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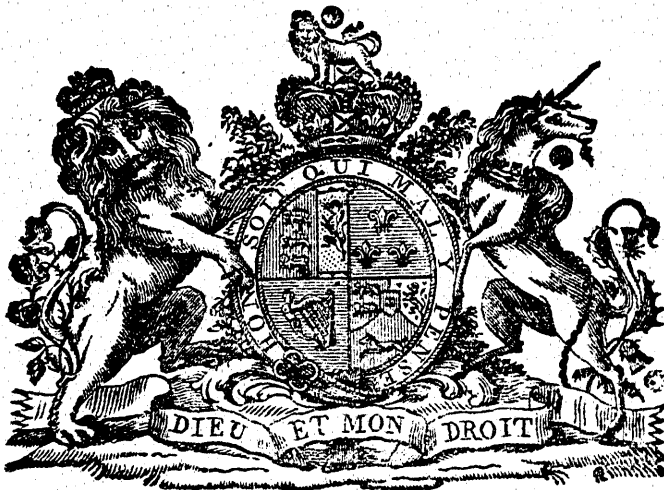
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THE
STATUTES
OF
HIS MAJESTY'S PROVINCE
OF
UPPER CANADA,
IN
NORTH - AMERICA.

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

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.



YORK, UPPER CANADA :

Re-printed by JOHN CAMERON, Printer to the King's Most Excellent Majesty.



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CHAP. I.

*An Act for the Relief of Clerks to Attornies who may have served their Clerkships,
without being bound by Contracts in Writing.*

Passed 10th March, 1807.

WHEREAS by Law no person can be admitted and inrolled as an At-
torney of his Majesty's Court of King's Bench, unless such person
shall have been bound by Contract in writing to serve as a Clerk, for and during
the space of five years, to an Attorney duly sworn and admitted, and unless
such person for and during the said term of five years, shall have continued
in such service, and unless such person after the expiration of the said term
of five years, shall be examined, sworn, admitted and inrolled as an Attor-
ney. Now for the relief of persons who have served for and during the
space of five years, or who shall on or before the last day of Trinity Term,
which shall be in the year of our Lord one thousand eight hundred and
eight, have served for and during the space of five years as Clerks to Attor-
nies, and have not been bound by Contracts in writing; ~~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 cer-
tain parts of an Act passed in the fourteenth year of his Majesty's Reign, en-
titled

Preamble,

Persons who
have served, but
have not been
bound by con-
tracts in writing
as Clerks to At-
tornies for the
space of five
years, shall not
withstanding on
or before the
last day of Trin-
ity Term 1808,
be qualified to
be sworn & ad-
mitted attornies
of the Court of
King's Bench.

titled, "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 every such person, being first examined and approved as by Law required, shall and may, on or before the last day of Trinity Term, which shall be in the year of our Lord one thousand eight hundred and eight, aforesaid, be qualified to be sworn, admitted and inrolled an Attorney of his Majesty's Court of King's Bench, any Law or usage to the contrary thereof in any wise notwithstanding.

C H A P. II.

An Act to repeal the several acts now in force giving Bounties for Destroying Wolves.

[Passed 10th March, 1807.]

WHEREAS the several acts now in force in this Province to encourage the destruction of Wolves are not found beneficial in proportion to the expence incurred by them;—Be it therefore enacted by the King's most excellent Majesty, by and with the advice & 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, & 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 third year of his Majesty's reign, entitled, "an Act to encourage the destroying of Wolves and Bears in different parts of this Province," and also an Act passed in the forty-third year of his present Majesty's reign, entitled, "an Act for further altering and amending an Act passed in the thirty third year of his Majesty's reign, entitled, "an Act to encourage the destroying of Wolves and Bears in different parts of this Province, be repealed, and the same are hereby repealed accordingly. Provided nevertheless, that nothing in this act contained shall extend or be construed to extend to prevent the payment of any certificates under the authority of the Act hereby repealed which shall have been given previous to the passing of this Act.

Act of 33 of
George 3. ch.
11 and of 36 of
Geo. 3. ch. 5,
repealed.

C H A P. III.

An Act to regulate the payment of certain debts due by the Eastern District before the establishment of the District of Johnstown.

[Passed 10th March, 1807.]

Preamble.

WHEREAS the present District of Johnstown was formerly a part of the Eastern District, and it appears that several orders were drawn upon the Treasurer by the Justices of the Peace in Quarter Sessions assembled, in the said Eastern District, previous to the establishment of the said District of Johnstown, for the payment of money to individuals, which orders were not then paid for want of funds, and which now remain unpaid; 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

vince

vince of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same; That from and after the passing of this Act, it shall and may be lawful for the respective treasurers for the time being, of the said Eastern District and District of Johnstown, and the said treasurers, are hereby required respectively, out of the money raised or to be raised from the rates, to pay the one equal half of all such sum or sums of money which are now due and owing upon any order or orders drawn upon the Treasurer by the Justices of the Peace in Quarter Sessions assembled, in the said Eastern District before the first day of January which was in the year of our Lord one thousand eight hundred, to any person or persons to whom such order or orders were made payable, or to his, her, or their executors or administrators.

The Eastern District & District of Johnstown, respectively, to pay one half of the monies due upon orders of the Quarter Sessions of the Eastern District, made before the first day of January 1800.

C H A P. IV.

An Act to revive and continue an Act passed in the forty-second year of his present Majesty's reign, entitled, "An Act to enable the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint one or more additional Port or Ports, Place or Places of entry, within this Province, and to appoint one or more Collector or Collectors at the same, respectively.

[Passed 10th March, 1807.]

WHEREAS an Act passed in the forty second year of his present Majesty's reign, entitled, "An Act to enable the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint one or more additional Port or Ports, Place or Places of Entry, within this Province, and to appoint one or more Collector or Collectors at the same, respectively," which was to continue in force for three years, and no longer, is expired, and it is expedient that the same should be revived and continued.

Preamble.

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "an Act to make more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act shall from, and after the passing of this Act, be revived, and the same is hereby revived, and shall continue in full force and effect for two years, and no longer.

Act of the 45 of Geo 3. revived and continued for two years.

CHAP. V.

C H A P. V.

An Act to authorize Practitioners in the Law in this Province to take such a number of Clerks as is therein mentioned.

[Passed 10th March, 1807.]

Preamble.

Persons authorized to practice the law may have four clerks at one time,

WHEREAS it is necessary to facilitate the education of youth in this Province to the profession of the law; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same; That from, and after the passing of this Act, it shall and may be lawful for all and every person now authorised to practice the profession of the law in this Province, or who shall be hereafter duly authorised to practice as aforesaid, to take and have four Clerks at one time, and no more, any former law or regulation to the contrary notwithstanding.

C H A P. VI.

An Act to establish Public Schools in each and every District of this Province.

Passed 10th March, 1807.

MOST GRACIOUS SOVEREIGN,

Preamble.

The sum of eight hundred pounds to be annually paid for the establishment of public schools.

One public school in every District £100

I. WHEREAS it is considered expedient that some means be devised for the education of youth. May it therefore please your Majesty, that it be enacted; and it is hereby enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada; constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same; That for the establishment of public schools in this province, the sum of eight hundred Pounds shall be annually paid, in manner herein after mentioned, out of any monies, which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to, or for the uses of this Province.

II. *And be it further enacted by the authority aforesaid,* That there shall be one public school in each and every district of this Province; and that out of

of the said sum of eight hundred Pounds, annually so appropriated as aforesaid, the annual sum of one hundred Pounds, shall be paid to each and every teacher, who shall be nominated and appointed, to any of the said public-schools in this Province, for the education of youth, in manner hereinafter-mentioned.

to be paid annually to every teacher of such public school.

III. *And be it further enacted by the authority aforesaid,* That the public school for the Western District, shall be opened and kept in the town of Sandwich. And the public school for the District of London, shall be opened and kept in the township of Townshend, at such place as the trustees or the majority of them shall think proper to appoint. And that the public-school for the District of Niagara, shall be opened and kept in the town of Niagara. And that the public school for the Home District, shall be opened and kept in the town of York. And that the public school for the District of Newcastle, shall be opened and kept in the township of Hamilton, at such place as the trustees, or the Majority of them shall think proper to appoint. And that the public school for the Midland District, shall be opened & kept in the town of Kingston. And that the public school for the District of Johnstown, shall be opened and kept in the township of Augusta, at such place as the trustees, or the majority of them shall think proper to appoint. And that the public school for the Eastern District, shall be opened & kept in the town of Cornwall.

Places where the said public schools are to be kept in each respective District.

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 from time to time, not less than five fit and discreet persons in each and every District of this Province, trustees to the said public schools, which said trustees or the majority of them, shall have full power and authority to nominate a fit and discreet person as teacher thereof, and to examine into the moral character, learning and capacity of such person so nominated; and being satisfied with the moral character, learning and capacity of such person, it shall and may be lawful for the said trustees, or the majority of them, to report such their nomination to the Governor, Lieutenant Governor, or person administering the Government of this Province, either to affirm or disaffirm such nomination as aforesaid.— Provided always, that the said Trustees, or the majority of them, shall have full power and authority in their discretion, to remove such teacher, from his public school, for any misdemeanor, or impropriety of conduct, and that it shall and may be lawful for the said Trustees, or the majority of them, in each and every District of this Province, in case of the demise, dismissal or removal of any teacher of the said public schools, to nominate and appoint, as of ten as the case may require, one other fit and discreet person, as a teacher to the said public school, which trustees or the majority of them, previous to such nomination and appointment as aforesaid, shall examine into the moral character, learning and capacity of such teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the Governor, Lieutenant Governor, or person administering the Government of this Province, either to approve or disapprove of the same.

The Governor, Lieutenant Governor, or person administering the government, to appoint trustees in every district for said schools.

Trustees to nominate a fit person as teacher, and to report their nomination to the Governor, &c. who may either affirm or reject such nomination.

Trustees may remove any teacher and nominate another, and report as aforesaid.

Governor, &c. may either approve or disapprove of such last mentioned nomination.

Trustees au-
thorized to
make rules and
regulations re-
specting said
schools.

V. And be it further enacted by the authority aforesaid, That the trustees appointed under and by virtue of this Act, in each and every district of this Province, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said public schools, with respect to the teacher, for the time being, and to the scholars, as in their discretion shall seem meet.

Mode of pay-
ment of the sa-
laries of the said
teachers.

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, to issue his warrant to the Receiver General of this Province, for the payment of such yearly salary or salaries half yearly, as shall or may from time to time be due to any teacher or teachers appointed under this act, upon such teacher or teachers producing a certificate signed by the trustees or the majority of them, of the district in which he shall have so taught or educated youth, of his having faithfully demeaned himself in his office as a teacher as aforesaid, for and during such time as he shall so require payment for his service.

Continuance
of this act.

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

C H A P. VII.

An Act to repeal the several acts now in force in this Province, relative to rates and assessments, and also to particularize the property real and personal, which during the continuance thereof, shall be subject to rates and assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed.

Passed 10th March, 1807.

Preamble.

WHEREAS the present mode of laying assessments has been found inconvenient; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled 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 Monday in the Month of March in this present year one thousand eight hundred and seven, the three several Acts passed in the thirty-third, thirty-fourth and forty third years of the reign of his present Majesty, by which rates have been imposed, the one entitled, "an Act to authorize and direct the laying & collecting of assessments and rates in every district within this Province, and to provide for the payment of wages to the members of the house of Assembly," and the other entitled, "an Act to amend certain parts of an act passed in

Acts 33 of
Geo 3. ch. 3.
34 of Geo 3.
ch. 6, 43 Geo.
3. ch. 12, re-
pealed.

in the thirty third year of His Majesty's reign, entitled, "an Act to authorize and direct the laying and collecting of assessments and rates in every District of this Province, and to provide for the payment of wages to the members of the House of Assembly," and the other, "an Act particularizing the property real and personal which during the continuance thereof, shall be subject to assessments and rates, and fixing the several valuations at which each and every particular of such property, shall be rated and assessed," shall be, and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That the following property, real and personal, shall after the said first Monday in March as well in this present year, as for every subsequent year, during the continuance of this Act, be deemed rateable property throughout this Province, and shall be rated at the rate or valuation hereinafter specified, that is to say, for every acre of cultivated land, twenty shillings; every acre of uncultivated land, two shillings; every Town lot, ten Pounds; every house built of round logs, fifteen Pounds; every house built of square timber, of one story in height and not two stories, with not more than two fire places, twenty five Pounds; for every additional fire place, five Pounds; every house built of square timber of two stories in height, with not more than two fire places, thirty Pounds, and for every additional fire place, eight Pounds; every framed house under two stories in height and not more than two fire places, thirty five Pounds, and for every additional fire place, five pounds; every brick or stone house of one story in height, and not two stories, with not more than two fire places, forty Pounds; and for every additional fire place, ten Pounds; every framed brick or stone house of two stories in height with not more than two fire places, sixty Pounds, and for every additional fire place, ten Pounds; every Grist Mill wrought by water with one pair of stones, one hundred and fifty Pounds, every additional pair of stones, fifty Pounds; every Grist Mill wrought by wind, one hundred Pounds; every Saw-Mill, one hundred Pounds, every Merchant shop, two hundred Pounds; every Store-House, one hundred Pounds; every stone horse of the age of three years and upwards, two hundred Pounds; every horse of the age of three years and upwards, eight Pounds; Oxen of the age of four years and upwards, per head, four Pounds, Milch cows per head, three Pounds; horned cattle from the age of two years, to four years, per head, one Pound; Swine of the age of one year and upwards, per head, ten shillings; every Still used for the purpose of distilling spirituous Liquors, from Grain or other materials, for every gallon that the body of such Still may contain, five shillings; every Billiard table, two hundred pounds; every Vessel sailing of eight Tons burthen and upwards, fifty Pounds.—Provided always, that every Stove erected and used in any room, when there shall be no fire place, be deemed and considered as a fire place; provided also nevertheless, that nothing herein contained shall extend or be taken or construed to extend to any property, goods or effects, matters or things herein mentioned and enumerated, which shall belong to, or be in the actual possession or occupation of His Majesty, his Heirs or Successors.

Property that shall be rateable,

Except it shall belong to, or be in the possession or occupation of his Majesty.

III. *And be it further enacted by the authority aforesaid,* That the persons nominated and chosen assessors in each and every Parish, Township, reputed

Assessors to demand lists of rateable property

ty, which they shall return to the clerks of the peace, to be laid before the quarter Sessions.

Township or place, shall during the continuance of this Act, have power and authority, and they are hereby authorized, impowered and required to demand and receive of and from each and every inhabitant resident within the Parish, Township or place for which they shall be so nominated and chosen, a list of all the rateable Property real and personal, in his, her, or their possession in the Province, which list shall be taken annually during the continuance of this Act between the first monday in March, and the sitting of the Quarter Sessions of the peace then next ensuing, and the said assessors, shall make a return of all the inhabitants, with a true list of all their rateable property as aforesaid; and the said assessors shall include their own rateable property therein, at the foot of which they shall subscribe their names, and after putting up a copy thereof, in some public and conspicuous place within the Township in which the same shall be made, shall return the same to the Clerk of the Peace, to be laid before the said Court of Quarter Sessions.

What Lands are to be deemed rateable property.

IV. And be it further enacted by the authority aforesaid, That all Lands shall be considered as rateable property, which are holden in fee simple or a promise of a fee-simple, by Land board certificate, order of Council or certificate of any Governor of Canada.

Compensation to the assessors.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such assessors, yearly and every year during the continuance of this Act, to demand and receive of and from the Treasurer of the District, a sum of Money not exceeding three Pounds for every hundred pounds, contributed and raised in and by their respective Townships, reputed Townships or places, for the year during which they shall serve that office, and so in proportion for any greater or less sum or sums, and the Treasurer of each and every District, is hereby authorized and required to pay such assessor as aforesaid.

Apportionment of the rates by quarter sessions.

VI. And be it further enacted by the authority aforesaid, That the several Courts of Quarter Sessions, are hereby authorized, impowered and required after having ascertained the sum of money required to be raised for defraying the public expences of the District, to divide and apportion the same upon each and every person in the said rate lists named and liable to pay rates as aforesaid, so that every person shall be assessed in a just proportion to the list of his, her or their rateable property real and personal, according to the rates herein before specified, and having ascertained the quota, dividend or sum of money, for which each and every person shall be so assessed, for the current year, they direct the Clerk of the Peace to transmit forthwith a certified copy of such assessment roll, so rated and ascertained as aforesaid, to each and every Collector within the District, and the said Clerk of the Peace shall be entitled to ask, and the Treasurer is hereby required to pay him the sum of one Pound Lawful Money on each assessment roll, so by the said Clerk apportioned and transmitted as aforesaid, and such copy certified by the Clerk of the Peace as aforesaid, shall be to each and every Collector, sufficient authority for collecting the proportions or dividends, within their respective Townships, reputed Townships or places:—Provided always, that the sum levied shall in no one year exceed the sum of one penny in the Pound, in the sum herein before specified, as the valuation at which each species of the property before mentioned, shall be rated and assessed.

The sum to be levied not to exceed one penny in the pound.

VII. *And be it further enacted by the authority aforesaid,* That if any inhabitant, shall refuse or neglect to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector, the said Collector shall, and is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a Warrant for that purpose from some one of His Majesty's Justices of the Peace, and to render the overplus (if any there shall be) to the owner thereof, after deducting the amount of the Rate assessed, and the charges of the distress and sale.

The rates due how to be recovered.

VIII. *And be it further enacted by the authority aforesaid,* That the following Fees, and no more, shall be taken ; for every Warrant of Distress, one Shilling ; for travelling every mile to execute the same, Four Pence ; and for every selling and making Returns, Two Shillings.

The fees to be taken for recovering of the same.

IX. *And be it further enacted by the Authority aforesaid,* That if any person to be appointed a Parish or Town Officer, under the authority of an Act passed in the thirty-third year of the reign of His present Majesty, entitled " An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," or under the authority of an Act passed in the forty-sixth year of the reign of His said Majesty, entitled, " An Act to alter and amend an Act passed in the thirty-third year of His present Majesty's reign, entitled, an Act to provide for the nomination and appointment of Parish and Town Officers, and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's reign, entitled, " an Act to authorize and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for the payment of wages to Members of the House of Assembly, " shall neglect or refuse to perform the duty imposed upon them and each of them by the provision herein contained, in manner and form as is herein specified and declared, or if any person or persons liable to pay any of the rates by this Act imposed, shall neglect or refuse to deliver in a true list of his, or her rateable property, real and personal, to the Assessors, in manner and form herein before specified, or shall wilfully mistake such rateable property, every such person or persons, shall forfeit and pay a sum of money not less than forty shillings, nor more than five pounds, for the first neglect or refusal, and ten pounds for the second ; to be levied by distress and sale of the Offenders goods and chattels : and upon complaint of such neglect, the Justices of the Peace in Quarter Sessions assembled, shall hear and determine the same, and upon sufficient proof being made of such neglect, refusal or mistatement, they shall issue such warrant as aforesaid, and such sum of money, when collected, shall be paid into the hands of His Majesty's Receiver General, to and for the uses of His Majesty, his heirs and successors, and towards the support of the Government of this Province to be accounted for to His Majesty through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as it shall please His Majesty to direct.

Penalties for any parish or town officer refusing or neglecting to perform the duties of his office ; and also for any person refusing to deliver a list of his rateable property to the assessors.

Clerks of the peace to transmit an account of the assessments to the clerk of the house of assembly.

X. *And be it further enacted by the Authority aforesaid,* That the Clerk of the Peace in each and every District in this Province shall, and he is hereby required to transmit before the end of the Month of November in every year, to the Clerk of the House of Assembly for the time being, an aggregate account of the said Assessment, which shall contain a true and full statement of every species of property in respect of which, such Assessment was made; and the Clerks of the Peace respectively, are hereby authorized to demand, and the Treasurer of each District, is hereby respectively required to pay to each of the said Clerks of the Peace for their trouble in making up such aggregate account, the sum of twenty shillings.

Compensation to the collector.

XI. *And be it further enacted by the Authority aforesaid,* That the Collector may deduct at the rate of five Pounds for every hundred Pounds, & no more, as a full compensation for his service in collecting, any law to the contrary notwithstanding, and the Treasurer shall give a Receipt for all money paid to him by any Collector.

Treasurer to be appointed by the justices at their Quarter Sessions.

XII. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the said Justices, at their respective general Quarter Sessions assembled, or the greater part of them then and there assembled, to nominate and appoint a proper person, being resident in the said District, to be treasurer of the said District, which treasurer shall give sufficient security in such sums as shall be approved of by the said Justices, at their respective general Quarter Sessions then and there assembled, to be accountable for the several sums of money which shall be respectively paid to him in pursuance of this Act, and to pay such sum or sums of money as shall be ordered to be paid by the Justices in their general Quarter Sessions, and also for the due and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands by virtue of and in pursuance of this Act, shall be deemed and taken to be the public stock of the District, and the said treasurer shall, and is hereby required to pay so much of the money in his hands, to such person or persons as the said Justices at their respective general Quarter Sessions or the greater part of them, then and there assembled, shall by their orders direct and appoint for the purposes herein recited, and for any other uses and purposes to which the public stock of any District, is or shall be applicable by Law, reserving at all and every time or times, to and for his own use, and as a reward for his labour and expence, the sum of three pounds for every hundred pounds that shall or may be paid into his hands by the said Collectors for the purposes aforesaid.

Duty of the Treasurer.

XIII. *And be it further enacted by the Authority aforesaid,* That the said treasurer shall, and he is hereby required to keep books of entries of the several sums respectively received and paid by him in pursuance of this Act, and also to deliver in a true and exact account upon Oath (if required,) which Oath, any one of the Justices at their respective general Quarter Sessions is hereby authorized to administer; of all and every sum or sums of money respectively received and paid by him, distinguishing the particular uses to which such sum or sums of money have been applied, to the Justices at every general

general Quarter Sessions, to be holden for the District, and shall lay before the Justices of such Sessions, the proper vouchers for the same, and the discharges of the said Justices of the Peace, or the greater part of them, by their orders made at their general Quarter Sessions to such treasurers, shall be taken and allowed as good and sufficient acquittances to the full amount thereof.

XIV. *And be it further enacted by the Authority aforesaid,* That it shall and may be lawful for the said Justices of the Peace at their general Quarter Sessions or the greater part of them from time to time, to continue such treasurer in his office so long as they shall see convenient, and to remove him at their pleasure and to appoint any other proper person in his place.

Court of quarter sessions may continue or remove the treasurer.

XV. *And be it further enacted by the Authority aforesaid,* That the assessments and rates hereby imposed, may be in the form hereunto subjoined:

XVI. *And be it further enacted by the Authority aforesaid,* That this Act shall be and continue in force for four years from and after the passing of the same, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continuance of this act.

Form

C H A P. VIII.

An Act for applying certain sums of Money therein mentioned to make good certain Monies issued and advanced by his Majesty, through his Honor Mr. President Grant, in pursuance of two addresses.

Passed 10th March, 1807.

MOST GRACIOUS SOVEREIGN,

WHEREAS in pursuance of several addresses of your Commons House of Assembly to his Honor Alexander Grant, Esquire, lately President administering the government of your Province of Upper Canada, bearing date the first and third of March one thousand eight hundred and six, last passed, in the forty sixth year of your Majesty's Reign, several sums of money, amounting in the whole to the sum of one hundred and fifty-one pounds, two shillings and sixpence halfpenny, have been issued and advanced by your Majesty, through his Honor Mr. President Grant, to the Clerks and other officers of the two Houses of Parliament, for certain contingent expences attending the last Session of Parliament;—May it therefore please your Majesty that it may be enacted,—and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, 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 surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of one hundred and fifty-one pounds, two shillings and six pence halfpenny, to make good the said sum of money which has been issued and advanced in pursuance of the aforesaid addresses.

Preamble.

£. 151 2 6½ to be issued from the Provincial Treasury to make good a like sum paid in pursuance of addresses of the Assembly.

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

How to be accounted for.

C H A P. IX.

An Act for granting to his Majesty, Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other Trading persons therein mentioned.

Passed 10th March, 1807

MOST GRACIOUS SOVEREIGN,

WE your Majesty's most dutiful and loyal Subjects, the Commons of the Province of Upper Canada, in Parliament assembled, for the uses of this

Preamble.

this Province, have freely and voluntarily resolved, to give and grant to your Majesty, your heirs and successors, the several duties on Licences hereinafter mentioned, and in such manner and form as hereinafter expressed. And therefore most humbly 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 there shall be raised, collected and paid to his Majesty, his heirs, and successors, to and for the public uses of this Province, and the support of the Government thereof, the several and respective duties hereinafter mentioned, for and upon the several respective Licences to be taken out in manner and by the persons hereinafter mentioned, that is to say, on or before the fifth day of April next, there shall be taken out a Licence by every Hawker, Pedlar and Petty Chapman, and every Trading person or persons, going from Town to Town, or to other men's houses, or who have not become householders by permanent residence in any town or place within this Province, by or for the space of one year previous to the passing of this Act, or travelling either on foot or with a horse or horses, ass or asses, mule or mules, or other beast bearing or drawing burthen, boat or boats, decked vessel or other craft, or otherwise within this Province, carrying to sell, or exposing to sale any goods, wares or merchandizes, for which Licences, there shall be paid the following sums at the time such Licence shall be taken out. For every man travelling on foot, the sum of three pounds, current money of this Province; for every horse, ass or mule, or other beast bearing or drawing burthen, the sum of twenty shillings yearly, for each beast he shall so travel with, over and above the first mentioned sum of three pounds; for every man sailing with a decked vessel, trading and exposing for sale any goods, wares and merchandizes, on board or from the same, the sum of eight pounds; for every man trading with a boat or other craft, and exposing for sale goods, wares and merchandize, for each boat or craft, the sum of five pounds; for every person other than such persons as are herein before defined, who may come into this Province and expose goods for sale, who shall not have become a householder by permanent residence in any Town or place within this Province, for the space of one year previous to the passing of this Act, the sum of eight pounds.

Licences to be taken out by hawkers, pedlars, and other trading persons.

The sums to be paid for such Licences

It is *Provided always, and be it further enacted by the authority aforesaid,*

That when any person, such as last before mentioned, shall have become a permanent resident by hiring a house or shop, and occupying the same for the purposes of trade, for and during the term of one year, and shall not during the time, have travelled from house to house, for the purpose of vending goods, wares or merchandize, and shall produce to the collector a certificate to that effect, signed by two of his Majesty's Justices of the Peace, the nearest to his place of residence, and who are hereby authorized and required

in what cases some part for such Licences to be returned.

ed to grant the same, it shall and may be lawful for such collector, and he is hereby required to repay to such persons, the sum of eight pounds, the amount of such Licences as aforesaid, and the certificate of the said Justices, shall be to him a sufficient Voucher for the sum so repaid and allowed, as such in his account with the Inspector General.

III. *And be it further enacted by the Authority aforesaid,* That all and every person or persons, that shall take out Licences as aforesaid, is and are hereby required to take out a fresh Licence, on or before the fifth day of April, in each and every year, before he she or they shall presume hereafter during the continuance of this act, to travel and trade as aforesaid; provided always nevertheless, that nothing in this Act shall be construed to compel any person or persons, but such Hawker, Pedlar or Petty Chapman or other Trading person as herein before described, to take out such Licence as aforesaid, for bringing Salt, Pot or Pearl Ashes into this Province, or for any goods, wares or merchandize, passing through this Province in packages unopened, or for driving cattle for Market, or sale or otherwise, through this Province.

Licences to be taken out annually.

Cases where no licence is required.

IV. *And be it further enacted by the authority aforesaid,* That the Licences herein before mentioned, shall be granted by the Governor, Lieutenant Governor or person administering the government of this Province, and for every such Licence, that shall be delivered, there shall be paid by the person or persons applying for the same to the collector, the sum of three shillings and nine pence current money, and no more for issuing the same.

Licences by whom to be granted.

V. *And be it further enacted by the authority aforesaid,* That every collector as aforesaid, before he enter upon the execution of his said office, shall take and subscribe the following Oath, which Oath shall be taken before any two of his Majesty's Justices of the Peace, in and for the District in which such collector shall reside, who are hereby authorized and required to administer and transmit the same to be filed in the Clerk of the Peace's office, amongst the records of the said District: I do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of collector of his Majesty's Revenue, arising from Licences on Hawkers, Pedlars, and Petty Chapmen, and other trading persons described in a certain Act, entitled, "an Act for granting to his Majesty, duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other trading persons therein mentioned," and will duly and impartially superintend the collection hereof, according to the best of my skill and knowledge, and in all cases of fraud or suspicion of fraud, that shall come to my knowledge, I will shew no person favor or affection, nor will I aggrieve any person from hatred or ill will, and that I will in all cases faithfully do, execute and perform to the best of my skill and knowledge, all and every the duties imposed upon me by the before mentioned Act, So help me God.

Oath to be taken by the collectors.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That no collector acting under and by virtue of this Act shall enter upon the execution of his office until he shall have given security by two sureties in

Security to be given by the collectors.

one hundred pounds each, and himself in two hundred pounds current money of this Province, to his Majesty, his heirs and successors, for the performance of his office.

Collectors to account with the Inspector General every 3 months, and pay the money collected twice in every year to the Receiver General.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every collector as aforesaid, and he is hereby required to render a just, true and faithful account of all monies which he shall collect and receive under and by virtue of this act, to the Inspector General of the Province, once in every three Months, and such collector shall twice in every year, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he shall so receive, once on or before the first day of September, and once on or before the first day of February in each and every year, and that the said collector shall retain and take at the rate of ten pounds for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this Act.

Compensation to collectors.

Penalty for Hawkers, pedlars, &c trading without licence.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Justice of the Peace, collector, deputy collector, constable or peace officer to seize and detain any such Hawker, Pedlar, petty Chapman or other trading person as aforesaid, who shall be found trading without a Licence, contrary to this Act, or who being found trading, shall refuse or neglect to produce a Licence according to this Act, after being required so to do, for a reasonable time in order to his or her being carried, and they are hereby required to carry such person so seized, unless they shall in the mean time produce their respective Licences before two of his Majesty's Justices of the Peace, the nearest to the place where such offence or offences shall be committed, which said two Justices of the Peace, are hereby authorized and strictly required, either upon the confession of the party offending or due proof by witnesses or witnesses other than the informer upon Oath, which Oath they are hereby impowered to administer, that the person or persons so brought before them, had so traded as aforesaid without a Licence, and in case no such Licence shall be produced by such offender or offenders, before such Justices, the said Justices by warrant under their hands and seals, directed to a constable or peace officer, shall cause the sum of ten pounds with reasonable costs to be forthwith levied by distress and sale of the goods, wares and merchandizes of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus if any there be, to the owner or owners thereof, after deducting the reasonable charges for taking the said distress, and for want of sufficient distress, the offender or offenders shall be sent to the nearest Gaol, for such time, not exceeding six months, or less than one month, as such Justices of the Peace, shall think most proper.

Cases to which this act does not extend.

IX *Provided' always, and it is hereby enacted by the Authority aforesaid,* That nothing in this Act, shall extend or be construed to extend to prohibit any person or persons, from selling any printed papers published by authority, nor any fish, fruits, or victuals, nor to hinder any person who are the real makers of any goods, wares or merchandizes of the manufactory of this Province, or his, her or their children, apprentices, agents or servants

to such real workers or makers of such goods, wares or manufactures, only from carrying abroad, exposing to sale or selling by retail or otherwise, any of the said goods, wares or manufactures of his, her or their own making, in any parts of this Province, nor any Tinkers, Coopers, Glaziers, Harness menders or any other persons usually trading in mending kettles, tubs, household goods or harness whatsoever, from going about and carrying with him, her or them, proper materials for mending the same without having a Licence as aforesaid; Provided also, that this Act shall not be construed to extend to prohibit hucksters, or persons having stalls or stands, in the Markets in the Towns within this Province, from selling or exposing to sale without having a Licence as aforesaid, any fish, fruits, victuals or goods, wares and merchandizes, in such stalls or stands, they complying with such rules and regulations of Police, as by the Justices in their General Quarter Sessions of the Peace, are or may be established in such Towns, respecting such stalls and stands.

Licence under this act not to preclude the necessity of taking out licences for selling of brandy, &c.

X. *And be it further enacted by the authority aforesaid,* That nothing in this Act, shall be construed to permit any person or persons whatsoever, to sell any wine, brandy, rum or other spirituous liquors, without first having taken out a Licence for the sale thereof, agreeable to the Laws of this Province.

XI. *Provided always, and be it further enacted by the Authority aforesaid,* That no suit or action shall be brought or commenced against any person or persons, for any penalty by this Act imposed, that shall not be brought or commenced within twelve months after the offence or offences, respectively committed.

Suits to recover penalties under this Act to be commenced within 12 months after the offence committed.

XII. *And be it further enacted by the Authority aforesaid,* That if any person or persons shall be summoned as a witness or witnesses, to give evidence before any Justice of the Peace, touching any of the matters relative to this Act, and shall neglect or refuse to appear at the time and place for that purpose appointed, without reasonable excuse for such neglect or refusal, to be allowed of by the said Justices, or on appearing, shall refuse to be examined on Oath, and to give evidence before such Justices of the Peace, before whom the prosecution shall be depending, that then, every such person shall forfeit for every such offence the sum of ten pounds current money aforesaid, with costs to be levied, recovered, and paid in such manner and by such means as are herein before directed, and for want of sufficient distress, the offender or offenders, shall be sent by such Justices of the Peace, to the nearest Gaol for such time, not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

Penalty for refusing to appear or to be examined as a witness

XIII. *And be it further enacted by the Authority aforesaid,* That the moiety of every pecuniary penalty or satisfaction by this Act imposed, shall belong to his Majesty, his heirs and successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver General, to and for the 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

Distribution of the penalties recovered.

Commissioners of his treasury for the time being, in such manner and as it shall please his Majesty to direct, and the other moiety thereof shall belong to the person or persons who shall sue for the same.

Limitation of Actions for any thing done in pursuance of this act.

Pleadings & costs.

XIV. And be it further enacted by the Authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the matter or thing done, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and if afterwards judgement shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-suited or discontinued his, her or their action or suit, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs at law.

Continuance of this act.

XV And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force, four years from and after the passing of the same, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

C H A P. X.

An ACT for granting to his Majesty, his heirs and successors, to and for the uses of this Province, the like duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from the United States of America into the Province of Lower Canada.

Passed 10th March, 1807.

Preamble.

WHEREAS by articles of provisional agreement made and entered into at Montreal, on the twenty eighth day of January in the thirty-seventh year of his present Majesty's reign, by commissioners nominated and appointed on behalf of the Province of Upper Canada, under and by virtue of an Act of the Legislature thereof, passed in the thirty-sixth year of his Majesty's reign, entitled, "an Act to authorize the Lieutenant Governor to nominate and appoint certain commissioners for the purposes therein mentioned, and commissioners nominated and appointed in behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the thirty sixth year of his Majesty's reign, entitled, "an Act for appointing commissioners on behalf of this Province, to treat and confer with commissioners on behalf of the Province of Upper Canada, for the purposes herein mentioned," it was amongst other things agreed, that the Legislature of Upper Canada, should impose and levy upon all articles subject to duties in Lower Canada, which shall be brought into Upper Canada from the United States of America, without passing through Lower Canada, duties equal to those that were or should be imposed and levied on similar articles when brought

Provisional agreement between Upper and Lower Canada, in part recited.

brought from the United States into Lower Canada, and that the legislature of Upper Canada should take the most effectual measures that their local situation would admit of, for enforcing the collection of such duties. And whereas by an Act of the Provincial Parliament of Lower Canada, passed in the forty fifth year of the reign of his present Majesty, entitled, "an Act to provide for the erecting of a common Gaol in each of the Districts of Quebec and Montreal respectively, and the means for defraying the expences thereof," it was amongst other things enacted, that from and after the passing of that Act there should be raised, levied, collected and paid, for and upon the respective goods, wares and merchandize hereinafter mentioned, which should be imported or brought into any part of that Province, from any place or places from whence the same might be legally imported, over and above all other duties then charged and payable thereon in that Province, by any Act or Acts of the Parliament of Great Britain, or of the Provincial Parliament of that Province, the several rates and duties therein mentioned, that is to say, for every pound Avoir-du-pois weight of Bohea Tea, two pence ; secondly, for every pound like weight of Souchong or other black Tea, four pence ; thirdly, for every pound like weight of Hyson Tea, six pence ; fourthly, for every pound like weight of all other green Teas, four pence ; fifthly, for every gallon English measure of all spirits or other strong liquors, three pence ; sixthly, for every gallon like measure of all wine, three pence ; seventhly, for every gallon like measure of all molasses and syrups, two pence, and after those rates for any greater or less quantity of such goods respectively.

Act of the provincial Parliament of Lower Canada, 45 of Geo. 3. in part recited.

And wheras it is expedient in conformity to the said provisional agreement before mentioned, that the like duties, should be raised, levied, collected and paid upon the respective goods, wares and merchandizes above recited, which should be imported or brought into any part of this Province from the United States of America, over and above all other duties now charged and payable thereon, as are now imposed on similar articles brought from the said United States of America into Lower Canada : Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, " an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, " an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same ; That from and after the passing of this Act, there shall be raised, levied, collected and paid for and upon the respective goods wares and merchandizes hereinafter mentioned, which shall be imported or brought into any part of this Province, from the United States of America, over and above all other duties now charged and payable thereon in this Province, by any Act or Acts of the Parliament of Great Britain, or of the Provincial Parliament of this Province, the several rates and duties following, that is to say For every pound avoirdupois weight of Bohea, two pence ; secondly, for every pound like weight of Souchong or other black Tea, four pence ; thirdly, for every pound like weight of Hyson Tea, six pence ; fourthly, for every pound like weight

In conformity to the provisional agreement, additional duties imposed on certain goods, wares, and merchandize, imported from the United States of America, into this Province.

weight of all other green Teas, four pence; fifthly, for every gallon English measure, of all spirits or other strong liquors, three pence; sixthly, for every gallon like measure, of all Wine, three pence; seventhly, for every gallon like measure of all Molasses and syrups, two pence, and after those rates for any greater or less quantity of such goods respectively.

Mode of collecting the said duties.

II. *And be it further enacted by the Authority aforesaid,* That the several rates and duties herein before recited, shall be raised, levied, collected and paid in the same manner and form, and under the same rules and regulations, penalties and forfeitures as are by law now established in this Province, for the levying and collecting of other rates and duties.

Continuance of this Act.

III. *And be it further enacted by the Authority aforesaid,* That this Act shall continue to be in force to the first day of March, in the year of our lord one thousand eight hundred and nine, and no longer.

C H A P. XI.

An Act to Establish the Fees of the Clerks of the Peace, and to regulate the Fees in the several Courts of Quarter Sessions throughout this Province.

Passed 10th March, 1807

Preamble.

WHEREAS it is proper to establish the fees of the different Clerks of the Peace in this Province, and that provision be made for the payment of costs arising in the Court of General Quarter Sessions :

Fees allowed to the clerks of the peace.

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 the following fees shall be allowed to the different clerks of the peace in this Province; for drawing the receipt and attending commissioners to sign the same, and transmitting it to the sheriff, one pound; attending each quarter session, one pound and ten shillings; making up the records of each session, two pounds and ten shillings; notice of every appointment, one shilling; list of jurors, every one hundred names, two shillings and six pence; making up estreats of each session and transmitting the same to the inspector general, five shillings; to be paid out of the district treasury:—every recognizance for the peace or good behaviour, to be paid by the party bound, five shillings; for discharging the same, two shillings and six pence; subpoena, two shillings and six pence; bench warrant, five shillings; drawing indictment, ten shillings; allowance of certiorari, to be paid by the person applying for the same, five shillings.

II.

II. And be it further enacted by the Authority aforesaid, That when any person or persons shall be convicted before any Court of Quarter Sessions in this Province, of any assault or misdemeanor, such person or persons so convicted, shall pay the costs of such conviction and prosecution, that shall be allowed and taxed by the said Court; and when such defendant or defendants shall be acquitted; the prosecutor, unless it shall appear to the said court that there were reasonable grounds for prosecuting, to be certified by the chairman, by indorsement on the back of the indictment, in open court, shall pay such costs of prosecution, as shall be allowed and taxed as aforesaid; *Provided nevertheless*, that when any defendant or defendants shall be tried on a presentment of the grand jury, and shall be acquitted, the costs shall be paid out of the district treasury; ; *Provided nevertheless*, that nothing in this Act shall be construed to extend to deprive the clerks of the peace of such fees as are allowed by any Act of Parliament for other services.

Costs to be paid at the quarter sessions by persons convicted.

In what cases prosecutors shall pay cost.

When costs shall be paid by the district.

C H A P. XII.

An Act for the preservation of Salmon.

[Passed 10th March, 1807.]

WHEREAS it is found necessary to make provision for the preservation of Salmon, in the Rivers and Creeks of this Province; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entitled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, no person or persons in the Home or Newcastle Districts, shall be allowed by setting any net or nets, wear, or other engines, to take any salmon or salmon fry, in any river or creek, or at the mouth or near the mouth of any river or creek in the said Districts.

Preamble.

II. And be it further enacted by the authority aforesaid, That if any person or persons in either of the districts aforesaid, shall take or catch or attempt to take or catch by setting any net or nets, wears or other engines, any salmon or salmon fry, in any of the creeks or rivers, or at the mouth or near the mouth of any creek or river in the aforesaid Districts, such person or persons shall forfeit and pay the sum of five pounds for the first offence, and double that sum for every subsequent offence, or in default of payment, shall be committed to the common gaol of the District in which the offence is committed, for the space of one month. *Provided* always, that nothing in this Act shall be construed to prevent persons at any time from taking salmon with a spear or hook and line.

Penalties for taking &c. by nets, wears, or other engines, in the Home or Newcastle districts, salmon or salmon fry.

Salmon may be taken with spear or hook and line.

Penalties how
to be recovered

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one of his Majesty's Justices of the Peace, upon the oath of any one credible witness, to hear and determine the matter in complaint, and on conviction under his hand and seal, to cause to be levied of the goods and chattels of such offender or offenders as are herein before mentioned, the sum of five pounds for the first offence, and double the sum for every subsequent offence, committed contrary to the intention of this Act, or in default of payment, to commit the offender to the common gaol of the District for one month.

Penalties how
to be distributed
and applied.

IV. *And be it further enacted by the authority aforesaid,* That one half of every fine levied, or to be levied, 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.