter as he may deem expedient, to authorize and direct His Majesty's Receiver General of this Province, to raise by loan, from any person or persons, bodies corporate or politic, who may be willing to advance the same upon the credit of the Government Bills or Debentures, authorised to be issued under this Act, such sums of money, not exceeding twenty-five thousand pounds, as may be sufficient to discharge the whole amount which may be then due on account of the said pensions, for arrearages up to the thirtieth day of June now next ensuing.

After 1st Aug. next if more than one-third of the arrears due to Militia Pensioners shall remain undischarged, the Governor may authorise the Receiver General to borrow such sum, not exceeding £25,000 as may be required to pay such arrearages.

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

The Receiver General to make out debentures for monies borrowed.

Form of Debentures and how issued and made payable.

III. *And be it further enacted by the authority aforesaid,* That all such debentures, with the interest thereon, and all charges incident to, or attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the monies that shall come into the hands of the Receiver General of this Province, to and for the public uses of this Province, on account of the proportion payable to this Province, of duties which already have been, or hereafter may be levied and received in the Province of Lower Canada, upon goods imported into the said Province.

Such Debentures, and the interest accruing thereon, to be charged on the proportion of Duties receivable by this Province on account of goods imported into Lower Canada.

Debentures to pass current with Public Receivers, Collectors, &c.

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

Interest to be paid on debentures.

V. *And be it further enacted by the authority aforesaid,* That the interest which shall from time to time be due upon any debenture which may be so issued, shall be allowed to all persons, bodies politic and corporate, paying the same to any Receiver or Collector of any of His Majesty's Revenues in this Province, to the respective days whereupon such debenture shall be so paid. *Provided always,* That no interest shall run or be paid upon or for any such debenture during the time such debenture, so paid, shall remain in the hands of any of the said Receivers or Collectors, but for such time the interest on every such debenture shall cease.

Interest shall cease while the debentures remain in the hands of any Public Receiver.

Method of ascertaining for what period the interest on such debentures shall be suspended.

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

Capital felony to forge any debenture or indorsement thereon, or utter any such forged debenture knowingly, & with intent to defraud.

VII. *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 or counterfeited debenture, or any debentures with such counterfeited indorsement or writing thereon, or shall demand to have such counterfeited debenture, or any debenture with such counterfeited indorsement or writing thereupon or therein, exchanged for ready money, by any person or persons who shall be obliged or required to exchange the same, or by any

other person or persons whomsoever, knowing the debenture so tendered in payment, or demanded to be exchanged, or the indorsement or writing thereupon or therein to be forged or counterfeited, and 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.

VIII. *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 periods aforesaid, and of the expenses attending the issue of the same, and of carrying this Act into execution, to be laid before the Legislature of this Province.

The Receiver General to transmit accounts to the Governor before each Session of Parliament of the debentures issued, amount redeemed, outstanding, &c. to be laid before the Legislature.

IX. *And be it further enacted by the authority aforesaid,* That the interest growing due upon the said debentures, shall and may be demandable in half yearly periods, computing from the date thereof, and shall and may be paid on demand by the Receiver General of this Province for the time being, who shall take care to have the same 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 parties respectively, and that the Governor, Lieutenant Governor, or person administering the Government of this Province, shall, after the thirtieth day of June, and thirty-first day of December in each year, issue warrants to the Receiver General for the payment of the amount of interest that shall have been advanced according to the receipts to be by him taken as aforesaid.

Interest accruing upon Debentures shall be paid half yearly on demand by the Receiver General.

Warrants to be issued therefor.

X. *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 shall direct to be allowed them for their respective services in the execution of this Act, and that the same shall be paid in discharge of such warrant or warrants as the Governor, Lieutenant Governor, or person administering the Government of this Province, shall from time to time issue for that purpose.

Remuneration to the Receiver General and persons employed under him.

XI. *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 favor of the lawful holder thereof; and that such debentures as shall from time to time be discharged and paid off, shall be cancelled and made void by the said Receiver General.

Debentures when due to be paid by warrant on the Receiver General, and when paid to be cancelled.

XII. *And be it further enacted by the authority aforesaid,* That at any time



After the Debentures become due, the Governor may direct a notice to be published calling on the holders to present them for payment, and if not presented within six months from the date of the notice all interest after such six months shall cease.

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 the said debentures, to present the same for payment according to this Act; and, if after insertion of the said notice for three months, any debenture then payable, shall remain out more than six months from the first publication of such notice, all interest on such debentures, after the expiration of the said six months, shall cease, and be no further payable, in respect of the time which may elapse between the expiration of the said six months and their presentment for payment.

Monies to be paid by warrant, and accounted for to His Majesty.

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

## C H A P. VI.

An Act to amend an Act passed in the fifty-ninth year of His late Majesty's Reign, 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.'"

[Passed 14th, April, 1821.]

Preamble.

64th Geo. 3, ch. 9, re-cited.

**WHEREAS** by an Act of the Parliament of this Province, passed in the fifty-fourth year of His late Majesty's Reign, entitled "An Act to declare certain persons therein described Aliens and to vest their Estates in His Majesty," certain Estates in this Province have become vested in His Majesty, having been found by Inquisition to have been on the first day of July, one thousand eight hundred and twelve, in the seizen of persons declared Aliens by the Provisions of that Act, which Estates were after the said first day of July, and before the departure of such Aliens from this Province conveyed to *bona fide* purchasers without any intention of fraud, or were seized and sold in execution upon judgments lawfully obtained before the departure of such Aliens from this Province as aforesaid: And whereas the Provisions of the said Act in that behalf were only intended to prevent fraudulent sales, made with intent to evade expected forfeitures, it is expedient that relief should be afforded to *bona fide* purchasers in the cases above mentioned, who in some instances have made large improvements upon lands acquired by them before the passing of said Act, and who would be wholly ruined unless provision is made for such relief. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of

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 Commissioners appointed under the Act passed in the fifty-ninth year of His late Majesty's Reign, 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,'" shall, and may have power to revise all such claims as have been brought before them respecting lands, of which no sale has already been made under the provision of the said recited Act, passed in the fifty-ninth year of His late Majesty's Reign, whether the same have, or have not been decided on appeal; and if it shall appear to their satisfaction, upon the proof brought before them in support of the same claim, that the sale by the Alien, or under a judgment against him, made or entered before the departure of such Alien from the Province, and before the passing of the said first mentioned Act, was *bona fide*, and not for fraud or evasion, or with a knowledge of the purchaser, of his intention to desert the Province, then the said Commissioners shall, and may have power, to decree such Estate to such claimant proving good title to the same; and that it shall and may be lawful, for any person or persons, having any claim under such *bona fide* sale as aforesaid, to prefer the same to the said Commissioners within the period of six months from the passing of this Act, any thing in the above recited Act, passed in the fifty-ninth year of His late Majesty's Reign to the contrary notwithstanding.

The Commissioners appointed under 59th Geo. 3, ch. 12, may revise all claims brought before them respecting lands not yet sold under that Act, and in cases where there have been *bona fide* sales by the Alien, or under a judgment against him before his departure from the Province, and before the passing of 54 Geo. 3, ch. 9, may decree the lands to the persons claiming under such sale.

Claim may be within 6 months.

II. And whereas, it appears upon the petition of Thomas Ridout, Esquire, and others, that in some cases, from a mistake in describing the Lot, or other error in Inquisitions, certain estates have been erroneously returned as forfeited, and the persons owning the same, not having observed the public notice thereof, until after the expiration of the eight months limited for claiming before the said Commissioners, by reason whereof, the same have been absolutely vested in the Commissioners above mentioned, who are compelled to proceed to sell the same, notwithstanding such manifest error as aforesaid, Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners, to inspect the respective Inquisitions, together with the minutes of evidence thereon, and compare the same with the returns furnished and published by them according to Law, and that on its appearing to the said Commissioners, or a majority of them from such inspection or otherwise, that any Estate has been returned manifestly by error, it shall and may be lawful for them, at any time before the sale thereof, to decree the same to such person as shall prove title thereto, or in default of any claim therefore, to forbear proceeding to sell the same.

Commissioners empowered to decree to their right owners estates which appear by the inquisition evidence and return to have been returned forfeited by manifest error, provided such estate has not been sold by the Com's.

The provisions of this Act extended to cases of persons who may be hereafter found Aliens by Inquisition.

III. *And be it further enacted by the authority aforesaid,* That when any *bona fide* sale of any lands or tenements shall have been made by any person or persons, who may hereafter be found by inquisition to be an Alien or Aliens, under the said Act, passed in the fifty-fourth year of His Majesty's Reign, when such sale shall have been made previous to desertion of such Alien, it shall and may be lawful for the Commissioners aforesaid, upon satisfactory proof of such *bona fide* sale, to decree such lands and tenements to the purchaser or purchasers thereof, or the person entitled to claim the same.

Where estates of Aliens have been sold in satisfaction of executions against them, the surplus above the execution to be paid over by the Sheriff to the Commissioners of Forfeited Estates.

IV. *And be it further enacted by the authority aforesaid,* That in all cases where the real estate of any person declared an Alien under the provisions of the said Act, passed in the fifty-fourth year of His late Majesty's Reign, shall have been sold in execution upon any judgment obtained against him, before such real estate became vested in His Majesty by inquisition found, the surplus monies arising from such sale, after the satisfaction of the execution and the legal charges thereupon, shall belong to His Majesty, and shall be forthwith paid over by the Sheriff or other Officer holding the same, to the Commissioners of Forfeited Estates, appointed in and by the said Act of the Parliament of this Province, passed in the fifty-ninth year of His late Majesty's Reign, who shall pay the same to the Special Receiver appointed under the provisions of the said last mentioned Act, to be by him held subject to the same orders and appropriations, as if such monies had arisen from the sale of real estate by the Commissioners of Forfeited Estates.

Deeds of Bargain and Sale by Commissioners shall be valid if signed by a majority of the Commissioners for the time being.

V. *And be it further enacted by the authority aforesaid,* That in all cases of sales of lands which have been, or may hereafter be made by the Commissioners of Forfeited Estates, according to the authority vested in them for that purpose, deeds of bargain and sale which have been, or which hereafter shall be made and executed by the majority of such Commissioners for the time being, shall be as valid and effectual in law, to all intents and purposes as if the same were signed by all the said Commissioners; any law to the contrary notwithstanding.

Days of meeting of the Commissioners after the first day of August next.

VI. *And be it further enacted by the authority aforesaid,* That from and after the first day of August next, the said Commissioners shall meet on the first Tuesday in the months of January, April, July, and November, and at no other time, unless for the purpose of determining some matter specially referred to them, or of receiving the evidence, or hearing the claim of some claimant or claimants, agent or agents, actually attending for that purpose.

## C H A P. VII.

AN Act relative to the Service of Process issuing out of His Majesty's Court of King's Bench, and the several District Courts in this Province.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, by the laws now in force in this Province, relative to the Service of Process issuing out of His Majesty's Court of King's Bench, or out of the several District Courts in this Province, it is optional with the plaintiff, his attorney, or agent, to cause such process to be serv-

ed by some literate person, or to compel the Sheriff to serve the same, when it may be inconvenient or difficult for such plaintiff, his attorney, or agent to do so: And whereas it is expedient to grant relief to the several Sheriffs in this Province in respect of such service, and to make provision relative to the service of such process in future: 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, no person, other than the Sheriffs and persons employed under them, shall be entitled to receive mileage or other compensation on the service of any process required by law to be directed to the Sheriff of any District.

No persons but Sheriffs and persons employed by them shall be entitled to compensation for serving any process directed to the Sheriff of any district.

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## C H A P. VIII.

An Act to explain doubts which have arisen respecting the right of persons holding a Licence to keep a House of Public Entertainment to Retail Spirituous Liquors, to be consumed out of their houses without any additional Licence.

[Passed 14th April, 1821.]

**W**HEREAS doubts have arisen whether by the laws now in force any person having a Licence to keep a House of Public Entertainment, may by virtue of such Licence, sell Spirituous Liquors by retail, to be consumed out of his house, for removing such doubts, 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 any person in this Province duly licenced to keep a House of Public Entertainment for the retailing of Spirituous Liquors, to sell wine, brandy, or other spiritous liquors by retail, to be consumed out of his house in the same quantities as he may retail it within his house, without any additional licence for that purpose.

Persons licenced to keep a house of public entertainment for retailing spirituous liquors, may sell liquors by retail, to be consumed out of his house by the same quantities as within, without any additional licence.

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## C H A P. IX.

An Act to continue an Act passed in the fifty fifth year of His late Majesty's Reign, entitled, "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled 'An Act

to supply in certain cases the want of County Courts in this Province," and to make further provision for proceeding to Outlawry in certain cases therein mentioned.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, it is expedient to continue an Act passed in the fifty-fifth year of His late Majesty's Reign, entitled "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled 'An Act to supply in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned.'" 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, and every clause, matter, and thing, therein contained, shall continue and be in force for eight years, and from thence to the end of the then next ensuing Session of Parliament.

35th Geo. 3, c. 2,  
continued for 8  
years.

## C H A P. X.

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.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, it is expedient more effectually to provide for the Preservation of Salmon within this Province, and to make further regulations for fishing in the Rivers and Creeks thereof: And whereas the provisions of an Act passed in the forty-seventh year of His late Majesty's Reign, entitled "An Act for the Preservation of Salmon;" and also the provisions of another Act passed in the fiftieth year of His late Majesty's Reign, entitled "An Act to extend the provisions of an Act passed in the forty-seventh year of His Majesty's Reign, entitled "An Act for the Preservation of Salmon," are found inadequate: 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 aforesaid Acts, and every matter and thing in the said Acts contained, shall be, and the same are hereby repealed.

47th Geo. 3, c. 12,  
and 50th Geo. 3,  
ch. 3, 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 twenty fifth day of October 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.

Salmon not to be killed or taken between 25th October, and 1st of Jan. in any year.

III. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons, to take, catch, or kill, or to attempt to take, catch, or kill, any fish in any River or Creek within this Province, by torch or fire light, within one hundred yards of any Mill or Mill-Dam, which may now or hereafter be erected on any such Rivers or Creeks as aforesaid.

No person to fish by torch or fire-light in any creek within 100 yards of any mill or mill dam.

IV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons at any time, to take, catch, or kill, in any manner, in the Home District, District of Newcastle, and District of Gore of this Province, any Salmon or Salmon Fry, nearer the mouth of any of the Rivers or Creeks along the shore of Lake Ontario, than two hundred yards, or within fifty yards up the mouth of any such Rivers or Creeks as aforesaid, except the River Credit, in the Home District, where it shall not be lawful to take any Salmon by Spear or otherwise, less than two hundred yards up the mouth of the said River.

No Salmon or Salmon Fry to be taken in the Home, Newcastle, or Gore District, within a certain distance from the mouth of any creek.

Exception as to the River Credit.

V. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons in either of the Districts aforesaid to take, catch, or attempt to take or catch, or attempt to take and 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.

No Salmon in those Districts to be taken by setting any net or weir.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be convicted, before any two or more of His Majesty's Justices of the Peace within the District, in which such offence or offences shall have been committed, by the oath of one or more credible witness or witnesses other than the informer, of infringing any of the provisions of this Act, such person or persons respectively, upon conviction as aforesaid, shall forfeit and pay a sum not exceeding five pounds nor less than five shillings for every offence so committed, with all reasonable costs both before and after conviction, or in default of payment to be committed to the Common Gaol of such District as aforesaid, for a term not more than thirty days nor less than two days, unless the fine and costs are sooner paid.

Penalties for breach of this Act.

VII. *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 virtue 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 shall direct.

Distribution of fines.

VIII. *Provided always nevertheless, and be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend, or be construed to extend, to any other part of the District of Gore aforesaid, than so much of said District as is comprised within the Township of Trafalgar, and that part of the Township of Nelson, which lies north of the Beach between Burlington Bay and Lake Ontario: provided, that nothing in this Act contained shall extend, or be construed to extend, to prevent the Indians fishing as

Exception as to part of the District of Gore,

Indians not restrained.

by this Act except as heretofore, when and where they please, except within one hundred yards  
to fishing by torch of a mill or mill-dam, by fire or torch light.  
light near mills, &c.

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## C H A P. XI.

An Act for the more certain Punishment of Persons illegally Solemnizing Marriage within this Province.

[Passed 14th April, 1821.]

Preamble.

**F**OR the more certain punishment of persons illegally solemnizing Marriage within this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, 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 if any Parson, Minister, or Clergyman, legally authorized to solemnize Marriage within this Province, shall, after the passing of this Act, knowingly or wilfully solemnize Marriage without publication of banns, unless Licence of Marriage be first had and obtained from some persons having authority to grant the same, or if any Justice of the Peace in this Province, shall after the passing of this Act, knowingly solemnize Marriage contrary to law; or if any person not having authority by law to solemnize Marriage within this Province, shall, after the passing of this Act, marry any persons within the same, such Parson, Minister, Clergyman, Justice of the Peace, or person respectively so offending, shall be guilty of a misdemeanor; any thing in a certain Act of the Parliament of Great Britain, passed in the twenty-sixth year of the Reign of King George the Second, entitled "An Act for the better preventing of clandestine Marriages," to the contrary thereof, in any wise notwithstanding. *Provided always nevertheless*, That such offence shall not be cognizable at any Court of Quarter Sessions in this Province; and *Provided also*, that no prosecution shall be commenced after two years from the offence committed.

II. *And be it further enacted by the authority aforesaid*, That in all cases of prosecution under this Act wherein the legal authority of any person to solemnize Marriage within this Province, shall come in question, the proof of such authority shall lie upon the Defendant.

Persons solemnizing marriage illegally to be deemed guilty of a misdemeanor.

Quarter Sessions not to have jurisdiction over such offence. Prosecution must be within two years

Proof of legal authority to solemnize marriage shall be on defendant.

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## C H A P. XII.

An Act to render legal certain Small Notes and Inland Bills of Exchange within this Province.

[Passed 14th, April, 1821.]

Preamble.

**W**HEREAS, the provisions of a certain Act of the Parliament of Great Britain, passed in the fifteenth year of His late Majesty's Reign, entitled "An Act to restrain the negotiation of Promissory Notes and Inland Bills of Exchange under a limited sum within that part of Great Britain cal-

British Statutes 15 and 17 Geo. 3, respecting small notes and bills of

ed England," and of a certain other Act of the Parliament of Great Britain, passed in the seventeenth year of His late Majesty's Reign, entitled, "An Act for further restraining the negotiation of Promissary Notes and Inland Bills of Exchange, under a limited sum, within that part of Great Britain called England." are inapplicable to this Province: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 clause, matter, or thing in the said Acts, or either of them, contained, shall extend to, or be in force in this Province, or shall make void any bills, notes, drafts, or orders which have been, or may hereafter be, made or uttered in this Province, any thing in a certain Act of the Parliament of this Province, passed in the thirty-second year of His late Majesty's Reign, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Quebec in America, and to introduce the English Law as the rule of decision in all matters of controversy relating to property and civil rights," or in a certain other Act of the Parliament of this Province, passed in the fortieth year of His late Majesty's Reign, entitled, "An Act for the further introduction of the Criminal Law of England in this Province, and for the more certain punishment of certain offenders," to the contrary thereof in anywise notwithstanding.

*Provided always,* That nothing in this Act contained shall be construed to render any person liable to any punishment for any forgery, larceny, or other crime committed before the passing of this Act respecting any notes, bills, drafts, or undertakings, made and uttered before the passing of this Act, other than such person would have been liable to, had this Act never been passed.

exchange recited.

Those Statutes not to be in force in this Province.

This Act to have no retrospective operation as respects any forgery or other crime committed in respect of such notes or bills, made and uttered before this Act,

### C H A P. XIII.

An Act to establish an Uniform Currency throughout this Province.

[Passed 14th April, 1821.]

**W**HEREAS it would tend much to the public convenience if an uniform currency prevailed throughout this Province: And whereas the several gold and silver coins current in this Province, have respectively a nominal legal value in pounds, shillings, and pence, bearing the relative proportion of ten to nine, to the sterling money of account in the United Kingdom of Great Britain and Ireland, nevertheless in some parts of this Province, accounts continue to be kept, and contracts to be made in New York currency, estimating the Spanish milled dollar at eight shillings, bearing to sterling money of account the proportion of sixteen to nine, which diversity must necessarily occasion great and manifest confusion: Be it enacted by the King's

Preamble.



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 July, which will be in the year of our Lord one thousand eight hundred and twenty-two, no interest shall be demandable, or shall be recovered in any action upon any Bond, Bill, Note, or other instrument, agreement, or paper writing, made or dated within this Province, after the said first day of July, in which the penalty or the sum payable or secured in or by such bond, bill, note, or other instrument, agreement, or paper writing, shall be expressed in New-York currency, or in words or letters importing New York currency, whether interest be or be not payable according to the terms thereof, nor shall any costs be taxed or allowed against the defendant, in any action which may be brought in any Court in this Province, for the recovery of the debt, damages, or sum made payable or secured by any such bond, bill, note, or other instrument, agreement, or paper writing.

After 1st of July, 1822, no interest shall be demandable on any bond, note, or other instrument made after that date in this Province in which the penalty or sum payable shall be expressed in New York Currency.

Nor any costs allowed in actions brought thereon.

After 1st July, 1822, no rendering of account shall be deemed a demand, or acknowledgment thereof given in evidence, unless it shall have been rendered in Provincial Currency.

After 1st July, 1822, no shop books shall be received in evidence as to any entries after that date, unless they are made out in Provincial Currency.

This act to be read in Court on the first day of the four next Courts of General Quarter Sessions.

II. *And be it further enacted by the authority aforesaid,* That from and after the said first day of July, in the year of our Lord one thousand eight hundred and twenty-two, no rendering of any merchant's, or other account, entered and made out after that date within this Province, shall be considered a demand, nor shall any admission of such account be given in evidence as an acknowledgment of a debt, unless such an account shall have been entered, made, and rendered in Provincial currency at Five Shillings to a Dollar.

III. *And be it further enacted by the authority aforesaid,* That no shop book of any merchant or tradesman, made up and kept within this Province, shall be received in any Court of Law, as evidence for such merchant or tradesman, as far as respects any entries made therein, after the said first day of July, which will be in the year of our Lord one thousand eight hundred and twenty-two, unless such entries shall be made therein in Provincial currency as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be read by the Clerks of the Peace for the several Districts of this Province in open Court, on the first day of the General Quarter Sessions of the Peace, for four successive Courts of General Quarter Sessions next after the passing thereof.

## C H A P. XIV.

AN Act to enable Married Women more conveniently to convey their Real Estate.

[Passed 14th April, 1821.]

Preamble.

WHEREAS, by an Act passed in the forty-third year of His late Majesty's Reign, entitled "An Act to enable Married Women having Real Estate, more conveniently to alien and convey the same." it is enacted, that no Deed shall have any force or effect to bar such Married Woman, or her

said husband or her heirs, during the continuance of the coverture, or after the dissolution thereof, or shall have any force or effect whatsoever, unless such Married Woman shall appear in open Court, in the Court of King's Bench, or before any Judge thereof at his chambers, or before a Judge of Assize at the Sittings of the Home District, or on his Circuit, and shall be examined by the said Judge, touching her consent to alien and depart with such Estate; and whereas, much inconvenience has arisen from such provision; 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, it shall be lawful for any Married Woman having Real Estate in this Province, to appear before the Quarter Sessions of the Peace in the District in which she may at the time be resident, or before the General Quarter Sessions of the Peace in any District in this Province, in cases in which the party resides out of this Province, at any time within twelve months after her execution of the Deed conveying away her Real Estate, and being examined by the Chairman of the Quarter Sessions, in open Court, touching her consent to alien and depart with her Real Estate, as in such Deed may be mentioned, it shall and may be lawful for the said Chairman to certify the same, in like manner as the same may at present be certified by the Court of King's Bench, or any Judge thereof, and the said certificate shall have the same force and effect, and be as valid in Law as any certificate given under and by virtue of the above recited Act, any Law or usage to the contrary in any wise notwithstanding.

Married women having real estate and desirous of conveying the same, may appear before the Quarter Sessions of the District in which they reside, and be examined as to their consent. Women residing abroad may appear before the Sessions in any District of the Province. Certificate to be given by the Chairman.

II. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace shall be entitled to receive the sum of five shillings for drawing every such certificate, and no more. Fee to the Clerk of the Peace.

## C H A P. XV.

An Act further to relieve Vessels and small Craft from the payment of Light House Tonnage Duty.

[Passed 14th April, 1821.]

**WHEREAS**, it is found expedient further to relieve the Masters and Owners of Vessels, Boats, Rafts, and other Craft, belonging to, and navigated by His Majesty's Subjects within this Province, from the payment of Light-House Tonnage 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 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 Pro-

Light-house tonnage duty on vessels owned and navigated by His Majesty's subjects in this Province to be demanded henceforward only on the tonnage of cargo actually discharged at any port where such duty is to be paid.

Master to state in his report the number of tons of the same on oath.

False oath therein to be perjury.

vince of 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, no Collector, or Deputy Collector, at any of His Majesty's Ports of Entry, where Light House Tonnage Duty now is, or hereafter may become due and payable, shall demand such Duty on Vessels, Boats, Rafts or other Craft belonging to and navigated by His Majesty's Subjects as aforesaid, except on the number of tons, weight, or measurement of Cargo, other than the personal baggage of passengers, which such Vessel, Boat, Raft, or other Craft, shall actually discharge at such Port or Place of Entry.

II. *And be it further enacted by the authority aforesaid,* That in the report which the Master, Owner, or other person shall make of the arrival of such Vessel, Boat, Raft, or other Craft, to the Collector or Deputy Collector at the Port or Place of Entry, where such Cargo shall be discharged, shall be specified the number of tons, weight or measurement of the same, which report shall be verified by the oath of the person making the same, to be administered by the Collector or Deputy Collector.

III. *And be it further enacted by the authority aforesaid.* That if any person making such report under oath administered as aforesaid, shall therein wilfully mis-state the number of tons, weight or measurement of such Cargo, he shall be deemed guilty of wilful and corrupt perjury.

## C H A P. XVI.

An Act for Altering the Time of holding the General Quarter Sessions of the Peace in the Home District.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, great inconvenience is found to arise from the sitting of the Court of Quarter Sessions in the Home District, on the days now established by Law, as falling within the Terms of the Superior-Court of King's Bench: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the second clause of an Act passed in the forty-first year of the Reign of His late Majesty, entitled, "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace, and other Courts, have been erected and holden, and other matters relating to the administration of Justice done in the several Districts of this Province, and also, to fix the times of holding the Courts of General Quarter Sessions of the Peace, in and for the same," as relates to the holding the Quarter Sessions, in and for the Home District, be and the same is hereby repealed, and that from and after the passing of this Act, the Court of General Quarter Sessions

Part of the 2d clause of 41st Geo. 3, c. 6, repealed.

of the Peace in and for the Home District, shall assemble and sit at the place now fixed by law for holding the same, on the third Tuesdays in January, April, and July, and on the second Tuesday in October.

General Quarter Sessions in the Home District to be hereafter holden on the third Tuesday in January, April, and July, and on the second Tuesday in October.

**C H A P. XVII.**

An Act for the Preservation of Deer within this Province.

[Passed 14th April, 1821.]

**W**HEREAS it is expedient to prohibit the killing of Deer within this Province, at improper seasons of the year, 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 person or persons shall within this Province, after the tenth day of January in every year hereafter, kill in any manner whatever any Deer, *feræ naturæ*, until the first day of July.

No person to kill any deer *feræ naturæ* between the 10th day of January and 1st of July in any year.

II. *And be it further enacted by the authority aforesaid*, That if any person or persons shall kill, or cause to be killed, Deer, *feræ naturæ*, between the tenth of January and the first day of July as aforesaid, such person or persons shall forfeit and pay the sum of Forty Shillings for the first offence, and double that sum for every subsequent offence, to be recovered in a summary manner before any two or more of His Majesty's Justices of the Peace for the district in which the offence shall have been committed, one moiety thereof shall be forfeited to His Majesty, and be paid into the hands of the Receiver General of this Province, to and for the public uses of the same, and shall be accounted for through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty shall be pleased to direct, and the other moiety thereof shall be paid to the informer, or whoever shall sue for the same.

Penalty. Application of fines.

III. *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 any individual or individuals of the nations of the Indians now or hereafter to be resident within the limits of this Province.

Indians exempt from this Act.

**C H A P. XVIII.**

An Act to continue for a limited time a certain Act of the Parliament of this Province passed in the fifty ninth year of His late Majesty's Reign, entitled "An Act to alter the laws now in force for granting Licences to Inn-keepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the Duties hereafter to be paid on such Licences.

[Passed 14th April, 1821.]

**W**HEREAS it is expedient to continue for a limited time the provisions of a certain Act of the Parliament of this Province passed in the fifty-

Preamble.

59th Geo. 3, c. 2, Sec. 1, recited.

Continued for 2 years.

ninth year of His late Majesty's Reign, entitled, "An Act to alter the laws now in force for granting Licences to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective districts, authority to regulate the duties hereafter to be paid on such Licences," 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, and every clause, matter, and thing therein contained, shall be continued and remain in force for two years, and from thence to the end of the then next ensuing Session of Parliament.

## C H A P. XIX.

An Act to provide for the Remuneration and Reimbursement of certain Persons therein mentioned.

[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS the Honourable Thomas Clark and James Crooks, Esquires, were duly nominated and appointed Commissioners to confer on behalf of this Province, with Commissioners on the part of Lower Canada, on the subject of improving the inland navigation of this Province, and it is expedient to remunerate the said Commissioners for the services performed by them in that capacity, and whereas it is expedient to grant a sum of money to enable certain Commissioners hereinafter mentioned, to discharge a balance due for completing the Public Buildings for the accommodation of the Legislature, and also to remunerate Grant Powell, Esquire, for his services in superintending the same; May it please Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That out of the fund or funds subject to the disposition of the Parliament of this Province, there shall be issued and applied the sum of two hundred pounds, which sum of two hundred pounds shall be paid to the Honourable Thomas Clark and to James Crooks, Esquires, to each one hundred pounds, for their services as commissioners for conferring with the commissioners on the part of Lower Canada respecting the improvement of the inland Navigation.

£200 granted to remunerate the Hon. Thomas Clark, and Jas. Crooks, Esq. for certain services.

II. *And be it further enacted by the authority aforesaid,* That the sum of £333 13 7 granted to pay the same sum expended by the Commissioners for superintending the erection of the Parliament House, be appropriated and applied to pay to Peter Robinson and Grant Powell, Esquires, Commissioners, for superintending the erection of the Parliament House, the like sum expended by them in erecting and finishing the Public Buildings, for the accommodation of the Legislative Council and House of Assembly.

III. *And be it further enacted by the authority aforesaid,* That the sum of £100 granted to Grant Powell, Esq. one of the said Commissioners, be granted to Grant Powell, Esquire, one of the Commissioners appointed to superintend the erection of the Public Buildings for the accommodation of the Legislature, for his services in the discharge of that duty, which said several sums shall be paid by His Majesty's Receiver General of this Province, in discharge of such Warrant or Warrants as shall be issued for that purpose 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 Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

## C H A P. XX.

An Act granting a Pension to Elizabeth Lawe.

[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN,

**WHEREAS**, it appears by the Petition of Elizabeth Lawe, Widow of George Lawe, Esquire, deceased, late Gentleman Usher of the Black Rod, attendant upon the Honorable the Legislative Council of Upper Canada, that by the death of the said George Lawe, accelerated by severe wounds received in the discharge of his duty as Captain of the first Regiment of Lincoln Militia, during the late War with the United States of America, and also by the death of her son killed in action, in defence of the Province during the said War, she is left destitute and unprovided with the common necessaries of life; and whereas it is desirable and proper, under such peculiar circumstances, to make provision for the Widow of an old and faithful servant of 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 there be granted to the said Elizabeth Lawe, for and during her natural life, the sum of twenty pounds annually, which said sum of twenty pounds shall commence and become payable from and after the passing of this Act.

II. *And be it further enacted by the authority aforesaid,* That the sum herein declared to be payable, shall be paid by the Receiver General of this Pro-

A pension of £20 per annum granted to Mrs. E. Lawe, widow of the late George Lawe, Esquire, for life.

How to be paid and accounted for.

vince out of the monies that now are, or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, in discharge of such Warrant or Warrants as may therefore from time to time be issued by the Governor, Lieutenant Governor or Person Administering the Government, and be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, may please to direct.

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## C H A P. XXI.

An Act to remunerate the Surveyor General for certain Services.

[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS, it is expedient to remunerate the Surveyor General of this Province, for services rendered, and disbursements made by him, in carrying into effect the provisions of a certain Act of this Province, entitled, "An Act to repeal the several Laws now in force, relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands, and other ratable property throughout this Province," Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, or collected, to and for the uses of this Province, and in the hands of the Receiver General unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of one hundred and fifty-four pounds four shillings and two pence currency, which sum of one hundred and fifty-four pounds four shillings and two pence 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 applied to remunerate the Surveyor General of this Province, for duties performed by him under the said recited Act of the Parliament of this Province.

£154 4 2 granted to remunerate the Surveyor General of this Province for certain services imposed on him by an Act of the Legislature.

How to be paid and accounted for.

II. *And be it further enacted by the authority aforesaid,* That the said sum of one hundred and fifty-four pounds four shillings and two pence, shall be accounted for to His Majesty, by His Majesty's Receiver General of this Province, through the Lords Commissioners of his Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

## C H A P. XXII.

An Act to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of several Addresses of the House of Assembly.

[Passed 14th April, 1821.]

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 Maitland, Lieutenant Governor of your Province of Upper Canada, the sum of six hundred and seventy six pounds sixteen shillings and nine pence half-penny 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 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 same, That out of the fund or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, unappropriated, there shall be issued and applied the sum of six hundred and seventy-six pounds sixteen shillings and nine pence half-penny, to make good the said sum which has been issued and advanced in pursuance of the aforesaid Address.

II. And whereas in pursuance of an Address of your Commons House of Assembly, during the present Session to His Excellency Sir Peregrine Maitland, Lieutenant Governor of your Province of Upper Canada, the sum of sixty pounds has been issued and advanced by your Majesty through the Lieutenant Governor to the Serjeant at Arms, to enable him to defray his expences in executing an order of your Commons House of Assembly. *Be it further enacted by the authority aforesaid,* That out of the fund or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General, and unappropriated, there shall be issued and applied the sum of sixty pounds, to make good the said sum, which has been issued and advanced in pursuance of the aforesaid Address.

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

£676 16 9 1-2 granted to make good that sum advanced by His Majesty to pay the contingent expences of the last Session.

£60 granted to make good that sum advanced by His Majesty to defray the expence of the Serjeant at Arms, in executing an order of the House of Assembly.

The said sums to be accounted for to His Majesty through the Lords Commissioners of His Treasury.



## C H A P. XXIII.

AN Act granting to His Majesty a Sum of Money in aid of the funds for defraying the expenses of the Administration of Justice, and the support of the Civil Government of this Province.  
[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS, your Majesty's faithful Commons have voluntarily and freely resolved to grant to your Majesty a Supply, to defray certain charges for the Administration of Justice, and support of the Civil Government of this Province; We Your Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beseech your Majesty that it may be enacted, and 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 appropriated the sum of three thousand eight hundred and eleven pounds sterling, which said sum of three thousand eight hundred and eleven pounds sterling 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 America," towards the following services, for the year one thousand eight hundred and twenty-one:

£3811 sterling granted towards defraying the charges of the administration of Justice and support of the Civil Government of this Province for the year 1821.

How to be applied.

For the Administration of Justice, Inspector General's Office,  
Office of the Government, Government Printer,  
Receiver General's Office, Repairs and contingencies of the  
Executive Council Office, Government House,  
Secretary and Register's Office, Casual and other expences,  
Surveyer General's Office,

An account in detail of monies paid under this Act to be laid before the House of Assembly.

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

And the balance which may remain unexpended to be subject to the future disposition of Parliament.

II. *Provided always, and it is hereby enacted by the authority aforesaid, That an account in detail of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly, at the then 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. XXIV.

An Act to make provision for compensating District Treasurers for Duties imposed on them by the several Acts of this Province, relative to Common Schools.

[Passed 14th April, 1821.]

**W**HEREAS, a duty has been, and is imposed on the Treasurers of Districts, in this Province, in receiving, paying, and accounting for the several sums of money granted to their respective Districts, for the use of Common Schools therein, for which duties no compensation has been allowed by Law, and it is expedient to make provision for granting such compensation: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of An Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful, for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to direct the Inspector General, or other Officer, to whom the duty appertains, to allow to the Treasurer of any District in this Province, in any settlement of accounts relative to monies received, paid, and expended therein, by him for Common Schools, the sum of three pounds for every one hundred pounds, which may have been paid through the hands of such Treasurer, *Provided* such Treasurer shall produce proper vouchers to prove, that such sum or sums of money as may have been paid into his hands for the use of Common Schools, has or have been expended and paid according to the intent and meaning of the Acts of this Province, relating to the said Common Schools.

District Treasurer to be allowed to retain 3 per cent on all monies which may have passed through his hands under the Acts relative to the establishment of Common Schools

Provided that such Treasurer produce proper vouchers for the expenditure of the monies according to the intention of the several School Acts.

## C H A P. XXV.

An Act to appropriate a sum of Money towards opening and completing the Great Line of Communication from the Ottawa River, passing through Richmond and Perth, to Kingston.

[Passed 14th April, 1821.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS, the remote situation of and difficulty of access to some of the new settlements in the County of Carleton, render it expedient to open and complete a new Line of Communication between Richmond Point on the Ottawa River and Kingston, and whereas Your Majesty's Commander of the Forces, by his written communication to Your Majesty's Lieutenant Governor of this Province, has expressed His desire to assist in opening the said Road, And whereas it is the desire of Your Majesty's faithful Commons of this Province, to contribute towards the same, 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

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£200 granted to aid in opening the road from Richmond on the Ottawa to Kingston.

A Commissioner to be appointed.

How the money hereby granted is to be paid and accounted for.

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 already 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 thereof unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of two hundred pounds, which said sum of two hundred pounds shall be appropriated, applied, and disposed of in opening and completing the said new Road.

II. *And be it further enacted by the authority aforesaid,* That at any time 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, to appoint a Commissioner or Commissioners for carrying the provisions of this Act into effect.

III. *And be it further enacted by the authority aforesaid,* That the money hereby granted to His Majesty, shall be paid by the Receiver General in discharge of such warrant or warrants as shall for the purpose herein set forth, be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and the Receiver General shall account to His Majesty, His Heirs and Successors, for the same, 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. XXVI.

An Act to remunerate the Clerk of the Crown in Chancery, for past Services, and to provide for the future payment of that Officer.

[Passed 14th, April, 1821.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS, it is expedient to provide for the payment of a Salary to the Clerk of the Crown in Chancery, and to remunerate him for past services, We Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beseech Your Majesty, that it may be enacted, and Be it, therefore, enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties 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 His Majesty, His Heirs and Successors, for the present year, the sum of two hundred pounds; and annually in each and every succeeding year, the sum of fifty pounds, which said sum of two hundred pounds and fifty pounds, shall be appropriated, applied, and disposed of as follows: that is to say, To Samuel Peters Jarvis, Esquire, for past services, as Clerk of the Crown in Chancery, the said sum of two hundred pounds, to the Clerk of the Crown in Chancery, for the time being, annually, in each and every year, the sum of fifty pounds, to commence and be payable from and after the first of March, one thousand eight hundred and twenty one.

200*l* granted to S. P. Jarvis, Clerk of the Crown in Chancery, to remunerate him for past services in his office, and 50*l*. per annum to commence from 1st March next.

II. *And be it further enacted by the authority aforesaid,* That the said sums of two hundred pounds, and fifty pounds respectively, shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants as shall for that purpose, from time to time, 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 Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Money how to be paid and accounted for.

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

Continuance of this Act.

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C H A P. XXVII.

An Act to repeal an Act passed in the fifty sixth year of His late Majesty's Reign, entitled, "An Act to encrease the Salary of the Speaker of the House of Assembly, and to remunerate the present Speaker for past services."

[Passed 14th April, 1821.]

**W**HEREAS, the Salary to the Speaker of the House of Assembly, is deemed disproportioned to the present revenue of the Province, it is therefore deemed expedient to reduce 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 an Act passed in the fifty-sixth year of His late Majesty's Reign, entitled, "An Act to increase the Salary of the Speaker of the House of Assembly, and to remunerate the present Speaker for past services," be and the same is hereby repealed.

56th Geo. 3, c. 27, repealed.

## C H A P. XXVIII.

An Act to afford relief to John Wagstaff of the Town of Niagara, Tin-Smith.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, the property of John Wagstaff, of the Town of Niagara, was by different Inquisitions held under, and by virtue of an Act of the Parliament of this Province, passed in the fifty fourth year of His late Majesty's Reign, entitled "An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty" vested in his said Majesty, And whereas, the said John Wagstaff being advised, that by law his property was not liable to forfeiture, did after his return to this Province, erect expensive improvements upon a certain Lot in the Town of Niagara, which he has prayed to be permitted to remove: 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 John Wagstaff, shall and may at any time within six months after the sale of the said Lot or Lots, be permitted to remove the said Buildings, any Law to the contrary thereof, in anywise notwithstanding.

John Wagstaff, an alien, allowed to remove certain buildings heretofore erected by him on a lot or lots of land in the Town of Niagara, which were vested in the King by Inquisition.

## C H A P. XXIX.

An Act to empower certain Trustees therein mentioned, to Sell and Convey a certain Lot of Land in the Town of York, and to Purchase another Lot or Tract of Land for the Use and Accommodation of a Roman Catholic Congregation.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS, by Letters Patent under the Great Seal of this Province, bearing date the twenty-fifth day of March, one thousand eight hundred and six, a certain Lot of Land, in the Town of York, in the Home District, described as Lot No. Six, on the corner of George and Duke Streets, containing about one acre of land, was granted to the Hon. James Baby, the Rev. Alexander M'Donell, and John Small, Esq. in trust for the use and accommodation of a Roman Catholic congregation, in the said Town of York and its vicinity; and whereas it hath been represented by the said trustees, that the said lot of land is insufficient and inconvenient for the use and purposes intended by the said grant: 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 Que-

bec, 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 trustees be empowered and authorised, and they, or any two or more of them, are hereby empowered and authorised by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey in fee simple, the aforesaid lot of land, described as lot No. Six, on the corner of George and Duke Streets, in the Town of York, aforesaid, with its appurtenances, unto such person or persons as may be disposed to purchase the same.

Trustees of a certain lot of land in York to the use of a Roman Catholic Congregation, allowed to sell the same

II. *And be it further enacted by the authority aforesaid*, That the Trustees aforesaid, or any two or more of them, shall and may, and they are hereby empowered and required to vest the money accruing from the sale of the lot of land aforesaid, in the purchase of such other lot or tract of land in or near the Town of York aforesaid, as they the said trustees shall in their discretion deem to be proper and convenient for the use and accommodation of a Roman Catholic congregation in the said Town of York and its vicinity; and the said trustees, or any two or more of them, are hereby empowered and required to receive and take a conveyance of the land, so to be by them purchased as aforesaid, with the money as aforesaid, in trust for the use and purposes aforesaid, and with succession and limitation of the said trust as may be deemed expedient to secure the same in perpetuity, for the use and purposes aforesaid, according to the true intent and meaning of the Letters Patent herein before mentioned.

and to purchase other land in York, in trust for the same purpose.

## C H A P. XXX.

An Act to afford Relief to Edmund Mott and John Blanchard of the District of Johnstown,

[Passed 14th April, 1821.]

**W**HEREAS by a certain Act, passed in the fifty-fourth year of His late Majesty's Reign, entitled, "An Act to declare certain persons there- Preamble. in 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 person interested in the said lands from traversing any inquisition or office respecting the same at any time within one year after the peace shall be established between His Majesty and the United States of America, or within one year after the finding of such inquisition: And whereas Edmund Mott and John Blanchard of Elizabethtown, in the District of Johnstown, have not been able to avail themselves of such provision, whereby His Majesty has become seized in law of the real estates of the said Edmund Mott and John Blanchard, under and by virtue of several inquisitions returned to His Majesty's Court of King's Bench against them respectively; 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

Edmund Mott and J. Blanchard allowed to traverse within six months any Inquisition of office whereby their real estate may have been affected.

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 Edmund Mott and John Blanchard, at any time within six months from the passing of this Act, to traverse all or any inquisition or office whereby their real estates in the district of Johustowu may in any manner be affected, or bar them, or their heirs, from any right they may have at common law.

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## C H A P. XXXI.

An Act to afford Relief to Samuel Hull and Esther Phelps.

[Passed 14th April, 1821.]

Preamble.

**W**HEREAS by a certain Act passed in the fifty-fourth year of His late Majesty's Reign, entitled, "An Act to declare certain persons therein described aliens, and to vest their estates in his Majesty," it was therein provided, that nothing in the said Act contained should be construed to prevent any persons interested in the said lands from traversing any inquisition or office respecting the same, at any time within one year after the peace shall be established between his Majesty and the United States of America, or within one year after the finding of such inquisition: and whereas Samuel Hull of Aldborough, and Esther Phelps of the Grand River in the county of Haldimand, have not been able to avail themselves of such provision, whereby His Majesty has become seized in law of certain real estates of the said Samuel Hull and Esther Phelps under and by virtue of several inquisitions returned to His Majesty's Court of King's Bench, against them respectively; 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 Samuel Hull and Esther Phelps, 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 of either of them may in any manner be affected, or to bar them or their heirs, or any of them, from any right they, or either of them, may have at common law.

Samuel Hull and Esther Phelps allowed to traverse within six months, certain Inquisitions of office returned against them.

# STATUTES

OF

## UPPER-CANADA;

*PASSED IN THE SECOND SESSION OF THE EIGHTH PROVINCIAL  
PARLIAMENT,*

*MET AT YORK, ON THE TWENTY-FIRST DAY OF NOVEMBER, 1821, AND PROROGUED ON THE  
SEVENEENTH DAY OF JANUARY FOLLOWING, IN THE SECOND 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, 1822.

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### CHAP. I.

An Act to repeal part of, and amend the Laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province.

[Passed 17th January, 1822.]

**WHEREAS**, it is expedient to make certain amendments in the practice of His Majesty's Court of King's Bench in this Province: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 ninth clause of an Act passed in the thirty-fourth year of His late Majesty's Reign, entitled, "An Act for the regulation of Juries,"



9 Sec. of 34 Geo. 3. ch. 1.  
 34 Geo. 3. ch. 2, except the 1st 33d 34th 35th and 36th sec - 2d sec. of 35 Geo. 3d c. 4 - 37 Geo. 3d c. 4 - 38 Geo. 3d c. 4 - 41 Geo. 3d c. 9, - 3d and 4th sec. of 49th Geo. 3d ch. 4 - 51 Geo. 3d ch. 3. repealed.

and an Act passed in the thirty-fourth year of His late Majesty's Reign, entitled "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," with the exception of the first, thirty-third, thirty-fourth, thirty-fifth, and thirty-sixth Clauses, and the second Clause of an Act passed in the thirty-fifth year of His late Majesty's Reign, entitled, "An Act to explain and amend an Act passed in the thirty-fourth year of His Majesty's Reign, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," and an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled, "An Act for regulating the practice of the Court of King's Bench" and an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled, "An Act to amend part of an Act passed in the thirty-fourth year of the Reign of His Majesty, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal, and also to amend and repeal part of an Act passed in the thirty-seventh year of the reign of His Majesty, entitled, "An Act for regulating the practice of the Court of King's Bench, and to make further provision respecting the same," and an Act passed in the forty-first year of His late Majesty's Reign, entitled, "An Act the better to adapt the establishment of the Court of King's Bench to the present situation of this Province," and the third and fourth Clauses of an Act passed in the forty-ninth year of His late Majesty's Reign, entitled, "An Act for the More effectual preventing of frivolous and vexatious suits, and to authorise the levying of Poundage upon Executions in certain cases, and to regulate the sales by Sheriffs and other Officers," and also, an Act passed in the fifty-first year of His late Majesty's Reign, entitled, "An Act to extend personal arrest to the sum of forty shillings, and otherwise to regulate the practice in cases of personal arrest." be and the same are hereby repealed.

*relates to Hilary  
 Mich. Term, of 1822  
 Geo. 4. ch. 20*

Terms of Sitting.

At what periods the same shall commence respectively.

*Speaker  
 16 Geo. 4  
 ch. 1.*

II. *And be it further enacted by the authority aforesaid,* That four periods of Session or Terms be appointed in each year successively, to be known by the names of Hilary, Easter, Trinity and Michaelmas Term, That the Hilary do commence on the Third Monday in January, and end on the Saturday of the ensuing week, that Easter Term do commence on Monday next after the sixteenth day of April, and end on the Saturday of the ensuing week, That the Trinity Term do commence on the First Monday in July, and end on the Saturday of the ensuing week, and that the Michaelmas Term do commence on the First Monday in November, and end on the Saturday of the next ensuing Week, And that the first and last days of every Term, and every alternate days from the first, not including Sunday, be return days.

Court may adjourn from one Return Day to another.

III. *Provided always, and be it further enacted by the authority aforesaid,* That when the Court shall have good reason to believe there will not be sufficient business to require their daily attendance throughout the Term, they may be at liberty to adjourn the Court on any return day to the next immediate return day.

Original Process.

IV. *And be it further enacted by the authority aforesaid,* That the original process for compelling the appearance of the Defendant or Defendants in

any suit hereafter, to be brought in His Majesty's Court of King's Bench, shall be a Writ of Capias ad Respondendum, tested in the name of the Chief Justice or Senior Puisne Judge of the said Court for the time being, a copy of which process, in actions not bailable, shall be personally served on the Defendant or Defendants by the Sheriff to whom the process shall be directed, or his lawful Deputy or Bailiff, being a literate person, and that upon every copy of such process to be served upon any Defendant, there shall be written a notice to such Defendant of the intent and meaning of such service to the effect following :

A Writ of Capias ad Respondendum.

Copy whereof to be served on Defendant in actions not bailable.

A. B. You are served with this process to the intent that you may either in person, or by your Attorney, appear in His Majesty's Court of King's Bench, by filing your appearance in the Office of the Clerk of the Crown (or Deputy as the case may be,) in the \_\_\_\_\_ District, at the return thereof, being the \_\_\_\_\_ day of \_\_\_\_\_ or within eight days thereafter, in order to your defence in this action.

English Notice on Process not Bailable.

And that in all actions hereafter to be brought, wherein the Defendant or Defendants shall not be arrested and held to special Bail, if the Defendant or Defendants do not appear at the return of such process, or within eight days after the return thereof, it shall and may be lawful for the Plaintiff or Plaintiffs, upon Affidavit being made and filed, of the personal service of such process, to enter common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had put in and perfected Bail to the action.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for each and every Defendant personally, or by Attorney, to enter his, her, or their appearance at the Office, from which such process not bailable has issued, at any time within eight days after the return of such process or Writ, and that in all actions or suits where the Defendant or Defendants have appeared as aforesaid, the Plaintiff or his Attorney, shall, after filing a Declaration in the Office from whence the writ issued, and service of a copy thereof on the defendant by a demand in writing, call for a plea, and that if after the expiration of eight days from the service of such demand, no Plea be filed, it shall and may be lawful for the Plaintiff or Plaintiffs to sign Judgment in the cause.

Manner of proceeding on process not bailable.

VI. *And be it further enacted by the authority aforesaid,* That for and notwithstanding any thing in this Act contained, it shall and may be lawful to proceed by bill, in any case, where, by reason of any privilege, such proceeding is practised in the Court of King's Bench in England, and that the like proceeding shall be had in actions so commenced as in the said Court, unless otherwise altered by the rules of His Majesty's Court of King's Bench in this Province.

Privileged persons may proceed by Bill, unless altered by rule of Court.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Defendant or Defendants, in any action or suit in the said Court, to plead as many several matters thereto, as he shall think necessary without leave of the said Court, where he would be entitled to do so by obtaining such leave, under the same regulations and restrictions as are declared by the British Statute, passed in the fourth year of the reign

Defendants may plead several matters without leave of the Court.

of Queen Ann, Chap. 16 sec. 4, any thing in the said clause to the contrary notwithstanding.

VIII. *And whereas*, much inconvenience is felt by conscientious creditors in the recovery of their just debts, from the difficulty of ascertaining whether any person or persons design leaving the Province with an intent to defraud their creditors, an affidavit of which is required by the laws now in force, before a Capias, ad Respondendum, could issue, *Be it therefore enacted by the authority aforesaid*, That no person shall be arrested, or holden to special bail, upon any process issuing out of the said Court in a civil suit where the cause of action shall not amount to Five Pounds of lawful money of this Province; and where the cause of action shall amount to Five Pounds, and upwards, it shall not be lawful for the Plaintiff to proceed to arrest the body of the Defendant or Defendants, unless an affidavit be first made by such Plaintiff, his servant or agent, of such cause of action, and the amount justly and truly due to the said Plaintiff from the said Defendants; and also, that such Plaintiff, his servant or agent, is apprehensive that the Defendant will leave this Province without satisfying the said debt, and that the said Plaintiff, his servant or agent, does not sue out such process from any vexatious or malicious motive whatever; which affidavit shall be filed, and may be made before any Judge or Commissioner of the Court out of which such process shall issue, authorised to take affidavits in such Court, or before the officer who shall issue such process, or his deputy, which oath, such officer or his deputy is hereby authorised to administer, and for the said affidavit, one shilling shall be paid and no more, and the sum or sums specified in such affidavit, shall be endorsed on such writ or process, which sum or sums so endorsed, the Sheriff or other officer to whom such writ or process shall be directed, shall take bail, and for no more.

No person to be arrested for a sum under £5.

Affidavit to be made by Plaintiff previous to arrest,

and may be sworn before any Judge, &c. and is to be paid for Oath.

Sum sworn to shall be endorsed on Bailable Process.

Commissioners for taking Affidavits and Deputy Clerks of the Crown to issue Bailable Process.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Plaintiff, his servant or agent, having made such affidavit as aforesaid, to sue out from any Commissioners of His Majesty's Court of King's Bench for taking affidavits in each and every District, a Writ of Capias ad respondendum, with which the said Commissioners, as well as the several deputies appointed by the Clerk of the Crown, shall be from time to time supplied, signed by the proper officer of the court, on which shall be endorsed the sum sworn to, and to which the said affidavit shall be annexed; whereupon it shall and may be lawful for any constable in the District, to arrest the said Defendant, and deliver him, her, or them, over to the Sheriff, in order that he, she, or they, may be held to bail for the amount of the sum so endorsed.

X. *And be it further enacted by the authority aforesaid*, That in all cases in which the cause of action shall be other than a debt, certain of which affidavits may be made as herein before mentioned, it shall and may be lawful to hold the defendant or defendants to bail, a Judge's order having been first obtained for that purpose, in such cases and in such manner as is provided by the law and practice of the Court of King's Bench in England.

Judges may order arrests in certain cases.

XI. *And be it further enacted by the authority aforesaid,* That each and every recognizance of bail to be taken in cases of personal arrest, as herein before mentioned, shall be, that if the defendant or defendants shall be condemned in the action, at the suit of the plaintiff or plaintiffs, he, she, or they will satisfy the costs and condemnation money, or render himself, herself, or themselves, to the custody of the Sheriff of the District in which such action shall be brought, or that the cognizers shall do so for such defendant or defendants.

Condition of Recognizances of Bail.

XII. *And be it further enacted by the authority aforesaid,* That whenever any bail in any action or suit now pending, or hereafter to be brought in any District, shall be desirous of surrendering their principal in discharge of themselves, it shall and may be lawful for the Sheriff of such District, and he is hereby required to receive such principal into his custody, at the gaol of his District, and to give such bail a certificate under his hand and seal of office of such surrender, which certificate shall be a sufficient authority for any Judge of the Court, in which such action shall be pending, and he is hereby required, on production thereof, to order an exonerator to be entered on the bail piece in the same manner as if such principal had been surrendered in person before him, at his chambers, for which certificate, the said Sheriff shall receive the sum of five shillings and no more.

Bail may surrender their principal in the Sheriffs of the respective Districts where Defendants are held to Bail, and Sheriffs to give Certificates of surrender, and Judge to order an Exonerator on production thereof.

XIII. *And be it further enacted by the authority aforesaid,* That if any defendant or defendants shall be taken or detained in custody, in any District of this Province, on mesne process issuing out of any Court of Record in this Province, at the suit of any plaintiff or plaintiffs, and shall be detained or imprisoned thereon after the return of such process, it shall and may be lawful, for such defendant or defendants, except in term time, within the Home District of this Province, or District where the Court shall be holden, and upon due notice thereof given to the attorney of the plaintiff or plaintiffs in such process, to put in and justify bail before any of the Justices of the Court out of which such process shall have issued, or before any Commissioner duly appointed for taking bail in such Court, which Justice, or in case bail shall have been put in and justified before a Commissioner, any Justice of the said Court, upon receipt of the said bail piece and recognizance from such Commissioner, may, if he shall think fit, order a rule to issue for the allowance of such bail, and may further order such defendant or defendants to be discharged out of custody by Writ of Supersedeas, in the like manner as may be done by order of the Court in term time.

Defendants may put in special bail in vacation.

Rule for allowance thereof may be issued by a Judge.

XIV. *And be it further enacted by the authority aforesaid,* That in case the plaintiff in any action now pending or hereafter to be brought in the said Court, his servant or agent, shall at any time after action brought, and before final judgment, be apprehensive that the defendant will leave this Province without paying his debt, it shall and may be lawful to and for the said plaintiff, his servant or agent, having made and filed such affidavit as aforesaid, to sue out an alias writ of Capias ad respondendum, and to cause the said defendant to be thereupon arrested and holden to bail, which bail, if the said writ shall have been sued out after common bail being filed, shall be bail to the action.

Defendants may be held to Bail in Action previously pending.

XV. *And be it further enacted by the authority aforesaid,* That in all cases in which the party has been held to special bail, it shall not be necessary to make or file any further or other Affidavit before suing out a Capias ad satisfaciendum upon the judgment obtained in the same action, and that in cases where the party has not been held to special bail, a Writ of Capias ad satisfaciendum may issue after Judgment upon an Affidavit of the same form as is hereby required to be made for the purpose of suing out a Capias in mesne process or upon Affidavit by the Plaintiff, his Servant or Agent, that he hath reason to believe that the Defendant hath parted with his property, or made some secret or fraudulent conveyance thereof in order to prevent its being taken in Execution.

No further Affidavit required in Bailable Action previous to suing out Ca Sa otherwise in Actions not Bailable.

Issues joined in the Home District may be tried before any Judge

Chief Justice or other Judge to issue his Precept to the Sheriff to summon Jurors to try such issues not less than 30 days after Hil. and Trin. Terms.

XVI. *And be it further enacted by the authority aforesaid,* That upon all issues joined in the Court in any suit or action that shall arise or be triable in the Home District, or in the District where the Court shall be holden under any Commission of Assize and Nisi Prius issued after the Terms of Hilary and Trinity respectively, and tested on the last day of each of those Terms, the Chief Justice, or any other Judge of the said Court, shall, as Judge of Assize and Nisi Prius for the said District, try all manner of issues joined in the said Court, which ought to be tried by a Jury of the said District, and that the Chief Justice, or any other Judge of the said Court, shall, as Judge of Assize and Nisi Prius, issue his Precept to the Sheriff of the said District, for the summoning of Jurors for the trying of all such issues as may be joined in the said Court, and arise and be triable in the said District, so that the same may be in no instance holden sooner than thirty days from the end of the Hilary and Trinity Terms respectively.

Commissions may be issued for the examination of Witnesses

XVII. *And be it further enacted by the authority aforesaid,* That when the Plaintiff or Plaintiffs, Defendant or Defendants, in any action now pending, or hereafter to be brought, shall be desirous of procuring the testimony in such suit or suits of any aged or infirm person resident within the Jurisdiction of His Majesty's Court of King's Bench in this Province, or any person who is about to withdraw himself, or herself, beyond such Jurisdiction, or who is residing without the limits of this Province, it shall and may be lawful to and for His Majesty's said Court, or for any Judge thereof in vacation, upon hearing the parties upon the motion of such Plaintiff or Plaintiffs, Defendant or Defendants, to issue one or more Commission or Commissions under the Seal of the said Court, to one or more Commissioner or Commissioners, to take the examination of such person or persons respectively, due notice being given to the adverse party, to the end, that he, she, or they, may cause such Witnesses to be cross-examined.

And when executed in a foreign country to be returned, under the hands and seals of Commissioners.

XVIII. *And be it further enacted by the authority aforesaid,* That in cases of Witnesses residing without the limits of this Province, such Commission or Commissions, with the examination of the Witness or Witnesses taken pursuant thereto, returned to the said Court, with an Affidavit of the due taking thereof thereto annexed, sworn before and certified by the Mayor or Chief Magistrate of the City or place, where the same shall or may be taken close under the hand and seal, or hands and seals of one or more of such Commissioners, shall be taken, prima facie, to have been duly executed and

returned, and shall be received as evidence in the said cause, *Provided* Examination not to be read, if Defendant is living within the jurisdiction of the Court at the time of trial and of sound mind. *always,* That such examination or examinations shall not be read or given in evidence in the said cause, in case the Deponent or Deponents respectively shall be living within the Jurisdiction of the said Court and of sound mind, memory, and understanding, at the time such examination or examinations shall be offered to be given in evidence, and provided it is made appear to the Court before which such examination or examinations is or are put in, that the same has or have not been duly taken.

XIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful in any execution against the person, lands, or goods, of any Debtor or Debtors, for the Sheriff to levy the poundage fees and the expense of the said execution, over and above the sum recovered by the judgment, together with the legal interest upon the amount so recovered from the time of entering the said judgment. Poundage fees, expenses of execution, and interest to be levied.

XX. And whereas, it is expedient to provide for the more public and certain notification of Sales of Lands under execution, in order that all persons having claims thereto may be apprised thereof:

*Be it further enacted by the authority aforesaid,* That before the sale of any Real Estate be had, upon any execution to be sued out after the passing of this Act, the Sheriff shall cause an advertisement to be inserted in the Upper Canada Gazette, at least six times before such sale, specifying the particular property to be sold, the names of the Plaintiff or Plaintiffs, and Defendant or Defendants, and the time and place at which it is intended to proceed to the sale thereof; and the same shall also be advertised in any one public Newspaper of the District in which the lands lie, or by notice put up in the Office of the Clerk of the Peace, or on the door of the Court-house or place in which the Court of General Quarter Sessions for such District are usually holden, for three months before such sale: *Provided always, nevertheless,* That nothing herein contained shall be taken to prevent such adjournment of such sale to a future day. Sales of Lands to be advertised in the U. C. Gazette. and in any Newspaper where land lies.

XXI. *And be it further enacted by the authority aforesaid,* That from and after the first day of July next ensuing, it shall not be lawful for any Sheriff or his Deputy in any District of this Province, directly or indirectly, to trade, traffic, sell, or vend goods, wares, or merchandize, either by wholesale or retail, or keep a shop, or expose for sale, any such goods, wares, or merchandize, or to maintain any action at Law for the recovery of any debt, the amount, consideration, or account, being for such goods, wares, or merchandizes, excepting always such as by the duties of his office he is legally commanded to do. Sheriffs not to trade as merchants or Sheep-Keepers.

XXII. *And be it further enacted by the authority aforesaid,* That the first and last days of all periods of time limited by this Act, or hereafter to be limited by any rules or orders of Court for the regulation of practice, be inclusive. First and last days of all periods limited by this Act and Rules of Court inclusive.

XXIII. *And be it further enacted by the authority aforesaid,* That the form of proceeding in the said Court shall be by a course of pleading to issue in a most compendious manner, and that in all actions founded on a common undertaking, the following form of declaration may be adopted:

A. B. complains of C. D. late of \_\_\_\_\_ for that whereas the said C. D. on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ was indebted to the said A. B. in the sum of \_\_\_\_\_ (the Form of Declaration.

consideration advanced,) and being so indebted, he the said C. D. then and there undertook, and faithfully promised the said A. B. to pay him the said sum, when he the said C. D. should be requested, and though since requested, doth now refuse so to do, to the said A. B. his damage of £                      who therefore brings his suit.

XXIV. *And be it further enacted by the authority aforesaid,* That each and every of the statutes of jeofails, and each and every of the statutes of limitations, and each and every of the statutes for the amendment of the law, excepting those of mere local expediency, which from time to time have been provided and enacted respecting the law of England, be adopted and declared to be valid and effectual for the same purposes in this Province.

XXV. And in order to discourage vexatious suits, and to prevent additional charges upon any defendant or defendants who may be willing to pay the sum which he or they shall admit to be justly due, *Be it enacted by the authority aforesaid,* That in all cases, where the sum demanded by any plaintiff or plaintiffs is a sum certain, or is capable of being ascertained by computation of numbers, it shall and may be lawful for any defendant or defendants to move that he or they may be at liberty to pay into Court such sum as he or they shall propose to pay in full discharge of the said demand; whereupon the Court may order a rule to be drawn up to such effect, or in time of vacation such order may be made by a Judge of the Court; and in case the plaintiff shall be willing to accept, and shall accept the same, together with all costs accruing to that time, to be taxed by the proper officer, the same shall be in full satisfaction of such his demand, and all further proceedings in the said action shall cease: and to the end that every plaintiff, or his attorney, may know of such proceeding, the defendant or defendants shall, and are hereby required to serve a copy of the rule authorising such payment to be made, upon the plaintiff, or his attorney, at the time filing his plea of the general issue to such plaintiff's declaration.

XXVI. *Provided always,* That upon payment of money into Court, it shall and may be lawful for the officer receiving the same to demand and take a sum not exceeding twenty shillings, for every hundred pounds so paid into Court, and at and after the same rate and proportion, for every sum of money so paid, and also to demand and take the sum of one shilling for every receipt by him given on account of money so paid in, as aforesaid.

XXVII. And for the more convenient administration of justice throughout the Province, *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 issue yearly, and every year, in the vacation between the Michaelmas and Trinity Terms, such commissions of Assize and Nisi Prius, into the several Districts, as may be necessary for the purpose of trying all issues joined in the said Court, in any suit or action arising in the said Districts respectively; and that when a suitable communication by land shall be opened from the city, town, or place, which shall be the seat of Government, into the respective Districts, and the circumstances of the Province may require it, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Pro-

Statutes of Jeofails limitation and amendments declared to be in force in this Province.

Defendant may pay money into Court.

Officer to receive one per cent. on monies paid into Court.

Commissions of Assize and Nisi Prius to be issued yearly, and when circumstances require it, twice a year

vince, likewise to issue yearly, and every year, in the vacation between the Hilary and Easter Terms, such Commissions of Assize and Nisi Prius, into each of the several Districts, as may be necessary for the trial of all issues joined in manner aforesaid.

XXVIII. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall prevent, or be construed to prevent, the Governor, Lieutenant Governor, or Person administering the Government of this Province, from issuing a special-commission, or commissions, for the trial of one or more offender or offenders, upon extraordinary occasions, when he shall deem it requisite or expedient that such commission should issue.

Special Commissions may also be issued to try Offenders.

XXIX. *And be it further enacted by the authority aforesaid,* That no writ of enquiry shall issue to the Sheriff, in cases where judgment shall have gone by default, but in all such cases the damages shall be ascertained at the same time, and in like manner, as if the parties had pleaded to issue, and that an entry thereof be made on the roll accordingly.

No Writ of Enquiry to issue to any Sheriffs, but damages to be ascertained as if Parties had pleaded to issue.

XXX. *And be it further enacted by the authority aforesaid,* That every common juror shall be allowed the sum of one shilling and three pence, in every cause in which he shall be sworn as a juror, to be paid by the plaintiff, or his attorney, and to be accounted for in costs by the party charged with the payment thereof.

Jurors allowed 1s. 3d. each.

XXXI. *And be it further enacted by the authority aforesaid,* That the Sheriffs of the several Districts shall, and they are hereby required, to make return of all Writs of Nisi Prius, which shall be delivered to them, or their sufficient deputy, before the said Chief Justice, and every other Judge who shall be assigned to execute such Commissions of Assize and Nisi Prius, and shall give their attendance upon the said Chief Justice, and each other Justice, as well for the returning of such tales de circumstantibus as shall be prayed for the trial of such issues, as for the maintenance of good order in the King's Court, and for the doing and executing of all other things to the office of Sheriff in such case belonging and appertaining.

Sheriffs to return Writs of Nisi Prius & attend the Judges on their Circuits.

XXXII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Clerk of the Crown and Pleas to have, and he is hereby required to have, in each and every District of this Province, except the Ottawa, an office, the duties of which shall be discharged by deputy, in which actions in the said Court may be instituted, and all necessary proceedings had before final judgment, and a Writ of Capias, ad satisfaciendum, after such final judgment may be issued, in the same manner as the same may be done in the principal office of the said clerk.

Clerk of the Crown to have an Office in each District.

XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That the precipe and affidavit (where one shall be required) filed in the said District office, on issuing any Capias, ad satisfaciendum, shall be transmitted to the principal office within one month after the same shall have been filed as aforesaid.

Precipe & Affidavit filed in the said offices on suing out Capias to be transmitted to the principal Office.

XXXIV. *And be it further enacted by the authority aforesaid,* That whenever either the plaintiff or defendant, in any suit hereafter to be instituted, in any



District, except the Home District, may think it necessary to produce to the Court the Writ, Declaration, Plea, or any other proceedings which may have been filed in such cause, it shall and may be lawful for the said Plaintiff or Defendant to demand and receive from the Deputy Clerk of the Crown and Pleas in the District a Copy of such Writ, Declaration, Plea, or other proceeding in the cause, certified by the said Clerk to be a true Copy of the original, which Copy shall be received by the Court in all cases in lieu of the original, and as a proof thereof.

Deputy Clerks of the Crown to certify proceedings if required.

All proceedings to be transmitted to the principal Office before final Judgment.

XXXV. *And be it further enacted by the authority aforesaid,* That before final Judgment, the several proceedings that have been had in the cause shall be transmitted to the principal office of the said Clerk, and shall remain in his custody.

Eight days notice of trial to be given in all cases, and four days notice of countermand.

XXXVI. *And be it further enacted by the authority aforesaid,* That no indictment, information or cause whatsoever, shall be tried at Nisi Prius before any Judge or Justice of Assize or Nisi Prius in any District of this Province, unless notice of trial, in writing, has been given at least eight days before such intended trial; and in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same in writing at least four days before such intended trial, every such party shall, upon neglect of bringing such issue to trial, be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid the like costs and charges as if such trial had not been countermanded.

Dilatory Pleas may be argued before a Judge in vacation.

XXXVII. *And be it further enacted by the authority aforesaid,* That whenever the Defendant in any action shall in term time, plead any dilatory plea, in case such plea shall be a matter in Law and not of fact, it shall and may be lawful, to and for the Plaintiff in the said action, to set down such plea for argument on the next day on which the said Court shall sit, or on any other day in the term, giving two days notice thereof to the Defendant or his Attorney; and in case such plea be filed in the time of vacation, or being filed in term time, the said Plaintiff shall neglect so to set down the same for argument as aforesaid, it shall and may be lawful to and for the said Plaintiff to apply to any Judge of the said Court to hear and determine the issue joined thereon in like manner as the same may now be done in open Court; and in case the said Judge shall give Judgment for the Plaintiff, he, the said Judge, shall, by an order under his hand, direct the said plea to be taken off the file, with costs to be taxed by the proper Officer; and the said Defendant shall, within four days from the date of such order, plead an issuable plea, and shall rejoin gratis, and shall also be bound to go to trial at such time as he would have been bound to go to trial in case he had pleaded such issuable plea in the first instance, and not such dilatory plea.

Costs in Civil Suits to be regulated by the Laws of England.

XXXVIII. *And be it further enacted by the authority aforesaid,* That the allowance of costs to either party, Plaintiff or Defendant, in all civil suits and penal actions, be regulated by the Statutes and usages which direct the payment of Costs by the Laws of England.

Commissioners to be appointed for taking Affidavits.

XXXIX. *And be it further enacted by the authority aforesaid,* That the Chief Justice, and other the Justices of the said Court of King's Bench for the time being, or any two of them, whereof the Chief Justice for the time being to be one, shall and may, by one or more Commission or Commissions under the

Seal of the said Court; from time to time as need shall require, empower what, and as many persons as they shall think fit and necessary, in all the several Districts within this Province, to take and receive all and every such affidavit and affidavits, as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing, depending, or hereafter to be depending, or in anywise concerning any of the proceedings to be in the said respective Courts, and that it shall and may be lawful, for any Judge of Assize, and in his circuit, to take and receive any affidavit or affidavits, as any person or persons shall be willing and desirous to make before him, in or concerning any cause, matter or thing, depending, or hereafter to be depending, or in anywise concerning any proceedings to be had in the said Court of King's Bench, which said affidavits, taken as aforesaid, shall be filed in the office of the said Court, and there be read and made use of in the said Court to all intent and purposes, as other affidavits taken in the said Courts ought to be, and that all and every affidavit and affidavits taken as aforesaid shall be of the same force as affidavits taken in the said court shall and may be, and all and every person or persons forswearing him, her, or themselves, in such affidavit or affidavits, shall incur and be liable unto the same pains and penalties, as if such affidavit or affidavits had been made and taken in open Court. *Provided always*, That for the taking of every such affidavit, the person or persons so empowered, and taking the same, shall, for so doing, receive only the sum or fee of twelve pence and no more.

Penalties of Perjury for false swearing.

1s. for Oath.

XL. *And be it further enacted by the authority aforesaid*, That the Chief Justice for the time being, and other the Justices of the said Court of King's Bench, or any two of them, whereof the said Chief Justice shall be one, shall or may, by one or more commission or commissions under the seal of the said Court, from time to time as need shall require, empower such and as many persons as they shall think fit and necessary in all and every the several Districts of this Province, to take and receive all and every recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any action or suit depending, or hereafter to be depending in the said court, in such manner and form, and by such recognizance or bail, as the Justices of the said court may hereafter take, or may think fit, which said recognizance or recognizances of bail, or bail piece so taken as aforesaid, shall be filed in the office of the clerk of the crown in the District, where the same shall be taken, together with an affidavit of the due taking the recognizance of such bail or bail piece, by some credible person present at the taking thereof, which recognizance of bail or bail piece so taken and filed, shall be of the like effect as if the same were taken in open court, for the taking of which recognizance or recognizances of bail or bail piece, the person or persons so empowered, shall receive only the sum or fee of two shillings, and no more: *Provided always*, nevertheless, that nothing herein contained, shall extend to preclude any party from excepting to the bail in the manner and within the time prescribed by Law.

Commissioners may be appointed for taking bail.

XLI. *And be it further enacted by the authority aforesaid*, That the Justices respectively shall make such rules and orders for the justifying of such bails

Justices to make orders regulating the justifying of bail before Commissioners.

and making of the same absolute as to them shall seem meet, so as the cognizor or cognizors of such bail or bails, be not compelled to appear in person in the said court, to justify him or themselves, but the same may, and is hereby directed to be determined by affidavit or affidavits, duly taken before the said commissioners, who are hereby empowered and required to take the same, and also, to be examined by the Justices upon oath touching the value of their respective estates.

Judges of Assize may take bail.

XLII. *And be it further enacted by the authority aforesaid,* That any Judge of Assize in his Circuit, shall and may take, and receive all, and every such recognizance or recognizances of bail or bails, as any person shall be willing and desirous to make and acknowledge before him, which being transmitted in like manner as aforesaid, shall, without oath, be received in manner as aforesaid.

Ordinances of Quebec repealed.

XLIII. *And be it further enacted by the authority aforesaid,* That the several Acts and ordinances of the Governor and Council of the late Province of Quebec, whereby the several courts of common pleas in this Province were constituted, and from time to time continued, be, and each and every of them are hereby repealed.

No attorney to trade as a shop keeper.

XLIV. *And be it further enacted by the authority aforesaid,* That after twelve months from the passing of this Act, no attorney of this court being a merchant, or in any wise concerned by partnership, public or private, in the purchasing and vending of merchandize in the way of trade, as a merchant, shall be permitted to practise in the said court, during the time he may be such merchant or so engaged as aforesaid, nor until twelve months after he shall have ceased to be such merchant, or so engaged as aforesaid.

Judges to establish fees to be taken by all of officers the Court.

XLV. *And be it further enacted by the authority aforesaid,* That from and after the first day of Easter term next, it shall and may be lawful, to and for the said Court of King's Bench, and they are hereby required by order or rule, or order or rules to be pronounced by the said court during the said term of Easter, or during any subsequent term or terms, from time to time, to ascertain, determine, declare, and adjudge, all and singular the fees which shall and may be taken, or be allowed to be taken by any clerk of the crown, counsel, attorney, sheriff, officer, or other person, from or in respect of any business after the first day of Easter Term, to be done or transacted in the Court of King's Bench, as well in civil causes as in criminal prosecutions, as in all matters and things, causes and proceedings, which thereafter shall or may be depending in the said court, which regards the King's revenue, or under any commission of Oyer and Terminer and general gaol delivery, or under any special commission of Oyer and Terminer, any former law to the contrary notwithstanding.

No Commissions or proceedings to be hereby avoided.

XLVI. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend to annul any existing commission or authority of any officer or commissioner heretofore appointed to any office which may require to be continued by the provisions of this Act, or to make void any proceedings now depending in the said court of King's Bench, but that the said office shall be conducted, and the said proceedings be continued and carried on according to the several provisions herein contained.

## C H A P. II.

An Act to reduce into one Act the several Laws now in force for Establishing District Courts, and Regulating the Practice thereof, and also to extend the Powers of the said District Courts.

[Passed 17th January, 1822.]

**WHEREAS** it is expedient to amend and reduce into one Act the several laws now in force for establishing and regulating the practice of the several district courts within this Province: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That an Act passed in the thirty-fourth year of His late Majesty's Reign, entitled, "An Act to establish a court for the cognizance of small causes in each and every district in this Province," also an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled "An Act to extend the jurisdiction, and regulate the proceedings of the District Court and Courts of Requests," also an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled, "An Act to repeal part of an Act passed in the thirty-seventh year of the Reign of His Majesty, entitled, "An Act to extend the jurisdiction, and regulate the proceedings of the District Court and Courts of Requests, and to make further provision for the same," also the first clause of an Act passed in the fifty-first year of His late Majesty's Reign, entitled, "An Act to amend the process of the District Courts, and also further to regulate the proceedings of Sheriffs in the sale of goods and chattels taken by them in execution;" and also an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled, "An Act to repeal and amend certain parts of an Act passed in the thirty-fourth year of His Majesty's reign, entitled, "An Act to establish a court for the cognizance of small causes in each and every district of this Province," and also an Act passed in the thirty-seventh year of His Majesty's Reign, entitled "An Act to extend the jurisdiction, and regulate the proceedings of the District Court and Courts of Requests," be, and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That there be constituted and established in each and every district within this Province, a Court of Record, which shall be known by the name and style of the District Court of each respective district, to be holden by one or more judge or judges to be appointed under the great seal of this Province.

III. *And be it further enacted by the authority aforesaid,* That the said courts shall hold plea in all matters of contract from forty shillings to fifteen pounds,

34th Geo. 3d. ch. 3.  
37th Geo 3d ch. 6.  
38th Geo. 3d ch 3,  
1st sec. 51 Geo 3d ch.  
8, 53 Geo. 3d ch. 9,  
repealed.

District Courts established.

Jurisdiction of the said Courts.

and when the amount is liquidated or ascertained, either by the act of the parties, or the nature of the transaction, to forty Pounds : and also in all matters of Tort respecting personal chattels, when the damages to be recovered shall not exceed fifteen pounds, and the title to the lands shall not thereby be brought into question.

Terms of Sitting.

IV. *And be it further enacted by the authority aforesaid,* That the periods of sitting terms for the said court in each and every year, shall severally commence on the Monday, in the week next but one preceding the week, and at the place in which the Quarter Sessions are respectively holden in each District, and shall end on the Saturday in the same week.

Course of Proceeding in Actions not Bailable.

V. *And be it further enacted by the authority aforesaid,* That in all actions, not bailable, the course and proceedings in the said courts shall be by summons, issuing in the King's name, directed to the Sheriff of the District where the court shall be holden, tested in the name of the first Judge of the said court, which may be in the following form :—

DISTRICT } GEORGE the FOURTH, by the Grace of GOD, of the  
TO } United Kingdom of Great Britain and Ireland, King, De-  
WIT: } fender of the Faith :

TO the Sheriff of said District-----GREETING :—

Form of Summons.

WE command you that you summon A. B. to appear, either in person or by his attorney, at our District court, to be holden at \_\_\_\_\_ in the said District, on the \_\_\_\_\_ day of \_\_\_\_\_ (next or instant, as the case may be, being some day in term,) to answer the complaint of C. D. in a plea of \_\_\_\_\_ as the case may be, (here state the cause of action) to the damage of the said C. D. of \_\_\_\_\_ for which he brings the suit.

Service of Process.

VI. *And be it further enacted by the authority aforesaid* That the said Process shall be personally served on the defendant or defendants, by a literate person, at least eight days before the return day thereof, and in case the defendant or defendants shall not appear, either in person or by attorney on the return thereof, it shall and may be lawful for the said plaintiff or his attorney, on the day next after such return day, upon affidavit made of the service of such process, to enter an appearance for such defendant or defendants, and on the day next after the entry of such appearance, in case the defendant shall not have appeared and discharged the costs of such entry either in person or by his attorney, it shall and may be lawful for the plaintiff to sign judgment.

Appearance may be entered by Plaintiff for Defendant.

Plaintiff may in default of Def'ts appearance, sign judgment.

Defendant may appear and plead.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the defendant or defendants, his or their attorney, to appear on the return day of the writ, and file his plea on or before the third day after such appearance, which in case the same shall be an action of assumpsit, and he means to defend the suit, and to plead the general issue, may be in the following form :—

“ The said A. B. appears in person or by G. N. his attorney, and says he made no such promise,” and in default of a plea upon the third day after such appearance, it shall and may be lawful for the plaintiff to sign judgment.

Appearance and plea of the general issue by Defendant.

VIII. And whereas, it is expedient to authorise the said courts to

the writs of *capias* in all actions of contract within their respective jurisdiction; *Be it therefore enacted by the authority aforesaid*, That the said District Courts, and each and every of them, are hereby authorised and empowered to issue writs of *capias*, *ad respondendum*, in all actions of contract within their jurisdiction, and in like manner to issue writs of *capias*, *ad satisfaciendum*, on all judgments regularly entered in said courts, or which at any time hereafter may be so entered.

Writs of *Capias ad Respondendum* and *ad satisfaciendum* may issue.

IX. *And be it further enacted by the authority aforesaid*, That before any such writ as aforesaid, shall be sued out, the same affidavit as may by law be required to authorise the issuing of a like writ from the Court of King's Bench in this Province, shall be made before a judge of the District Court, the clerk thereof, or before a commissioner of the said Court of King's Bench duly appointed to take affidavits, and the said affidavit so made, shall be filed with the aforesaid clerk.

Affidavit to be made previous to suing out *Capias ad respondendum* or *Satisfaciendum*.

X. *And be it further enacted by the authority aforesaid*, That the Sheriff to whom a writ of *capias ad respondendum* issuing out of any District Court, may be directed shall take bail thereon, and assign the bail bond, if required, in like manner as the law does or shall direct in cases where the like process may be issued from the said Court of King's Bench, and such assignment shall have the like validity and effect in the one instance as in the other.

Bail Bond to be taken and assigned.

XI. *And be it further enacted by the authority aforesaid*, That the defendant or defendants in everyailable action shall be allowed two days after the return of the writ, to enter and perfect bail to such action, and to give notice thereof to the plaintiff or plaintiffs, or his or their attorney, and the recognizance of such bail shall be the same in substance as the recognizance taken in the said Court of King's Bench, and may be acknowledged before any judge of the District Court issuing the writ, or before a commissioner of the said Court of King's Bench duly appointed to take recognizance of bail in the same District.

Time for and manner of perfecting bail.

XII. *And be it further enacted by the authority aforesaid*, That all affidavits of justification of bail may be taken before a judge of the said District Court, or before the clerk thereof, or a commissioner for taking affidavits in the Court of King's Bench, and shall be duly filed by such clerk, and the practice of the said Court of King's Bench shall be the rule of decision in all matters respecting the justification of such bail.

Bail may justify by affidavit.

XIII. *And be it further enacted by the authority aforesaid*, That each of the said District Courts shall have power to grant such relief to the debtor, the bail to the Sheriffs, or the bail to the action, as might be done by the said Court of Kings Bench, in case such action had been instituted in the said last mentioned Court.

Bail may be relieved on application to the said Courts.

XIV. *And be it further enacted by the authority aforesaid*, That the plaintiff or plaintiffs may file a declaration, *de bene esse*, in any suit where a *capias* in the first instance shall issue, and if the defendant or defendants shall enter and perfect bail to the action, in due time as herein before mentioned for that purpose, he, or they, shall be bound to plead to such declaration, within two days after the perfecting of such bail without any demand of plea, and the conditional filing of the said declaration, shall, in no case discharge

Declaration may be filed *de Bene Esse*, & Defendant bound to plead within two days after bail perfected without any demand of plea.

the defendant or defendants, from the necessity of entering and perfecting bail to the action aforesaid.

XV. *And be it further enacted by the authority aforesaid,* That whenever the amount of the penalty of the aforesaid bail bond to be taken by the Sheriff, shall exceed the sum of forty pounds, an action on such bail bond so exceeding the said sum, may be brought in the aforesaid court, and proceeded upon to final judgment and execution, as in other actions therein, any thing herein contained to the contrary notwithstanding.

XVI. *And be it further enacted by the authority aforesaid,* That where there are mutual debts between the plaintiff and defendant, or if either sue or be sued as executor or administrator, when there are mutual debts between testator and intestate, and the other party, one debt may be set against the other, and such matter may be given in evidence on the general issue, so as at the time of pleading the general issue when any such debts is to be insisted on in evidence, notice be given of the particular sum or debts so intended to be insisted on, and on what account it became due.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases where the defendant or defendants shall enter, or cause his, or their appearance to be entered at the return of the writ, it shall and may be lawful, for him or them, on motion made in court to be supported by affidavit, to apply for further time to put in their plea, which motion the court shall be at liberty to grant where sufficient cause shall be shewn, and also to impose such terms on the defendant as justice may require.

XVIII. *And be it further enacted by the authority aforesaid,* That four days notice of trial and assessment of damages shall be given to the defendant or defendants of every issue to be joined in the said court, which notice may be lawfully countermanded, provided such countermand be served on the defendant or his attorney, two days before time appointed for the trial of the said issue, or the Assessment of damages.

XIX. *Provided always, and be it further enacted by the authority aforesaid,* That when the plaintiff having given notice of trial, and not having countermanded the same, within the time aforesaid, shall neglect to enter the cause and bring forward the said issue for trial, he shall pay to the defendant or defendants all reasonable costs and charges by him incurred on account of such notice; and in case the said plaintiff shall not give fresh notice of the trial of the said issue on or before the third day of the term next ensuing, it shall and may be lawful for the defendant to move for, and the court to give the like judgment as in cases of a non-suit.

XX. *And to the end that the trial of all issues to be joined in the said court as well as the assessment of damages upon judgments obtained by default as aforesaid, may be had at the most convenient time and place, it shall and may be lawful for the judge presiding in the said court to issue his precept to the Sheriff of the District, at least seven days before the week in which the sessions are holden, requiring him to summon, and the said Sheriff shall and is hereby required, upon receipt of such precept, to summon, not less than thirty-six nor more than forty-eight jurors, living within the said District, to be and appear in the town or place where the Quarter Sessions are usually holden, on the same day on which the said Sessions*

Action may be prosecuted on bail bonds taken in causes instituted in the said courts, although the penalty exceeds £40.

Notice of set off may be given.

Court may grant further time to plead.

Four days notice of trial and assessment of damages to be given, and two days countermand thereof.

Costs may be awarded for not proceeding to trial pursuant to notice.

Judgment as in case of a non-suit may be given.

Judges of the said Courts to issue their precept to the Sheriffs of their respective Districts to summon not more than 48 nor less than 36 Jurors to appear at the time and place of holding the General Quarter Sessions.

do severally commence to be holden, from whom a jury shall be taken for the trial of each issue, and the assessment of damages as in like manner directed in all cases to be tried at nisi prius, and each person sworn for the trial of any issue joined, or for the assessment of damages as aforesaid, shall be entitled to receive six pence and no more.

Jurors to receive 6d each.

XXI. *Provided always and be it further enacted by the authority aforesaid,* That in all actions upon promissory notes, when judgment by default shall be signed in the said District Courts, it shall and may be lawful for the judge of the said Court, in term time only, upon proof of the service of notice of such intended proceeding, to compute the principal and interest due on any such note, or notes and proceed to final judgment and execution, in the same manner as if the damages had been assessed by a jury, any thing contrary thereof in any wise notwithstanding.

Judges may compute principal and interest on promissory notes where judgment by default has been signed, and give final judgment without the intervention of a Jury.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the party for whom any verdict shall be rendered, or his attorney, to sign final judgment on the third day of the term next after the giving of the said verdict, and to proceed to sue out execution immediately.

Plaintiff may enter judgment on verdicts on the 3d day of the term next after trial.

XXIII. *And be it further enacted by the authority aforesaid,* That when the party defendant shall have any material or just cause to show why judgment should be arrested, or the party, plaintiff or defendant, any such cause to show why a new trial should be had, it shall and may be lawful for the said party, either in person or by his attorney, on the first and second day of the term next ensuing the said verdict, to move the court on grounds to be supported by affidavit, for a rule to show cause to the effect above mentioned; and in case the court shall see sufficient grounds for the granting of such rule, notice thereof shall be served on the opposite party, or his attorney, and on hearing the parties, the said rule shall be made absolute, or discharged in the course of the said term.

Either plaintiff or Defendant may move in arrest of judgment or for a new trial.

And court on sufficient grounds may grant the same.

XXIV. And in order to enforce obedience to the orders of the Judges of the said courts: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful, for the Judge or Judges of the said courts respectively, and they are hereby authorised, upon due proof of disobedience to the regular order to the said courts, or of any wilful contempt or resistance to the regular process or order of the said courts, to proceed against the parties so withstanding, disobeying or offending, by attachment to be directed to the Sheriff; and in case the Sheriff shall be party in the said process or order, to be directed to the Coroner of the District, who is hereby authorised and required to execute the same, and upon the appearance of the said party so offending upon the return of the said attachment, shall and may be lawful for the Judge issuing the same, to proceed thereon in the same manner as is now practised in the Court of King's Bench.

Courts may issue attachments in certain cases of contempt.

XXV. *Provided always, and be it further enacted by the authority aforesaid,* That the said Judge or Judges respectively, shall not have power or authority to order the party offending, to be fined a greater sum than ten pounds, nor be imprisoned a longer period than one calendar month.

But party offending not to be fined more than £10, or imprisoned beyond one month.

XXVI. *Provided also, and it is hereby enacted by the authority aforesaid,* That nothing in this Act contained shall extend, or be construed to extend, to an-



No Commissions or proceedings to be avoided by this act.

nul or make void any existing commission of Judge of the District Court, in any District in this Province, or to interfere with or obstruct any proceeding now depending in any District Court in this Province, but that the same shall continue and proceed as if this Act had never been passed.

XXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for the persons hereinafter named, to demand and receive the following fees :—

JUDGE.

Table of Fees.

	£	s.	d.
On every Writ of Capias, ad Respondendum, and Summons issued,	0	2	6
For every Special Motion,	0	5	0
Taxing Costs and entering final Judgment,,	0	10	0
Every Verdict of Jury,	0	5	0
Taking Recognizance of Bail,	0	1	6
Taking every Affidavit,	0	1	0

COMMISSIONER.

Taking recognizance of Bail,	0	1	6
Taking Affidavit,	0	1	0

ATTORNEY.

Instruction to Sue or Defend,	0	5	0
Declaration,	0	4	0
Copy of every paper, half the amount allowed for the original, General issue, appearance, interlocutory judgment, notice of set off Cognovit, or entering final judgment,	0	2	6
Every Special Plea,	0	3	9
Every Notice,	0	1	0
Drawing Bill of Cost,	0	1	0
Every necessary attendance,	0	1	0
Special Motion,	0	5	0
Brief and Fee,	0	10	0
Drawing Bail Piece,	0	4	0
Recognizance,	0	2	0
Drawing Affidavit,	0	2	6

SHERIFF.

For every Jury Sworn,	0	4	0
Service of Summons of Capias,	0	2	6
Filing every Execution,	0	5	0
Poundage on all Writs of Execution, at 2 1 2 per cent.			
Milage, . . . . . Four pence per Mile,			
Returning Writ of Execution,	0	1	0
Bail Bond,	0	2	6
Assignment thereof,	0	1	0

CLERK.

Every writ of Summons, Subpœna, or Capias ad Respondendum issued, and filing Præcipe therefore,	0 2 6
Filing every other separate paper.	0 0 6
Taking Verdict,	0 2 6
Entering Judgment,	0 2 6
Taking every Affidavit,	0 1 0
Every Writ of Execution and filing Præcipe,	0 5 0

CRIER.

Swearing Jury,	0 1 0
For calling each cause,	0 0 4

XXVIII. *And be it further enacted by the authority aforesaid,* That no person whatsoever shall claim or be entitled to any other or greater fee for any business done by him in the said District Court, whether as judge, commissioner, attorney, sheriff, clerk, or crier, than is set down for him in this Act, or any fee for any business done by him in the said court, other than the business which is prescribed and directed by law, nor shall any such fee be allowed in any bill of costs.

No other Fees to be allowed than those enumerated in this Act.

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## C H A P. III.

An Act to Repeal part of, and Amend the Laws now in force for Raising and Training the Militia of this Province.

[Passed 17th January, 1822.]

**W**HEREAS it is expedient to repeal part of, and to amend the laws now in force in this Province for the regulation of the militia; 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 so much of the fifth 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 requires the Militia to be called out annually on the fourth day of June, and also the thirteenth clause of the said Act, and so much of the fourteenth clause of the said Act, as directs that every person who shall be enrolled, of any regiment, battalion or independent company, shall, within six months thereafter, provide himself with at least six rounds of powder and ball, be and the same are hereby repealed.

Preamble.

Militia to be called out annually on the 23d of April.

II. *And be it further enacted by the authority aforesaid,* That the militia shall, from and after the passing of this Act, be called out annually on the twenty-third day of April for review, or in case it should happen on a Sunday, then on the next day, and that any person neglecting or refusing to attend, except in case of sickness, or having obtained leave of absence, shall be liable to be punished for such neglect or refusal, in the manner pointed out by the said recited Act.

Any non-commissioned officer or private guilty of drunkenness or disobedience of orders on parade, may be committed to gaol for two days.

Commanding officer may direct a board of officers to assemble and try offenders, and to impose a fine on delinquent, not exceeding £5, nor less than 10s

Fines to be levied by warrant under the hand of the commanding officers.

And in default of goods, person convicted to be imprisoned not longer than one month, nor less than 5 days.

III. *And be it further enacted by the authority aforesaid,* That if any non-commissioned officer or private be guilty of drunkenness, or shall neglect or refuse to obey the lawful orders of his superior officer or officers when on militia duty, or shall quarrel with, or insult, by abusive words or otherwise, any officer or non-commissioned officer, at any muster or training, whether in regiment, battalion or company, it shall and may be lawful for the commanding officer then present, to direct such non-commissioned officer or private to be forthwith taken into custody, and committed to the common gaol of the District, for a time not exceeding two days, there to remain without bail or mainprize; and it shall and may be the duty of the Sheriff or his gaoler, to receive such non-commissioned officer or private into the said gaol, and there to detain him during such period as shall be specified in a warrant from the said commanding officer, not exceeding the said term of two days; or if the said commanding officer of the regiment or battalion, shall deem it more expedient to punish such offender or offenders by fine, it shall and may be lawful for the said commanding officer to direct a board of officers, consisting of one captain and three subalterns, to assemble to try such offender or offenders, and if such offender or offenders shall be convicted of the offence or offences alledged against him or them, it shall and may be lawful for the said board to impose a fine upon such offenders, or any of them, of any sum not exceeding five pounds, nor less than ten shillings, to be levied by warrant under the hand and seal of the officer presiding at the said board, of the goods and chattels of the offender or offenders, and in default of such goods and chattels, the person or persons convicted shall be committed by the officer presiding at the said board to the common gaol of the District, for a term not exceeding one calendar month, nor less than five days, unless such fine and all reasonable costs are sooner paid.

IV. *And be it further enacted by the authority aforesaid,* That if any non-commissioned officer or private, who may be ordered to apprehend or escort to gaol any offender who may be ordered to be committed under this Act, shall neglect or refuse so to do, without a good and sufficient excuse to be allowed by the commanding officer of the regiment, he shall, if a non-commissioned officer, be reduced to the ranks, and shall be subject to a fine of one pound, and if a private, he shall forfeit and pay the sum of ten shillings, on conviction before any two of His Majesty's justices of the peace, to be levied in the same manner as all other militia fines may now be levied by such justices of the peace; and in default of goods and chattels sufficient to satisfy such fine, the person or persons convicted before such justices of the peace, shall and may by warrant under the hands and seals of such justices, be committed to the common gaol of the District, for a term not exceeding eight

days nor less than one day, or until the fine and reasonable costs are paid, not exceeding the said period of eight days.

V. *And be it further enacted by the authority aforesaid,* That all officers who may be appointed to compose any board for the trial of any offender or offenders under this Act, shall, before proceeding to the trial of such offender or offenders, take the following oath: "I do sincerely promise and swear, that in all such matters as shall be brought before me for trial, under the militia laws of this Province, I will faithfully act, according to the best of my judgment, agreeably to the said laws, without favor or partiality to any person, so help me God," which oath may be administered by any one member to the other members of the said board.

Board of Officers trying an offender, to take the following oath.

Oath.

VI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be the duty of every officer commanding the several regiments, battalions or independent companies of militia in this Province, to appoint a clerk to each company of such regiment, battalion or independent company, whose duty it shall be to keep registers of their respective companies, to furnish the non-commissioned officers with lists of the men whom they are directed to warn for training, or other militia duty, and to take lists of the companies as often as required by the officers commanding them, to attend commissioned officers making inspection of arms, to attend all musters, to keep an account of all fines which may be levied in their respective companies, and to make out all returns which may be necessary in their respective companies; and it shall be lawful for the commanding officer of any regiment, battalion, or independent company, to allow and pay to the clerk of each company a proportion, not exceeding one fifth of the fines which may be collected in the company to which he may belong, until such proportion shall amount to the sum of five pounds, as a reward for his services and trouble in doing the duty enjoined hereby.

Commanding Officers to appoint a clerk to each company.

Duty of such clerks.

Clerk may receive not to exceed one fifth of the fines collected in his company, as a compensation for his trouble, provided the same do not exceed £5.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the colonel, or officer commanding any regiment or battalion of militia, to appoint a serjeant-major and clerk, for such regiment or battalion, and to displace such serjeant-major or clerk, and appoint others in their room, as he shall see occasion, and the serjeant-major and clerk for the time being, shall be exempted from all balloting for actual service; and it shall be the duty of such serjeant-major and clerk to attend all musters or trainings of the regiment or battalion to which they may belong, and to execute the orders of their commanding officer in all matters touching or belonging to the duties of their respective situations.

A clerk and serjeant-major to be appointed to each regiment,

Who shall be exempted from balloting for actual service.

Duty of such clerk and serjeant-major.

VIII. *And be it further enacted by the authority aforesaid,* That the colonels or officers commanding regiments or battalions, shall, within one month after any general training, make out and transmit to the Adjutant General of the militia, for the information of the Governor, Lieutenant Governor, or Person administering the Government, returns of the strength of their regiments or battalions, and also returns of arms, and an account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for such expenditure, and all captains or officers commanding companies, are hereby required to make out and transmit to the officer

Commanding Officers of regiments or battalions to make returns of the state of their regiments, within one month after general training and an account of all monies received and expended on account thereof with proper vouchers.

Repealed by 4 Geo. 4 Ch. 5 A.D. 1823.

as to clerk repealed by 4 Geo. 4

Officers commanding Companies to transmit twice a year to the Officer commanding their Regiments, returns of the strength of their companies and of their accoutrements according to the forms prescribed by the Adjutant General.

Companies to be divided into two classes

Flank Companies to be formed.

In time of war by ballot unless a sufficient number of volunteers.

Flank Companies to be supplied with arms in preference to any others.

Flank Companies may be called out ten times a year and then exempted from Statute Labor and Parish Offices

This Act not to interfere with any appointment held at the time any person may be attached to a flank Company.

Lists to be made out by which they may be called into actual service.

Manner of Balloting

commanding the regiment or battalion to which such companies belong, twice in every year, viz : on or before the fifteenth day of March, and the fifteenth day of September, and as often further as required by the commanding officer of the regiment or battalion, returns of the strength of their respective companies, with fair roles thereof, and also returns of arms and accoutrements; and all forms of returns prescribed by the Adjutant General of Militia, shall be uniformly adopted.

**IX.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the officers commanding the regiments or battalions of militia, to cause the captains or officers commanding companies in their respective regiments or battalions, annually to divide their companies into two classes, the first of which shall consist of all the able men from the age of sixteen to the age of forty years inclusive, and the other class to consist of all the men above the age of forty; and the commanding officers of regiments or battalions shall and may select from the first class, such men as they may conceive most fit for flank companies, and may appoint the officers to be attached to such flank companies; but in the event of a war, such flank companies shall be formed by ballot from the first class, provided a sufficient number shall not volunteer for that purpose; and the said flank companies shall be considered as the first for service, and shall be supplied with any arms or accoutrements which may be issued for the use of militia in preference to any other companies or portion thereof, and the persons who may be selected or balloted for such flank companies, shall attend, on being duly warned by the serjeant, or persons authorised to warn the men of the company in the limits of which they may respectively be resident, or the serjeant of the flank company to which they belong, and when assembled, shall join and fall in with the flank company to which they may be attached.

**X.** *And be it further enacted by the authority aforesaid,* That the flank companies to be formed in manner pointed out in this Act, shall and may be called out for muster or training, at least ten times, and not oftener in every year, and the men composing such companies, shall be exempted from statute labor, and from the discharge of the duties of constables, or any parish or town office while they continue in such flank companies; *Provided however,* that this Act shall not interfere with any appointment which any of such men may hold at the time of their being attached to such companies.

**XI.** *And be it further enacted by the authority aforesaid,* That as soon as the classes and flank companies shall be formed as aforesaid, the commanding officers of the respective companies shall cause a draft or ballot to be made of the remainder of the first and second class as hereinafter mentioned for the purpose of framing a list or roster, by which the men of such classes may be called into actual service when required, that is to say, beginning with the first class, the names of each and every person in such class liable to serve, shall be written on separate pieces of paper as near as may be of equal size, which shall be folded up in the same manner, and put into a hat, and therein be well mixed and shaken together, and in like manner numbers from one to the extent of the number of men contained in such class, shall be written on distinct pieces of paper of equal size, as near as may be, and separately rolled or folded up as near as may be in the same manner, and put into another hat, and well mixed or shaken together, and two indifferent

Referred to  
by the  
Act of 1822  
Ch. 5  
Section 10

Section 10

Section 10

persons shall be nominated by the commanding officer of the company, publicly to draw the same; and the said persons shall respectively begin by drawing out of each hat one of the said papers, and the clerk of the company, if present, or otherwise a person appointed to officiate as clerk, shall form a list on a paper, to be provided for that purpose, and shall first set down thereon the name of the person first drawn out of the hat, and opposite to such name the number first drawn out of the other hat, and then the persons appointed to conduct the drawing as aforesaid, shall draw out another name and another number respectively, which shall be set down in like manner; and the drawing shall so proceed, until the whole of the names and numbers of such first class shall be drawn and set down in writing as aforesaid; and from such list, the clerk of the company shall form a new list or roster, beginning with the person against whose name the number *One* stands in the list, and proceeding in numerical order to the name of the person who drew the last or highest number; and after the drawing of the first class shall be completed, the second class shall be balloted in like manner, and shall be considered as next for service, according to their respective numbers on the list of such ballot, after the first class shall have completed its period of service, which shall not exceed six months at any one time.

*Nota*

XII. *And be it further enacted by the authority aforesaid,* That when any arms or accoutrements may be issued from His Majesty's stores, for the use of the militia of this Province, the officer commanding the regiment or battalion for whose use the same may be issued, shall, after the same have been received, deliver the same into the care and custody of the officers commanding companies, who shall be considered responsible for their safe keeping, and for their being kept in good order and repair, and if any of the said arms or accoutrements shall be lost or rendered unserviceable, the officer responsible for the same, shall be answerable to the commanding officer for the value thereof, which may be recovered by the said commanding officer, in any action to be brought for that purpose. *Provided nevertheless,* That if such responsible officer shall furnish arms and accoutrements of the like description and value as those which may have been lost or rendered unserviceable, the same shall be taken and accepted in lieu thereof, and the officers commanding regiments or battalions, shall in like manner be accountable, and may be called to account by the Adjutant General of Militia for any arms or accoutrements received by them for the use of their respective regiments. *Provided nevertheless,* That no person shall be liable for any arms or accoutrements under this Act, who shall make it satisfactorily appear, that the same have been injured or lost from accident, and not from any neglect or misconduct.

Arms for the use of the Militia to be delivered to the Officers commanding Companies, who are to be responsible therefore to the Officer commanding the respective Regiments,

And Commanding Officers of Regiments to be answerable to the Adj't. General.

XIII. *And be it further enacted by the authority aforesaid,* That the captain or other officer commanding a flank company shall lodge the arms and accoutrements so received by him in some suitable and convenient place or places within the limits of his company, where they may be delivered out to persons for whom they are intended, upon all days of training or muster, or such other time as the captain or officer commanding the company shall direct; and the men to whom the same may be issued, shall severally be responsible to the officers commanding companies for them, and shall return the

Captains of Flank Companies: to lodge arms &c. in some convenient place within the limits of his company, from whence they may be delivered to the men who are to be responsible to their Officer therefore, & to return them to the same place within 24 hours after muster.

*Repealed*  
*see*  
*ms*

Penalty of 2s. 6d. for each day's neglect.

same, and every part thereof, in as good order and condition as when received by them to the place of deposit, within twenty-four hours after such training, muster, or other service shall be over, under the penalty of two shillings and sixpence for every day's neglect, to be recovered before any one of His Majesty's justices of the peace, and in default of goods sufficient to satisfy such penalty, and reasonable costs of conviction, the person who shall be convicted shall and may be committed by such justice to the common goal of the district for a term of not less than two days, nor more than twenty days, or until such penalty and costs are paid, not exceeding the said term of twenty days: *Provided nevertheless*, that it shall be in the power of the commanding officer to remit the said penalty, if it shall appear to him expedient and proper so to do.

And in default of goods to satisfy penalty and costs, party may be committed for a period not more than 20 days.

Officers commanding regiments may order an inspection of the arms of their regts, as often as they may think it necessary.

XIV. *And be it further enacted by the authority aforesaid*, That the colonel, or officer commanding any regiment or battalion shall, once in every year, or as often as he may think it necessary, besides the usual days of training, order an inspection to be made by the adjutant of the regiment or battalion of such arms and accoutrements as may be in the possession of the regiment, and report the state thereof for his information.

Expences of keeping arms in repair to be defrayed by the companies respectively, and to be recoverable before the court of Requests.

XV. *And be it further enacted by the authority aforesaid*, That the necessary and unavoidable expence of keeping the arms and accoutrements of each company in proper order and repair, shall be borne by each company respectively, and may be charged and recovered against the men of each company respectively, by the officer commanding the company, before the Court of Requests; but no militia-man shall be liable to keep more than one stand of arms and one set of accoutrements in order and repair.

Adjutants of each regiment to receive ten pounds per annum for their services.

XVI. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the commanding officer of each regiment or battalion to allow to the adjutant thereof the sum of ten pounds per annum out of any fines which may be collected in the regiment; or in case such fines shall not amount to that sum, the adjutant of each regiment or battalion shall be entitled to receive the same sum from and out of the district treasury, on producing to the treasurer annually a certificate from the field officers, and at least four captains of the regiment or battalion, that such adjutant is duly qualified, and has punctually attended and discharged the duties of his situation.

Adjutant may hold the rank of captain in his Regiment.

XVII. *And be it further enacted by the authority aforesaid*, That the adjutant of any regiment or battalion may hold the situation and rank of captain in the same.

Persons molesting any Militia exercise, may be confined by Officer commanding and may be punished in the same manner as militia-men insulting their officers.

XVIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall willfully interrupt or molest any regiment, battalion, company, or detachment of militia, when mustered or at exercise, or on any duty prescribed by the laws of this Province, it shall be lawful for the commanding officer of such regiment, battalion, company, or detachment, to confine such person or persons during the continuance of such exercise or muster, if necessary, to prevent the continuance of such insult or interruption, and the person or persons so confined shall be liable to be punished in the same manner as heretofore provided for, in cases of persons insulting an officer in the execution of his duty.

XIX. *And be it further enacted by the authority aforesaid*, That no officer who

has been, or who may be hereafter cashiered by the sentence of a general Court Martial, or who may be dismissed His Majesty's regular service, shall be entitled to any rank or privilege from having held such commission, or exempted from enrolment, or the performance of the duties of a private militia-man, unless the Governor, Lieutenant Governor, or Person administering the Government shall direct otherwise.

Militia and Military officers who have been cashiered or dismissed the service, not exempted from serving in the ranks, unless the Governor shall otherwise direct.

XX. *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 commission and appoint a surgeon to each regiment or battalion of Militia, and to appoint proper officers to command and inspect the regiments or battalions of militia throughout the Province, or to limit the command and inspection of such officers to a particular number of regiments or battalions, or to the inspection or command of all the regiments or battalions in particular divisions of the Province, as may be most convenient, fit, and proper, and all such officers, when so commissioned, and published in general orders to the militia, shall be obeyed in all things lawful, by all persons who shall be so placed under their respective command.

The Governor Lt. Governor or Person administering the Government, may appoint a Surgeon to each regiment, and officers to command and inspect the whole or any number of the Regiments of Militia in this Province.

XXI. And whereas, for the more effectual co-operation of the militia with His Majesty's regular forces, it has been found necessary, in time of actual service, that lieutenant-colonels in His Majesty's regular army; should rank above all militia officers, and it may also be expedient in case of the appointment of inspecting field officers, to train and discipline the said militia, that the same regulation should prevail in time of peace: *Be it further enacted by the authority aforesaid,* That the first clause of the above recited Act of the Parliament of this Province, 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," be and the same are hereby repealed; and that from and after the passing of this Act, the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall and may, from time to time, constitute and appoint under his hand and seal, a sufficient number of colonels, lieutenant colonels, majors, staff and other officers, to train, discipline, and command the militia of this Province, according to the rules, orders and directions contained in the militia laws of this Province; and the officers so appointed, and also those already appointed to the militia, shall rank with the officers of such of His Majesty's forces as may for the time being, serve within this Province; as follows, namely: The colonels, and lieutenant colonels of the militia, to take rank after the lieutenant colonels of His Majesty's regular forces, and all other officers of the militia, as youngest of their respective ranks; which said officers respectively shall, within six months after their several appointments, take the oath of allegiance prescribed by law, before the magistrates assembled in Quarter Sessions within the District to which such officers respectively belong; *Provided always, nevertheless,* That nothing herein contained shall extend to annul or make void any existing commission or appointment in the militia of this Province.

48th Geo 3d. Chap. 1, sec. 1 repealed.

Appointment of Colonels, Lieut Colonels, Majors and Staff Officers, to train the Militia.

Respective ranks for the militia officers, with officers in His Majesty's service. Officers to take the oath of Allegiance in Quarter Sessions.

No existing commission to be made void by this Act.



No person to treat  
Militia Men with any  
Spirituos Liguors,  
when on duty.

XXII. *And be it further enacted by the authority aforesaid,* That no officer, non-commissioned officer, private militia-man, or other person, shall directly or indirectly give to or treat with rum or other spirituos liquors, any militia-men assembled under the authority of this or any other militia law of this Province.

This Act to conti-  
nue in force 4 years.

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

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## C H A P. IV.

An Act to render ineligible to a Seat in the Commons House of Assembly of this Province  
certain descriptions of Persons therein mentioned.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, the remote situation of this infant colony from the mother country, and its proximity to the United States of America, require that this House of Assembly should be free from a foreign influence, which might endanger the best interests of the 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 from and after the passing of this Act, no person or persons now resident within this Province, or who shall or may at any time hereafter come into this Province to reside, who shall or may have taken the oath of abjuration against His Majesty's Government, or who shall have been a member of the senate or house of representatives of the said United States, or any of the said United States respectively. or who shall or may have held any office in any of the executive departments of state of the said United States or State respectively, or who shall be, or may have been convicted in any foreign country, of felony or of any offence, which if committed in this Province, would subject the offender to infamous punishment, shall be capable of being elected to serve as a member in the House of Assembly of this Province, any law, usage, or custom, to the contrary notwithstanding.

Disqualifications of  
certain persons to  
serve in the House of  
Assembly.

II *And be it further enacted by the authority aforesaid.* That it shall and may be lawful, for the returning officer, at any election hereafter to be had, of a

*Repealed by R. 3.  
14 Jan. 45*

Member to represent in the said House of Assembly, any county, town, or riding, within this Province, and he is hereby required, at the instance and request of any one elector of the county, town, or riding, in which such Election shall be held, to tender to every Candidate for the said Election the following oath:—

“I, A. B. do sincerely and solemnly swear, that during my residence in the United States of America, I have not taken or subscribed any Oath of Abjuration of Allegiance to the Crown of Great Britain; and further, that during my said residence, I have not held the office or appointment of Senator or Member of the House of Representatives of the United States, or of either of the said United States respectively, or held or enjoyed any office in any of the Executive Departments of State in the said United States or State respectively; so help me God.”

Oath to be tendered to any Candidate by Returning Officer.

III. *And be it further enacted by the authority aforesaid.* That if any person shall wilfully forswear himself in the oath taken by virtue of this Act, he shall be deemed guilty of wilful and corrupt perjury, and may be punished accordingly.

Persons taking false oath subject to the penalties of perjury.

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## C H A P. V.

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.

[Passed 17th January, 1822.]

**W**HEREAS it is expedient 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:” 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 Treasurer and Benchers of the Law Society for the time being, and their Successors, to be nominated and appointed according to the rules and by-laws of the said Society, shall be and they are hereby declared to be one body corporate and politic in deed and

Preamble.  
Treasurer and Benchers of the Law Society incorporated.

To have a common Seal.

in law, by the name of the Law Society of Upper Canada, and shall have perpetual succession and a common seal, with power to change, alter, break, or make new the same; and they and their successors, by the name aforesaid, may sue and be sued, implead, and be implead, answer, and be answered unto, in all or any court or courts of record and places of jurisdiction within this Province; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the end and purposes of this Act, and in trust and for the benefit of the said society, all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised or bequeathed by any person or persons, to and for the use of the said society; and that they and their successors by the name aforesaid, shall and may at any time hereafter, without any licence of mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements, or hereditaments, for the purposes of the said society, and for no other purposes whatsoever, and may also in the same manner, sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular, other matters and things, that to them shall or may appertain to do.

May hold lands to the use of the Society.

Certain persons coming from Great Britain, Ireland, or British Provinces in America, may be called to the bar in this Province.

II. *And be it further enacted by the authority aforesaid,* That so much of the fifth clause of the said Act, passed in the thirty-seventh year of His late Majesty's Reign, as respects the admission of persons to practise in this Province, who have been duly admitted to practise at the Bar of any of His Majesty's Courts in England, Scotland, or Ireland, or of any of His Majesty's Provinces in North America, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall and may be lawful for any person having been duly called, to practise at the Bar of any of His Majesty's superior courts, not having merely local jurisdiction in England, Scotland or Ireland, or in any of His Majesty's Provinces in North America, in which the same privilege would be extended to barristers from this Province, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct, to the satisfaction of the law society of this Province, to be called by the said law society to the degree of a barrister, upon his entering himself of the said society, an conforming to all the rules and regulations thereof.

No person to be admitted to practise as an Attorney under five years' actual service.

III. *And be it further enacted by the authority aforesaid,* That the sixth clause of the said Act, passed in the thirty-seventh year of His late Majesty's Reign, shall be, and the same is hereby repealed; and that from and after the passing of this 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: *Provided nevertheless,* that nothing in this Act contained, shall extend, or be construed to extend, to any student now serving with any person in this Province, duly authorised to take a clerk, and who shall have been proposed or entered on the books of the law society as a student.

## C H A P. VI.

*Repealed by 11 Geo. 4  
Chap. 3.*

An Act for assigning Limits to the respective Gaols within this Province.

[Passed 17th, January, 1822.]

**W**HEREAS, it is expedient to assign certain limits to the gaols within this Province, in which debtors may have the benefit of exercise and air, without subjecting the sheriff or other officer in whose custody such debtor may be, to any action at law for an escape: 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 Reigu, 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 His Majesty's justices of the peace in quarter sessions assembled, from time to time, in each and every District within this Province, to order, determine, and appoint certain limits of ground, not exceeding six acres, to each and every gaol within the said Province; and that after the establishment of such limits, it shall and may be lawful, for any debtor or debtors, confined or to be confined in such gaols, to be and remain at any part or place within such limits, without subjecting the sheriff or other officer in whose custody such debtor or debtors may be, to any action or suit, for an escape from such gaol or limits: *Provided however*, that it shall not be incumbent upon such sheriff or other officer, to allow any debtor, or debtors, the use and benefit of such limits, unless such debtor or debtors shall furnish good and satisfactory security, that he, or they, will not at any time, during his or their confinement, go or remove beyond such established limits: *Provided nevertheless*, that during such time as any debtor in execution shall have the liberty of such limits as aforesaid, such debtor shall not be entitled to receive from the plaintiff in the action, any weekly maintenance, by reason of any statute for the benefit of insolvent debtors.

II. *And be it further enacted by the authority aforesaid*, That if any debtor or debtors who may be confined in any gaol within this Province, and who may have given security to entitle himself or themselves to the benefit of such limits, shall withdraw or depart from or out of the said limits, it shall and may be lawful, for the sheriff or other officer, from whose custody such debtor or debtors may so withdraw, to sue for and recover from the prisoner or persons giving such security, or either of them, such sum or sums of money as such debtor or debtors may have been confined for, in such gaol or limits, together with all such costs and damages as he may have sustained by reason of such debtor or debtors withdrawing from and out of the said limits.

III. *And be it further enacted by the authority aforesaid*, That the sheriff or other officer, on such debtor or debtors so withdrawing or departing, shall be

Preamble.

Justices in Quarter Sessions may appoint Limits to Gaols in this Province.

Debtors may reside within the Limits,

Upon giving security to the sheriff not to transgress the same.

No debtor resident within the limits, to receive allowance from Plaintiff.

If any Debtors admitted to the benefit of the limits abscond, Sheriff may recover from such Debtors or their security, the amount of the sum for which such debtor was confined, &amp; costs.

Sheriff may assign security to the Plaintiff at

whose suit debt or con-  
fined and Sheriff shall  
be thereby discharged.

bound to assign over the security to the plaintiff, if required by him, and that the sheriff upon so doing, shall be discharged from any claim the plaintiff may have on him, the said sheriff, for or on account of such debtor or debtors.

This Act not to ex-  
tend to Debtors im-  
prisoned on criminal  
charges.

IV. *And be it further enacted by the authority aforesaid*, That this Act shall not extend, or be construed to extend, to any person or persons confined for debt, who may at the same time be in custody for any criminal charge.

Act to continue in  
force 4 years.

V. *And be it further enacted by the authority aforesaid*, That this Act shall be and continue in force four years and no longer.

Assignee of the  
Sheriff may sue in his  
own name.

VI. *And be it further enacted by the authority aforesaid*, That upon such assignment of the security to the plaintiff, or his legal representatives, he, or they, may as assignee or assignees, sue therefore in his or their own name, and that it shall not be in the power of the sheriff in whose name such security was taken to release such action.

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## C H A P. VII.

An Act to amend an Act passed in the fifty-ninth year of His late Majesty's Reign, and promulgated by Proclamation bearing date the twenty-first day of April, in the year of Our Lord, one thousand eight hundred and twenty-one, 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 17th January, 1822.]

**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 as soon as the amount of fifty thousand pounds shall have been subscribed towards the stock of the said Bank, it shall and may be lawful for the subscribers, or the majority of them, to call a meeting at some place to be named at the seat of government of this Province, for the purpose of proceeding to the election of the number of Directors thereafter mentioned, and that such election shall then and there be made by a majority of shares voted in the manner in the said Act prescribed, in respect of the annual meeting of Directors, and that the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in June, in the year of Our Lord one thousand eight hundred and twenty-one, and that the Directors so chosen, shall, as soon as the deposit amounting to twenty thousand pounds subscribed, as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank, with a proviso, that no such meeting of the said sub-

scribers shall take place until a notice is published in all the public Newspapers of this Province at the distance of not less than thirty days from the time of such notification. *And whereas*, in consequence of the delay occasioned by the reservation of the said Act, for the signification of His Majesty's pleasure, it was impossible to proceed to the election of Directors before the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one, and in consequence, doubts have arisen for what period the first Board of Directors shall serve. *And whereas*, from the present scarcity of specie, the said sum of twenty thousand pounds, required to be paid in before the Directors can commence the business and operations of the said Bank, is found to be too large, and it is expedient to reduce the same; Be it therefore enacted by the King's Most Excellent Majesty, Preamble. 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 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 Board of Directors, who shall be first chosen, shall be capable of serving until the expiration of the first Monday in June, one thousand eight hundred and twenty-two.

1st board of directors may serve until June, 1822.

II. *And be it further enacted by the authority aforesaid*, That the said Directors shall and may, as soon as a deposit, amounting to ten thousand pounds upon the Stock subscribed, or to be subscribed to the said Bank, shall be paid to the said Directors, commence the business and operations of the said Bank; and that so much of the said Act above recited as requires that a deposit of twenty thousand pounds shall be made before commencing the business and operations of the said Bank, shall be, and the same is hereby repealed.

Bank may commence business on 10,000*l.* being paid-iii.

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## C H A P. VIII.

An Act to make further regulation respecting the Weekly Maintenance of Insolvent Debtors.

[Passed 17th January, 1822.]

**WHEREAS**, it is necessary for the prevention of fraudulent conveyances of property by insolvent Debtors claiming the weekly allowance granted by Law, to compel the said debtors when required to answer such interrogatories as shall be filed by the plaintiff at whose suit he shall be confined; 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 Preamble.

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, to and make further provision for the Government of the said Province,'" and by the authority of the same, That when and so often as any prisoner or prisoners in custody, and charged in execution for debt in any civil suit, shall apply to the court whence such process or execution issued, either to be discharged or allowed a weekly maintenance by reason of any alleged insolvency, it shall and may be lawful for the plaintiff or plaintiffs, at whose suit such prisoner is detained, his, her, or their attorney, to file such interrogatories as he, she or they, shall be advised or think expedient, touching or concerning, or for the purpose of discovering any property or credits, which the said prisoner may be possessed of, or which he, or she, may be suspected, for having secreted or fraudulently parted with, which interrogatories the said prisoner is hereby required to answer upon oath, before some person autorised to receive and take affidavit in the court in which such suit shall be depending, who is hereby authorised to administer the same.

Plaintiff may tender Interrogatories to insolvent debtors claiming weekly allowance touching their solvency.

Answer may be sworn before Commissioners for taking affidavits.

Debtors to receive no benefit from any order for a weekly allowance, until he has answered the said interrogatories.

Court in term time or judge in vacation may order prisoner to be discharged on non-payment of the weekly allowance.

*Heater*  
8 Geo 4  
Ch. 8. 52.

Such discharge not to operate as a release of the debt.

II. *And be it further enacted by the authority aforesaid,* That after any interrogatories shall have been filed as aforesaid, and a copy thereof delivered to the said prisoner, his, or her attorney, the said prisoner shall not receive any further benefit from his, or her application, and the orders and other proceedings thereon, shall be stayed until the said prisoner shall have fully answered the same, and filed such answer or answers thereto in the court, from whence the writ on which he, or she, shall be confined, shall have issued, and given notice thereof to the plaintiff or his attorney in such suit.

III. *And be it further enacted by the authority aforesaid,* That in default of the payment of the sum of five shillings weekly allowance, pursuant to any rule or rules of court, under the provisions of an Act passed in the fifteenth year of His late Majesty's reign, entitled, "An Act for the relief of insolvent debtors," the first payment of which said sum of five shillings is hereby declared to become due and payable on Monday next, after the service of such rule on the plaintiff or his attorney, within the District where such defendant shall be imprisoned; the prisoner, upon application to the said court from which such execution issued, in term time, or a judge thereof in vacation, shall, by order of the said court or judge, be discharged out of custody; *Provided nevertheless,* that such discharge shall not be construed as a release or satisfaction of the subsisting judgment, or to deprive the plaintiff or plaintiffs, of his, her, or their remedy thereafter against the goods and chattels, lands and tenements of such prisoner so discharged.

C H A P. IX.

An Act to continue an Act passed in the forty-sixth year of His late Majesty's Reign, entitled "An Act to make Provision for certain Sheriffs in this Province," and a certain other Act of Par-

liament of this Province, passed in the fifty seventh year of His late Majesty's reign, entitled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled, "An Act to make provision for certain Sheriffs in this Province," and also to extend the provisions of the said Act, and to protect the interest of suitors in certain cases.

*Continued  
by 8 Geo. 4  
Ch. 10 for  
4 years*

[Passed 17th January, 1822.]

**WHEREAS** an Act passed in the forty-sixth year of the reign of His late Majesty, King George the Third, entitled, "An Act to make provision for certain Sheriffs in this Province," and also a certain other Act passed in the fifty-seventh year of His said Majesty's Reign, entitled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled, "An Act to make provision for certain Sheriffs in this Province," and also to extend the provisions of the said Act, will shortly expire, and it is expedient 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 passed in the forty-sixth year of His late Majesty's Reign, and also the said Act passed in the fifty-seventh year of His late Majesty's Reign, shall be, and the same is hereby continued.

46 Geo. 3. ch. 1.  
and 57 Geo. 3d.  
continued.

II. And whereas it is expedient that suitors should be protected against any losses which may happen from such Sheriffs continuing in office when they are no longer possessed of substance sufficient to answer for any damages which may be occasioned by their defaults, *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, a writ of *ca. sa.* *ad satisfaciendum* may issue upon any judgment which has been, or may hereafter be obtained against any person now holding, or who may hereafter hold the office of Sheriff in any district of this Province, for any default in not paying over monies levied or collected by him in the execution of his said office without any affidavit for that purpose; and that whenever it shall happen, that any Sheriff shall remain committed in execution upon any such writ, or upon any attachment issued from His Majesty's Court of King's Bench in this Province, for default in payment of monies levied and collected by him beyond the period of three months, it shall, upon being certified to the Governor, or person administering the Government, by the next ensuing Court of Quarter Sessions of the said District, be deemed a forfeiture of his Office.

*Ca. sa.* may issue against sheriffs in certain cases.

Sheriffs laying in goal 3 months to forfeit his office.

III. *Provided always nevertheless,* That nothing herein contained shall in any manner interfere with, or prevent recourse to any other remedy against such Sheriffs, and that the same shall remain as if this Act had never been passed.

This Act not to interfere with any other remedy against such sheriffs.



Act to continue in force 4 years.

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

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## C H A P. X.

An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty a sum of Money, and to provide for the appointment of a Provincial Agent for this Province.

[Passed 17th January, 1822.]

Preamble.

WHEREAS an Act was passed in the fifty-sixth year of His late Majesty's Reign, entitled, "An Act for granting to His Majesty a sum of money, and to provide for the appointment of a Provincial Agent;" and whereas the appointment of a provincial agent has not been productive of the advantages contemplated at the time of passing the said law: And whereas the said office has become vacant by the decease of the late William Halton, Esq. and it is expedient to repeal 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 the said Act shall be and the same is hereby repealed.

56 Geo. 3. ch. 35, repealed.

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## C H A P. XI.

An Act to Repeal in part, a certain part of an Act passed in the forty-third year of His late Majesty's Reign, entitled, "An Act to extend the Provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled, "An Act to Restrain the custom of permitting Horned Cattle, Horses, Sheep, and Swine, to run at large; and further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective Towns in this Province, where a Police is, or may hereafter be, established by law.

[Passed 17th January, 1822.]

Preamble.

WHEREAS the laws now in force for restraining the custom of permitting Swine to run at large in certain Towns in this Province, have been

found ineffectual and insufficient to abate an increasing nuisance; Be <sup>Preamble.</sup>  
 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 Brit-  
 tain, entitled, "An Act to repeal certain parts of an Act passed in the four-  
 teenth year of His Majesty's Reign, entitled, 'An Act for making more ef-  
 fectual 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 pass-  
 ing of this Act, so much of the fourth section of a certain Act passed in the  
 forty-third year of His late Majesty's Reign, entitled, "An Act to extend the  
 provisions of an Act passed in the thirty-fourth year of His Majesty's Reign,  
 entitled 'An Act to restrain the custom of permitting horned cattle, horses,  
 sheep, and swine to run at large,'" as relates to the Town of York, Niagara,  
 Sandwich, Amhersburgh, and Kingston, be, and the same is hereby repealed.

So much of 4 sec.  
 43 Geo. 3d as re-  
 lates to York, Nia-  
 gara, Sandwich,  
 Amhersburgh, &  
 Kingston, repealed.

Magistrates in  
 town where a po-  
 lice is established  
 to make rules re-  
 specting swine  
 running at large.

II. *And be it further enacted by the authority aforesaid,* That from and after  
 the passing of this Act, it shall and may be lawful for the Magistrates, or the  
 majority of them, in General Quarter Sessions assembled, for any District in  
 this Province, wherein a Police in any town therein, is now, or may hereafter  
 be established by Law, to make, ordain, constitute and publish such pruden-  
 tial rules and regulations, from time to time, as they may deem expedient,  
 relative to restraining swine running at large in any such town, subject to  
 the provisions and enactments contained in any Law establishing a Police in  
 such respective town in this Province.

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## C H A P. XII.

An Act to enable persons who have preferred claims to or out of certain Forfeited Estates in  
 this Province to withdraw the same.

[Passed 17th January, 1822.]

**W**HEREAS, it is expedient that persons entering and prosecuting <sup>Preamble.</sup>  
 Claims under the provisions of an Act passed in the fifty-ninth year  
 of His late Majesty's Reign, 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,'" should be enabled to relinquish or withdraw

Persons preferring claims before the Commissioners of Forfeited Estates, may withdraw the same; and all proceedings had thereon shall cease and be vacated;

the same should they wish so to do: 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 it shall and may be lawful for any person or persons who hath or have heretofore entered, or who shall or may hereafter enter any claim or claims against the proceeds of, or the absolute estate or inheritance of any lands, tenements, or hereditaments vested, or to be vested, in the said commissioners, by virtue of the said last mentioned Act, whether any decree may have passed upon the same or not, to relinquish or withdraw such claim or claims at any time during the continuance of the commission appointed under the said Act, upon signifying his, her, or their intention and desire so to do, to the said commissioners, or the majority of them, by an instrument in writing, signed by such claimant or claimants respectively, in presence of two subscribing witnesses; and that upon receipt thereof, it shall and may be lawful for the said commissioners, or the majority of them, to discharge such claim or claims, and reverse any decree they may have passed in favor of such claimant so relinquishing his, or her claim; after which, the estate or property thereby claimed, shall be and remain vested in the said commissioners, for the purposes in the said Act specified, in like manner and as fully to all intents and purposes, as if no claim or claims had been exhibited against the same, any thing in the said Act contained to the contrary notwithstanding.

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### C H A P. XIII.

An Act requiring the publication of the expenditure of monies raised under any Law, establishing a Police in any Town or Towns in this Province.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, it is expedient that an account of the expenditure of the monies authorised to be raised and collected by the laws now in force, establishing a Police in several Towns in this Province, should be annually published: 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 an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual

provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Justices of the Peace for the several Districts of this Province, wherein a Police now is, or hereafter may be established, for any town or towns within the same, shall, at the General Quarter Sessions next after the first day of April, in each year, direct the Clerk of the Peace, in each of the said Districts, to make up an account of all monies raised and levied under and by virtue of any Act now, or hereafter, to be made, regulating the Police in any town or towns, as aforesaid, together with an account of the expenditure thereof, which account, they are hereby required to publish, immediately after the Sessions at which the same shall be required to be stated, either by causing a copy thereof to be put on the door of the Court-house, in such District, or by publishing the same, at the expense of the District, in any Newspaper circulated therein.

Justices of the Peace to render an account annually of the receipt and expenditure of the Police-tax, levied in their respective Districts, and to cause the same to be published.

## C. H. A. P. XIV.

An Act to establish the division line between the Second and Third Concessions of the Township of Osnabruck, in the Eastern District.

[Passed 17th January, 1822.]

**WHEREAS**, divers disputes have arisen between the inhabitants of the Second and Third Concessions of the Township of Osnabruck, in the Eastern District of this Province, as to the division line between the said Concessions; *And whereas*, it appears, that in consequence of an erroneous survey of the said line, by the late Patrick McNiff, the same has been re-surveyed, under the direction of Government, by Lewis Grant, Esquire, Deputy Provincial Surveyor, whose line was intended and considered as the division line between the said Concessions, till the passing of an Act in the 58th 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 lines of the different Townships of this Province, and further to regulate the manner in which lands are hereafter to be surveyed,'" by which Act, the survey of the said Patrick McNiff, being the first survey intended to fix the boundary between the said Concessions, hath been established, and it is expedient, in order to quiet the disputes which have arisen, and to prevent litigation, that the line run by the said Lewis Grant between the said Concessions should by Law be established, Be it therefore enacted by the King's Most Excellent Majesty, by and with the

Preamble.

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 line run by the said Lewis Grant, deputy surveyor or as aforesaid, shall be deemed and taken to be the original and true boundary between the said concessions, any thing in any law of this Province to the contrary notwithstanding.

Line run by Lewis Grant to be taken as the true boundary line between the 2d & 3d Cona. of Osnabruck.

## C H A P. XV.

AN Act to Establish a Market in the Town of Perth, in the County of Carleton.

[Passed 17th January, 1822.]

Preamble.

**W**H E R E A S it is expedient for the convenience of the inhabitants of the County of Carleton that a Market should be established at Perth in the said county: 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, a Market shall be established and kept in the town of Perth, in the county aforesaid.

Market established in Perth.

Justices of the Peace residing in Drummond at a Special Sessions to be by them held for that purpose to fix upon a place and make regulations for holding the said Market.

*II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Commissioners of the Peace residing in the township of Drummond, at a Court of Special Sessions to be by them held for that purpose, and they are hereby authorised and empowered to fix upon a place, and appoint such days and hours for the purpose of selling butcher's meat, butter, eggs, poultry, fish, and vegetables, and to make such other orders and regulations relative thereto as they shall deem expedient.*

Comm'rs may impose fines not exceeding 20s. for offences against such regulations.

*II. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby authorised and empowered to impose such fine, not exceeding twenty shillings, for any offence committed against such rules and regulations as to them in their discretion shall seem requisite and proper.*

IV. *And be it further enacted by the authority aforesaid,* That all such orders, rules, and regulations shall be published by causing a copy of them to be affixed in the most public place in every township in the said county; and at the doors of the churches in the said town of Perth, and that such orders, rules, and regulations shall not be in force until three weeks after such publication.

Regulations to be published.

V. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations so made by the said commissioners, such person shall, for every such transgression, forfeit the sum which in every such order, rule, and regulation shall be specified, not exceeding the sum of twenty shillings as aforesaid, to be recovered by information before any one commissioner of the peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such commissioner upon the goods and chattels of such offender, and that one moiety shall be paid 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, and towards the support of the Government thereof, to be accounted for to his Majesty through the Commissioners of his treasury for the time being, in such manner and form as it shall please His Majesty to direct, and the other moiety to the informer.

Manner of levying fines imposed upon and manner of punishing offenders against the market regulations.

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## C H A P. XVI.

An Act to authorise the Surveyor General of this Province to receive the like sum for all original Schedules of New Townships furnished, or to be furnished, since the first day of July, one thousand, eight hundred and twenty, as he is authorised to receive by law for such Schedules furnished before that period.

[Passed 17th January, 1822.]

**W**HEREAS an Act was passed in the fifty-ninth year of the reign of His late Majesty, King George the Third, entitled, "An Act to repeal the several laws now in force relative to levying and collecting rates and assessments in this Province, and further to provide for the more equal and general assessment of lands and other ratable property throughout this province," whereby it is enacted, that His Majesty's Surveyor General of this province for the time being should, on or before the first day of July, in the year of Our Lord one thousand eight hundred and twenty, furnish the Treasurer of each and every district of this province with a list or schedule of the lots in every town, township, or reputed township of his respective district, containing certain particulars specified in the said Act, and should, on or before the first day of July in every year thereafter, transmit to the Treasurer of such district respectively a schedule of all such lots or parcels of lands, specifying the number of acres, or other less quantity of land in each as have

Preamble:

been granted or set to lease by His Majesty since the last schedule by him furnished, as by the said Act directed.

II. And it is by the said Act further provided, that for every schedule for each township so furnished by the Surveyor General on or before the first day of July, one thousand eight hundred and twenty, he should be entitled to receive the sum of twenty shillings, and for every supplementary schedule thereafter, the sum of two shillings and sixpence.

III. And whereas several original schedules of new townships surveyed and located since the passing of the said Act, have been furnished by the Surveyor General since the first day of July, one thousand eight hundred and twenty, for which it is proper the same allowance should be made as for the original schedules furnished before the first day of July, one thousand eight hundred and twenty: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That for every original schedule of any township in this province, which has been, or may hereafter be furnished, under the provisions of the above recited Act, by the Surveyor General of this province for the time being, there shall be paid the sum of twenty shillings, to be paid and accounted for in the manner directed by the said Act.

Surveyor General to receive 20s. for every original schedule furnished under the provisions of 59th Geo. 3d. ch. 7.

## C H A P. XVII.

An Act granting to His Majesty a sum of Money, for the purpose of purchasing and erecting Machinery within this Province, to prepare Hemp for exportation.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**WHEREAS**, from the present depressed state of agriculture within this Province, it is expedient to encourage the growth therein of such articles as will find the most ready sale in foreign countries: We, Your Majesty's most dutiful and loyal subjects the Commons of Upper Canada in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled 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 funds now remaining, or which may hereafter come into the hands of the Receiver General unappropriated, arising from or out of the rates and duties already raised, levied, and collected, or which may hereafter be raised, levied, and collected to and for the uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of Three hundred pounds, to be disposed of, appropriated, and applied in the purchasing and erecting of a machinery for dressing and preparing of hemp for exportation, the description of which machinery, and the place where the same shall be erected, to be determined by the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of the Executive Council thereof.

£800 appropriated for purchasing machinery for dressing hemp.

II. *And be it further enacted by the authority aforesaid,* That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the Receiver General, to and for the public uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of fifty pounds annually for three years, to be disposed of, appropriated, and applied in the keeping in repair the said machinery, where the same shall have been erected.

£50 annually for three years, to be applied for keeping the machinery in repair.

III. *And be it further enacted by the authority aforesaid,* That the monies granted by this Act shall be paid by the Receiver General of the Province, in discharge of any warrant or warrants which shall be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Monies applied how to be paid & accounted for.

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## C H A P. XVIII.

An Act granting to His Majesty a certain Sum of Money for the purposes therein mentioned,

[Passed 17th January, 1822.]

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 Preamble.



£8,390 sterling,  
granted to His Majesty in aid of the funds already appropriated towards defraying the charges of the Civil Government,  
&c.

charges for the Administration of Justice and support of the Civil Government of this Province, We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beseech your Majesty that it may be enacted, and Be it, therefore, enacted by the King's Most Excellent Majesty; by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same; That from and out of the rates and duties raised, levied, and collected 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 three thousand three hundred and ninety pounds, sterling, which said sum of three thousand three hundred and ninety 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-two:—

For the Administration of Justice,  
the Lieutenant Governor's Office,  
the Receiver General's Office,  
the Surveyor General's Office,  
the Executive Council Office,  
the Secretary's Office,

For the Register of the Province,  
the Inspector General's Office,  
Repairs and contingencies of }  
the Government House, }  
Government Printer,  
Casual and other expences;

How to be paid  
and accounted for.

and shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Amount of expenditure to be submitted to Parliament.

*Provided always, and be it further enacted by the authority aforesaid, That an account, in detail, of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly at the then 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. XIX.

An Act to authorise the appointment of a Commissioner for the purposes therein mentioned.

[Passed 17th January, 1822.]

Preamble.

**WHEREAS**, by a Joint Resolution of the Legislative Council and House of Assembly of this Province, it is deemed expedient to autho-

thorise the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint a commissioner on behalf of this Province, to lay the joint address of the Legislative Council and House of Assembly of this Province, and joint report of the said Houses, relative to financial concerns and commercial intercourse between the Province of Lower Canada and this Province, at the foot of His Majesty's throne, and to explain and solicit the interests of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint by commission under the great seal of this Province, such person as to him may seem meet for the purposes herein before mentioned.

Commissioner to be appointed on behalf of this province to present a certain address to His Majesty.

## C H A P. XX.

AN Act granting to His Majesty a sum of money to provide for the Appointment of a Commissioner for the purposes therein mentioned.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

**WHEREAS** it is expedient to grant to Your Majesty a sum of money to compensate the services of such person as shall or may be appointed by the Governor, Lieutenant Governor, or person administering the Government of this Province, to lay at Your Majesty's feet the joint address of the Legislative Council and House of Assembly of Your Majesty's Province of Upper Canada respecting the commercial intercourse between the said Province and Lower Canada: We, Your Majesty's dutiful and loyal subjects, the Commons House of Assembly of this Province, beseech Your Majesty that it may be enacted, and Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same: That from and out

Preamble.

£2,000 to be appropriated to remunerate Commissioner appointed to present a certain Address to His Majesty. 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, His Heirs and Successors, the sum of two thousand pounds, which said sum of two thousand pounds, shall be appropriated and applied in compensating such person as the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall or may appoint for the purpose herein before mentioned.

How to be paid and accounted for.

II. *And be it further enacted by the authority aforesaid*, That the said sum of two thousand pounds shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as shall, for that purpose, from time to time, 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. XXI.

An Act to authorise His Majesty's Justices of the Peace for the Midland District to obtain by Loan a sum of Money for the purpose of erecting a Gaol and Court-house in the Town of Kingston.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, it appears by a petition from His Majesty's Justices of the Peace for the Midland District, in Special Sessions assembled, that the Gaol and Court-house of the said District is in a dilapidated and insecure state; *And whereas*, the prayer of the said petition is for authority to levy on the inhabitants of the said District, an additional rate of one penny in the pound on the ratable property of the said District, for two years, as a fund to be applied in rebuilding the said Gaol and Court-house; *And whereas*, in the actual situation of this Province it is deemed inexpedient to authorise the levying of the said additional rate; *And whereas*, it is essentially necessary, for the due administration of the Laws, that provision be made by Law for rebuilding the said Gaol and Court-house; *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 His Majesty's Justices of the Peace for the said District, in General Quarter Sessions assembled, be empowered, and they are hereby authorised and empowered to borrow a sum of money not exceeding three thousand pounds, to be appropriated and applied in the erecting of a good and sufficient Gaol and Court-house in the said Town of Kingston: Justices of the Peace for the Midland District authorised to loan not more than £3,000, for erecting a Gaol in Kingston.

II. *And be it further enacted by the authority aforesaid,* That a sum not less than three hundred pounds, of the rates of the said District, shall be annually appropriated by the said Justices, towards paying the interest, and a proportion of the principal of the aforesaid sum of three thousand pounds. £300 annually, to be applied towards redeeming the said loan.

III. *Provided always, and be it further enacted by the authority aforesaid,* That the said Justices shall not pay a greater interest than six pounds per annum upon every hundred pounds, they shall borrow under the authority of this Act. Not more than 6 per cent. to be paid for interest on the said loan.

*See 4 Geo. 4. Ch. 32. authorisation loan of adv. £ 1000.*

C H A P. XXII.

An Act to appoint Trustees to the Will of William Weekes, late of York, Esquire, deceased, to carry into effect the Provisions thereof.

[Passed 17th January, 1822.]

**W**HEREAS, William Weekes, late of the Town of York, in the Home District, and Province of Upper Canada, Esquire, deceased, in and by his last Will and Testament, in writing, bearing date the tenth day of October, one thousand eight hundred and six, after a devise therein made, of certain lands in the Township of Norwich, and a bequest of fifty pounds, to one George Alps, in the said Will named, "did give and devise unto Charles B. Wyatt, Esquire, and John McKay, Gentleman, and to their Heirs for ever, all other the estates, real and personal, of what nature and kind soever, in Upper Canada, in trust, to dispose of the same, and out of the monies arising from the sale thereof, to pay all his just debts, of what nature and kind soever, and the residue of the monies arising from such sale or sales, to lay out in erecting and building the foundation of an Academy in York, in such situation as they the said Trustees might deem most eligible for an Academy for the education of youth;" and, by the said Will, did appoint the said Charles B. Wyatt, and John McKay, the Executors thereof; *And whereas*, the said William Weekes departed this life soon after making the said Will, and the said Executors proved the same in the Court of Probate of this Province, and took upon themselves the burthen and execution thereof, and did pay and satisfy all the principal debts of the said Testator; *And whereas*, the said John McKay departed this life on or about the fourth day of June, Preamble.

in the year of our Lord one thousand eight hundred and twelve, whereby the said Charles B. Wyatt became the sole executor and trustee of the said Will; *And whereas*, the said Charles B. Wyatt, some time in the year one thousand eight hundred and seven, left this Province for England, where he has ever since resided, and hath neglected to proceed in the execution of the said Will, and the trusts therein expressed, by reason whereof, the laudable intentions of the said testator have hitherto been greatly obstructed, to the manifest loss of the youth of this Province; *And whereas*, a very considerable residue of the real Estate of the said William Weekes, in this Province still remains vested in the said Charles B. Wyatt, subject to the payment of a small residue of the debts of the said William Weekes, and to the trust aforesaid, for the erection of an Academy in York, as aforesaid; and it is desirable that the residue of such estates, now remaining in the said Charles B. Wyatt, be vested in other trustees, to and for the uses of the said Will of the said William Weekes; 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, all the residue of estates, real and personal, now vested by the said Will in the said Charles B. Wyatt, shall henceforth vest in the Reverend John Strachan, Doctor of Divinity, John Beverly Robinson, Esquire, and Henry John Boulton, Esquire, and their heirs, in trust, to dispose of the same, and out of the monies arising from the sale thereof, to pay all remaining just debts unpaid; and the residue of monies arising from such sale or sales, to lay out in erecting and building the foundation of an Academy in York, in such situation as they the trustees, appointed under and by virtue of this Act, shall deem most eligible for such Academy.

Trustees appointed to carry into effect the Trusts of the Will of the late William Weekes, Esquire.

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## C H A P. XXIII.

An Act for the relief of John Crysler, Esquire.

[Passed 17th January, 1822.]

Preamble.

**WHEREAS**, John Crysler, Esquire, Collector of Customs at the Port of Cornwall, in the Eastern District, has, by the Laws of this Province, been prevented from receiving any per centage on the monies collected as

duties at the said Port, and paid into the hands of the Receiver General of this Province, in consequence of the misconduct and neglect of his Deputy, in not reporting the same to the Inspector General within the period prescribed by Law; *And whereas*, it is expedient to afford relief to the said John Ghryser; 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 Inspector General of this Province to allow to the said John Crysler, as Collector at the said Port of Cornwall, the regular per centage to which the said John Crysler would, by Law, be entitled on all monies heretofore collected at the said Port, and which may be paid into the hands of the Receiver General of this Province, as if the said monies had been accounted for according to, and within the period prescribed by Law.

John Crysler to be allowed per centage on certain Monies.

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## C H A P. XXIV.

An Act for the relief of Peter Miller.

[Passed 17th January, 1822.]

**MOST GRACIOUS SOVEREIGN,**

**WHEREAS**, it appears by the petition of Peter Miller, Private, of the First Regiment of York Militia, that during the late War with the United States of America, he contracted a disease while on Service, which from that time, has rendered him incapable of earning his livelihood and procuring the common necessaries of life; *And whereas*, it is desirable and proper, under such circumstances, to make provision for the said Peter Miller in future, 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, there be granted to the said

Preamble:

An Annuity of £20 granted to Peter Miller.

Peter Miller, for and during his natural life, the sum of twenty pounds annually, which said sum of twenty pounds, shall commence and become payable from and after the passing of this Act.

How to be paid and accounted for.

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

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## C H. A P. XXV.

An Act for the relief of John White.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, John White was, during the late War with the United States of America, very grievously wounded in action with the enemy, in the Western District of this Province, so as to be entirely disabled from earning his livelihood; *And whereas*, the said John White, at the time of his being so wounded, was not borne upon the strength of any Company of Militia in this Province, is not entitled to be placed on the Pension List thereof, but having been employed as an Artificer in the Navy Yard at Amherstburgh before the retreat of His Majesty's forces from thence, under Major General Proctor, did, at the time of such retreat, bear arms in defence of this Province, and was, at the time of his being disabled by wounds, in the discharge of the duty of a Militia-man; *And whereas*, the said John White is, by such wounds, disabled from supporting himself, and is burthened with a large family, and having suffered most severely in defence of this Province, is a proper object of its bounty; 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 John White, for and during his natural life, the sum of twenty pounds annually, which said sum of twenty pounds shall commence and become payable from and after the passing of this Act. An annuity of £20 granted to John White.

II. *And be it further enacted by the authority aforesaid,* That the said sum of twenty 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 please to direct. How to be accounted for.

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## C H A P. XXVI.

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

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

**WHEREAS**, in pursuance of an address of your Commons House of Assembly during its last Session, to His Excellency Sir Peregrine Maitland, Lieutenant Governor of your Province of Upper Canada, the sum of one thousand and fifty pounds seventeen shillings and one penny half-penny, has been issued and advanced by 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 funds subject to the disposition of the Parliament of this Province, in the hands of the Rec. Gen. unappropriated, there shall be issued and applied the sum of one thousand and fifty pounds, Preamble.  
£1050 17s. & 1-2d. applied to make good so much money advanced by His Excellency the Lieutenant Governor, in pursuance of an address to defray the con-



tingent expenses  
of the two Houses  
of Parliament.  
How to be account-  
ed for.

seventeen shillings and one penny half-penny, to make good the said sum which has been issued and advanced in pursuance of the aforesaid address.

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

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## C H A P. XXVII.

An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada on the subject of our Commercial Relations with that Province.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

Preamble.

**W**HEREAS it is necessary to remunerate the Commissioners appointed under the authority of an Act passed in the thirty-seventh year of His late Majesty's Reign, to treat with Commissioners appointed on the part of the Province of Lower Canada, respecting the levying of duties and regulation of drawbacks and other matters and things in the said Act mentioned; 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 out of the rates and duties now levied and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, and remaining in the hands of the Receiver General unappropriated, there be granted to Your Majesty the sum of three hundred pounds of lawful money of this Province, to be disposed of and applied as follows: that is to say, to the Hon. Thomas Clark, Allan M'Lean, and Jonas Jones, Esquires, the Commissioners lately appointed on behalf of this Province for the purposes above mentioned, the sum of one hundred pounds each, which said sum of three hundred pounds shall be paid by the Receiver General of this Province in discharge of such warrants as may for that purpose be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, in favour of the said Thomas Clark, Allan M'Lean, and Jonas Jones, and shall be accounted for to Your Majesty, through the Lords Commissioners of your Treasury, in such manner and form as it shall please Your Majesty to direct.

£300 granted to remunerate certain commissioners for certain services.

How to be paid & accounted for.