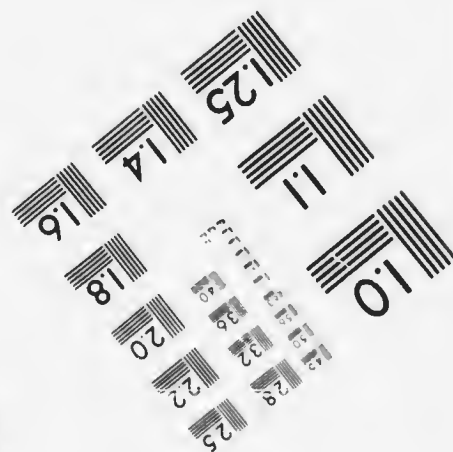
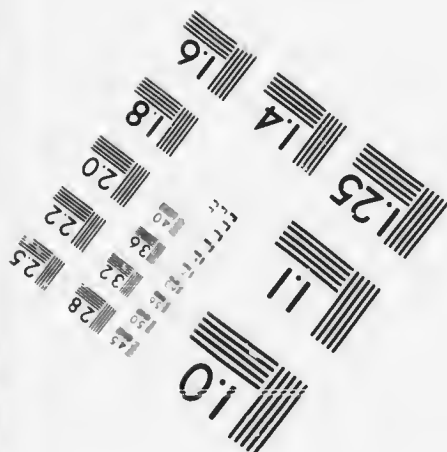
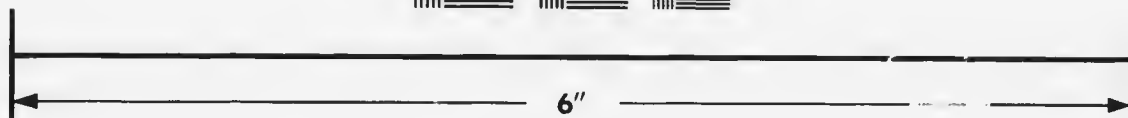
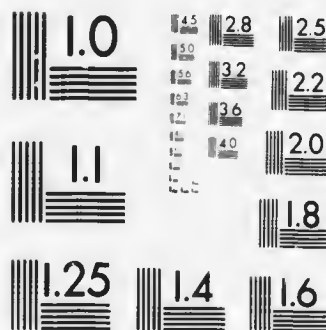


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

8  
25  
22

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

**© 1987**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- |  |  |
|--|--|
| <input type="checkbox"/> Coloured covers/<br>Couverture de couleur   | <input type="checkbox"/> Coloured pages/<br>Pages de couleur   |
| <input type="checkbox"/> Covers damaged/<br>Couverture endommagée  | <input checked="" type="checkbox"/> Pages damaged/<br>Pages endommagées  |
| <input type="checkbox"/> Covers restored and/or laminated/<br>Couverture restaurée et/ou pelliculée  | <input type="checkbox"/> Pages restored and/or laminated/<br>Pages restaurées et/ou pelliculées  |
| <input type="checkbox"/> Cover title missing/<br>Le titre de couverture manque   | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/<br>Pages décolorées, tachetées ou piquées   |
| <input type="checkbox"/> Coloured maps/<br>Cartes géographiques en couleur   | <input checked="" type="checkbox"/> Pages detached/<br>Pages détachées   |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/<br>Encre de couleur (i.e. autre que bleue ou noire)   | <input checked="" type="checkbox"/> Showthrough/<br>Transparence   |
| <input type="checkbox"/> Coloured plates and/or illustrations/<br>Planches et/ou illustrations en couleur  | <input checked="" type="checkbox"/> Quality of print varies/<br>Qualité inégale de l'impression  |
| <input type="checkbox"/> Bound with other material/<br>Relié avec d'autres documents   | <input type="checkbox"/> Includes supplementary material/<br>Comprend du matériel supplémentaire   |
| <input type="checkbox"/> Tight binding may cause shadows or distortion<br>along interior margin/<br>La reliure serrée peut causer de l'ombre ou de la<br>distorsion le long de la marge intérieure   | <input type="checkbox"/> Only edition available/<br>Seule édition disponible   |
| <input type="checkbox"/> Blank leaves added during restoration may<br>appear within the text. Whenever possible, these<br>have been omitted from filming/<br>Il se peut que certaines pages blanches ajoutées<br>lors d'une restauration apparaissent dans le texte,<br>mais, lorsque cela était possible, ces pages n'ont<br>pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata<br>slips, tissues, etc., have been refilmed to<br>ensure the best possible image/<br>Les pages totalement ou partiellement<br>obscurcies par un feuillet d'errata, une pelure,<br>etc., ont été filmées à nouveau de façon à<br>obtenir la meilleure image possible. |
| <input checked="" type="checkbox"/> Additional comments:/<br>Commentaires supplémentaires:   | Irregular pagination : [1] - XVII, [1] - 42, 45 - 46, 43 - 44, 47 - 66, 69 - 70, 67 - 68, 71 - 176,<br>178, 177, 179 - 212, [6] p.   |

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
									✓		

The copy filmed here has been reproduced thanks to the generosity of:

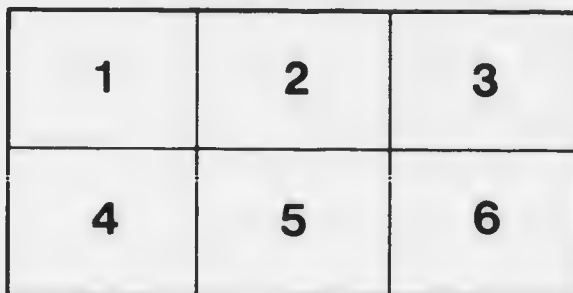
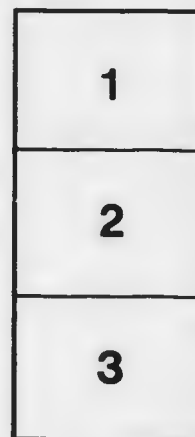
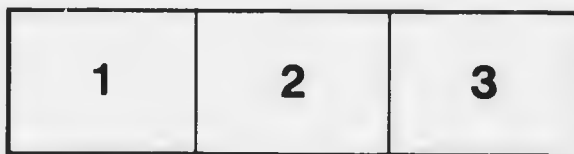
Harold Campbell Vaughan Memorial Library  
Acadia University

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

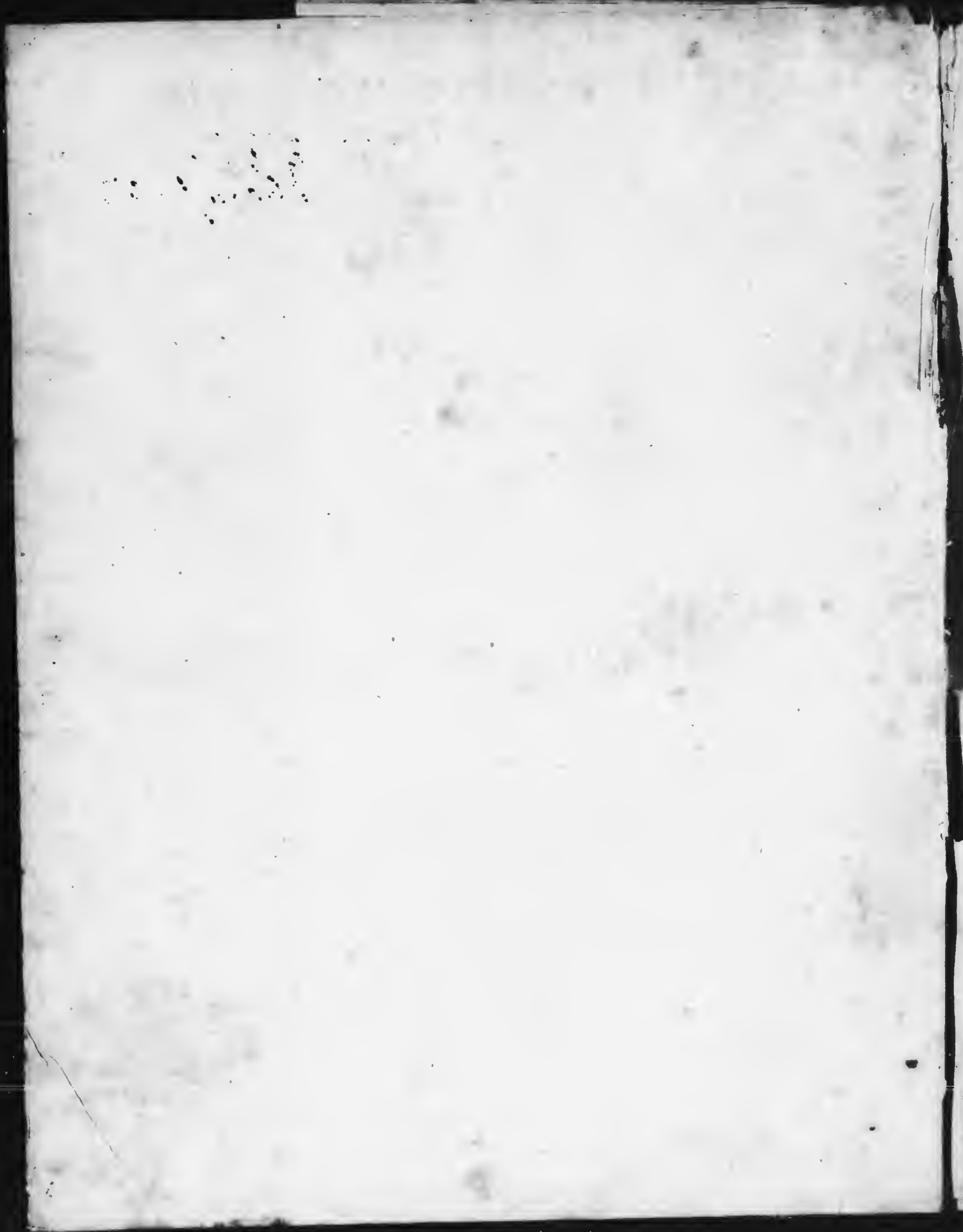
Harold Campbell Vaughan Memorial Library  
Acadia University

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



A  
346.1  
On 8

IN THE FOURTEENTH YEAR OF THE REIGN OF  
OF

D.  
GEORGE THE THIRD,

At the Parliament begun and holden at *Westminster*, the Tenth Day of May, in the Year of our Lord 1773, in the Eighth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of *Great Britain, France and Ireland* King, Defender of the Faith, &c.

And from thence continued, by several Prorogations to the Thirteenth Day of January, 1774; being the Seventh Session of the Thirteenth Parliament of *Great Britain*.



---

YORK, UPPER-CANADA:  
PRINTED BY JOHN CAMERON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY. 1811.

### *Numeral Errata.*

From conceiving the 5th Session of the first Provincial Parliament to be the first Session of the Second Provincial Parliament, the Publisher was led to misplace the numbers of the Sessions in the present Edition, (*That is to say,*) from page 56 to page 115 inclusive; which corrected reads, "Page 56, Fifth Session of the First Provincial Parliament" instead of "First Session of the Second Provincial Parliament," and progressively to Page 116:—*That is,* the 1st, 2d, 3d and 4th Sessions of each Parliament between Page 55 and 116, should be the last Session of the preceding, and the 1st, 2d and 3d of that Parliament.

IN THE FOURTEENTH YEAR OF THE REIGN OF  
**GEORGE THE THIRD.**

## CHAP. LXXXIII.

An ACT for making more effectual Provision for the Government of the Province of Quebec in North America.

WHEREAS his Majesty, by his Royal Proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at Paris, on the tenth day of February, one thousand seven hundred and sixty three: And whereas, by the arrangements made by the said Royal Proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all the territories, islands, and countries in North America, belonging to the Crown of Great Britain, bounded on the South by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence from those which fall into the sea, to a point in forty five degrees of Northern latitude, on the Eastern bank of the river Connecticut, keeping the same latitude directly West, through the Lake Champlain, until, in the same latitude, it meets the river Saint Lawrence; from thence up the Eastern bank of the said river to the Lake Ontario; thence through the Lake Ontario, and the river commonly called Niagara; and thence along by the Eastern and South Eastern bank of Lake Erie, following the said bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio; But in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the North western angle of the said Province of Pennsylvania, and thence by a right line, to the said North-western angle of the said Province; and thence along the Western Boundary of the said Province, until it strike the river Ohio; and along the bank of the said river, Westward, to the banks of the Mississippi, and Northward to the Southern boundary of the territory granted to the Merchants Adventurers of England, trading to Hudson's Bay, and also all such territories, islands and countries, which have, since the tenth of February, one thousand seven hundred and sixty three, been made part of the government of Newfoundland, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

Territories belonging to Great Britain.

Annexed to the Province of Quebec.

II. Provided always, That nothing herein contained, relative to the boundary of the Province of Quebec, shall in any wise affect the boundaries of any other Colony.

III. Provided always, and be it enacted, That nothing in this Act contained, shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said Province, or the Provinces thereunto adjoining; but that the same shall remain and be in force, and have effect, as if this Act had never been made.

And whereas the provisions, made by the said Proclamation, in respect to the civil government of the said Province of Quebec, and the powers and authorities given to the Governor and other civil officers of the said Province, by the grants and commissions issued in consequence thereof, have been found upon experience, to be inapplicable to the state and circumstances of the said Province, the inhabitants whereof amounted, at the conquest, to above sixty five thousand persons professing the religion of the Church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said Province of Canada; Be it therefore further enacted by the authority aforesaid; That the said Proclamation, so far as the same relates to the said Province of Quebec, and the government under the authority whereof the government of the said Province is at present administered, and all and every the ordinance and ordinances, made by the Governor and Council of Quebec

Former provisions null and void.



for the time being, relative to the civil government and administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May one thousand seven hundred and seventy five.

Inhabitants of Quebec may profess the Romish religion, &c.

V. And, for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared, that his Majesty's subjects, professing the religion of the Church of Rome, of and in the said Province of Quebec, may have, hold and enjoy, the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the Imperial Crown of this Realm; and that the Clergy of the said Church may hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

VI. Provided nevertheless, That it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant Clergy within the said Province, as he or they shall from time to time, think necessary and expedient.

No person professing the Romish religion, obliged to take the oath of Elizabeth, but to take the following oath.

VII. Provided always, and be it enacted, That no person professing the religion of the Church of Rome, and residing in the said Province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person who, by the said statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the Governor, or such other person in such Court of Record as his Majesty shall appoint, who are hereby authorized to administer the same, *videlicet*,

*I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his Person, Crown and Dignity; and I will do my utmost endeavour to disclose and make known to his Majesty, his Heirs and Successors, all treasons, and traitorous conspiracies and attempts, which I shall know to be against him or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all Pardons and Dispensations from any Power and Person whomsoever to the contrary — So help me God.*

And every such person who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

Canadian subjects (religious Orders excepted) may hold all their possessions, &c.

VIII. And he it further enacted by the authority aforesaid, That all his Majesty's Canadian subjects within the Province of Quebec, the religious Orders and Communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights in as large, ample, and beneficial manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the Law of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from time to time be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner herein after mentioned.

IX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common socage.

Owners of goods may alienate by will, &c.

X. Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said Province, and that has a right to alienate the said lands, goods, or credits, in his or her life time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any Law, Usage, or Custom, heretofore or now prevailing in the Province, to the contrary hereof in any wise notwithstanding; such will being executed either according to the Laws of Canada, or according to the forms prescribed by the Laws of England.

Criminal Law of England to be continued in the Province.

XI. And whereas the certainty and lenity of the Criminal Laws of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; Be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the description and quality of the offences in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon, which did or might prevail in the said Province before the year of our Lord one thousand seven hundred and sixty-four; any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the said Province, hereafter to be appointed shall, from time to time, cause to be made therein, in manner herein after directed.

And

XII. And whereas it may be necessary to ordain many regulations for the future welfare and good government of the Province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there; And whereas it is at present inexpedient to call an Assembly; Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their Signet or Sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the Province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the Members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed and nominated, or the major part thereof, shall have power and authority to make Ordinances for the peace, welfare, and good government of the said Province, with the consent of his Majesty's Governor, or in his absence, of the Lieutenant Governor, or Commander in Chief for the time being.

His Majesty may appoint a council, &c.

XIII. Provided always, That nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said Province, such rates and taxes only excepted, as the inhabitants of any town or district within the said Province may be authorized by the said Council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.

XIV. Provided also, and be it enacted by the authority aforesaid, That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, and laid before his Majesty for his Royal Approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's Order in Council thereupon shall be promulgated at Quebec.

XV. Provided also, That no Ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

XVI. Provided also, That no Ordinance shall be passed at any meeting of the Council where less than a majority of the whole Council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every Member thereof resident at Quebec or within fifty miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, to attend the same.

When Ordinances are to be passed by a majority.

XVII. And be it further enacted by the authority aforesaid, That nothing herein contained, shall extend or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their Letters Patent under the Great Seal of Great Britain, from erecting, constituting, and appointing such Courts of Criminal, Civil, and Ecclesiastical jurisdiction within and for the said Province of Quebec, and appointing, from time to time, the Judges and Officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said Province.

XVIII. Provided always, and it is hereby Enacted, That nothing in this Act contained, shall extend, or be construed to extend, to repeal or make void within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of his Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in force within the said Province of Quebec, and every part thereof.

See C. 88, and 15 Geo. 3d, c. 40.

CHAP. LXXXVIII.

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.

WHEREAS certain duties were imposed, by the authority of his Most Christian Majesty, upon Wine, Rum, Brandy, Eau de Vie de Liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of three pounds per centum ad valorem, upon all dry goods imported into, and exported from the said Province, which duties subsisted at the time of the surrender of the said Province to your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the administration of justice, and the support of civil government in the said Province: We your Majesty's most dutiful and loyal subject, the Commons of Great Britain, 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 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy five, all the duties which were imposed upon Rum, Brandy, Eau de Vie de Liqueur, within the said Province, and also of three pounds per centum ad valorem, on dried goods imported into, or exported from the said Province, under the authority of his Most Christian Majesty, shall be, and are hereby discontinued; and that in lieu and instead thereof, there shall, from

Certain duties imposed by his most Christian Majesty upon rum, brandy, &c. imported into Quebec

to be discontinued,

and after the said fifth day of April one thousand seven hundred and seventy five, be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other duties now payable in the said Province, by any Act or Acts of Parliament, the several rates and duties following: that is to say,

and in Stead the following Duties to be paid.

For every gallon of Brandy, or other spirits, of the manufecture of Great Britain, three pence.

For every gallon of Rum, or other spirits, which shall be imported or brought from any of his Majesty's sugar Colonies in the West Indies, six pence.

For every Gallon of Rum, or other spirits, which shall be imported or brought from any other of his Majesty's Colonies or Dominions in America, nine pence.

For every gallon of foreign Brandy, or other spirits of foreign manufecture, imported or brought from Great Britain, one shilling.

For every gallon of Rum or spirits, of the produce or manufecture of any of the Colonies or Plantations in America, not in the possession or under the dominion of his Majesty, imported from any other place except Great Britain, one shilling.

For every gallon of molasses and syrups, which shall be imported or brought into the said Province, in ships or vessels belonging to his Majesty's subjects in Great Britain or Ireland, or to his Majesty's subjects in the said Province, three pence.

For every gallon of molasses and syrups, which shall be imported or brought into the said Province in any other ships or vessels, in which the same may be legally imported, six pence; and after those rates for any greater or less quantity of such goods respectively.

Rates deemed Sterling money of Great Britain;

II. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this Act, shall be deemed, and are hereby declared to be, Sterling money of Great Britain, and shall be collected, recovered and paid, to the amount of the value of which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and six pence the ounce in silver; and that the said duties, herein before granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this Act, as any other duties payable to his Majesty upon goods imported into any British Colony or Plantation in America, are or shall be raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present Act; and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be paid by the Collector of his Majesty's Customs, into the hands of his Majesty's Receiver General in the said Province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision, towards defraying the expences of the administration of justice, and of the support of civil government in the said Province; and that the Lord High Treasurer, or Commissioners of his Majesty's Treasury, or any three or more of them for the time being, shall be, and is or are hereby empowered, from time to time, by any warrant or warrants under his or their hand or hands, to cause such money to be applied out of the said produce of the said duties, towards defraying the said expences; and that the residue of the said duties shall remain and be reserved in the hands of the said Receiver General, for the future disposition of Parliament.

how to be levied, &c.

to whom to be paid,

and how applied.

Regulations with respect to goods brought into the Province chargeable, &c.

III. And it is hereby further enacted by the authority aforesaid, That if any goods chargeable with any of the said duties herein before mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint John's near the River Sorrel; or if such goods shall be brought into the said Province by any inland navigation, other than upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel, by the said port, and shall be there entered with, and the said respective rates and duties paid for the same, to such Officer or Officers of his Majesty's Customs as shall be there appointed for that purpose; and if any such goods coming by land carriage, or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said Province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of Quebec, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such goods, shall also be forfeited and lost, and shall and may be seized by any Officer of his Majesty's Customs, and prosecuted, as herein after mentioned.

Penalties and forfeitures, &c.

IV. And it is hereby further enacted by the authority aforesaid, That the said penalties and forfeitures by this Act inflicted, shall be sued for and prosecuted in any Court of Admiralty, or Vice Admiralty, having jurisdiction within the said Province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the Laws relating to the customs and trade of his Majesty's Colonies in America shall or may, by any Act or Acts of Parliament, be sued for, prosecuted, recovered, and divided.

V. And be it further enacted by the authority aforesaid, That there shall, from and after the fifth day of April, one thousand seven hundred and seventy five, be raised, levied, collected and paid unto his Majesty's Receiver General of the said Province, for the use of his Majesty, his heirs and successors, a duty of one pound sixteen shillings Sterling money of Great Britain, for every licence that shall be granted by the Governor, Lieutenant Governor, or Commander in Chief of the said Province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said Province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such licence, shall forfeit, and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the Receiver General of the Province, for the use of his Majesty.

Any person keeping a house of public entertainment, to pay 2l. 16s. for a licence.

Penalty of 10l. for every offence.

VI. Provided always, That nothing herein contained shall extend, or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to and belonged to his most Christian Majesty, before and at the time of the conquest and surrender thereof to his Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid in the same manner as if this Act had never been made; any thing therein contained to the contrary notwithstanding.

Not to make void French revenues, &c.

VII. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, and if it shall appear to the Court or Judge where or before whom the same shall be tried, that such action or suit is brought for any thing that was done in pursuance of and by the authority of this Act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if the plaintiff shall discontinue such action or suit, such Court or Judge shall award to the defendant or defendants treble costs.

Treble costs. Explained and amended. 15 Geo. 3. c. 40.

IN THE FIFTEENTH YEAR OF THE REIGN OF

GEORGE THE THIRD.

At the Parliament begun and holden at *Westminster*, the Twenty Ninth day of *November*, in the year of our Lord 1774, in the Fifteenth Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of *Great Britain, France, and Ireland* King, Defender of the Faith, &c. being the first Session of the fourteenth Parliament of *Great Britain*.

CHAPTER XL.

An ACT for amending and explaining an Act, passed in the fourteenth year of his Majesty's Reign, intituled, 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."

WHEREAS by an Act, passed in the fourteenth year of his Majesty's Reign, intituled, "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," it is, amongst other things enacted, That if any goods, chargeable with any of the duties in the said Act mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint John's near the River Sorrel; or if such goods shall be brought into the said Province by any inland navigation, other than upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel by the said port, and shall be there entered with, and the said respective rates and duties paid for the same, to such officer or officers of his Majesty's customs as shall be there appointed for that purpose; and if any such goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said rates and duties, or shall be brought into any part of the said Province by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned, in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the town of Quebec at the time such offence shall be committed;

14 Geo. 3. c. 25.

mitted; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage or conveyance of such goods, shall be forfeited and lost, and shall and may be seized by any officer of his Majesty's customs, and prosecuted as therein after mentioned: And whereas there is reason to apprehend, that the regulations and restrictions contained in the said herein before recited clause, so far as they relate to the bringing of rum, brandy, or other spirits, into the Province of Quebec by land carriage, may, without further explanation, operate to the prejudice and disadvantage of the commerce carried on with the Indians in the upper or interior parts of the said Province; we, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain 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 Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all his Majesty's subjects, freely to bring, carry, or convey, by land carriage or inland navigation, into any parts of the Province of Quebec, not heretofore comprehended within the limits thereof by his Majesty's Royal Proclamation of the seventh of October one thousand seven hundred and sixty-three, any quantity of rum, brandy, or other spirits; any thing contained in the before recited Act of Parliament to the contrary thereof in any wise notwithstanding.

His Majesty's subjects may bring any quantity of Rum, Brandy, &c.

IN THE THIRTY-FIRST YEAR OF THE REIGN OF

## GEORGE THE THIRD.

At the Parliament begun and holden at *Westminster*, the Twenty-fifth Day of *November*, in the Year of our Lord 1790, in the Thirty-first Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of *Great Britain, France and Ireland* King, Defender of the Faith, &c. being the first Session of the Seventeenth Parliament of *Great Britain*.

### CHAPTER XXXI.

An ACT to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America;" and to make further Provision for the Government of the said Province.

Preamble.

14 Geo. 3. cap. 83, recited.

So much of recited Act as relates to the appointment of a Council for Quebec, or its powers, repealed.

Within each of the intended Provinces, a Legislative Council and Assembly to be constituted, by whose advice his Majesty may make laws for the government of the Province.

WHEREAS an Act was passed in the fourteenth year of the reign of his present Majesty, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec in North America;" And whereas the said Act is in many respects inapplicable to the present condition and circumstances of the said Province: And whereas it is expedient and necessary that further provision should now be made for the good Government and Prosperity thereof: May it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said Act as in any manner relates to the appointment of a Council for the affairs of the said Province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make Ordinances for the peace, welfare, and good Government of the said Province, with the consent of his Majesty's Governor, Lieutenant Governor, or Commander in Chief for the time being, shall be, and the same is hereby repealed.

II. And whereas his Majesty has been pleased to signify, by his Message to both Houses of Parliament, his Royal Intention to divide his Province of Quebec into two separate Provinces, to be called the Province of Upper Canada, and the Province of Lower Canada; be it enacted by the authority aforesaid, That there shall be within each of the said Provinces respectively, a Legislative Council, and an Assembly, to be severally composed and constituted in the manner herein-after described; and that in each of the said Provinces respectively, his Majesty, his heirs, or successors, shall have power, during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to this Act; and that all such laws, being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by his Majesty, his heirs or successors, or assented to in his Majesty's name, by such person as his Majesty, his heirs or successors, shall from time to time appoint to be the Governor, or Lieutenant Governor, of such Province, or by such person as his Majesty, his heirs or successors, shall from time to time appoint to administer the Government within the same, shall

bc,

be, and the same are hereby declared to be, by virtue of and under the authority of this Act, valid and binding to all intents and purposes whatever, within the Province in which the same shall have been so passed.

III. *And be it further enacted by the authority aforesaid,* That for the purpose of constituting such Legislative Council as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their Sign Manual, to authorize and direct the Governor, or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the time herein after mentioned, in his Majesty's name, and by an instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient number of discreet and proper persons, being not fewer than seven to the Legislative Council for the Province of Upper Canada, and not fewer than fifteen to the Legislative Council for the Province of Lower Canada; and that it shall also be lawful for his Majesty, his heirs or successors, from time to time, by an instrument under his or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like manner, such other person or persons as his Majesty, his heirs or successors, shall think fit; and that every person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council to which he shall have been so summoned.

His Majesty may authorize the Governor, or Lieutenant Governor, of each Province, to summon Members to the Legislative Council.

IV. *Provided always, and be it enacted by the authority aforesaid,* That no person shall be summoned to the said Legislative Council, in either of the said Provinces, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty, having become such by the conquest and cession of the Province of Canada.

No person under 21 years of age, &c. to be summoned.

V. *And be it further enacted by the authority aforesaid,* That every Member of each of the said Legislative Councils shall hold his seat therein for the term of his life, but subject nevertheless to the provisions herein after contained for vacating the same, in the cases herein after specified.

Members to hold their seats for life.

VI. *And be it further enacted by the authority aforesaid,* That whenever his Majesty, his heirs or successors, shall think proper to confer upon any subject of the Crown of Great Britain, by Letters Patent under the Great Seal of either of the said Provinces, any hereditary title of honor, rank, or dignity of such Province, descendible according to any course of descent limited in such Letters Patent, it shall and may be lawful for his Majesty, his heirs or successors, to annex thereto, by the said Letters Patent, if his Majesty, his heirs or successors, shall so think fit, an hereditary right of being summoned to the Legislative Council of such Province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or Person administering the Government of such Province, his writ of summons to such Legislative Council, at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provisions herein after contained.

His Majesty may annex to hereditary titles of honor, the right of being summoned to the Legislative Council.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That when and so often as any person to whom such hereditary right shall have descended shall, without the permission of his Majesty, his heirs or successors, signified to the Legislative Council of the Province by the Governor, Lieutenant Governor, or person administering the Government there, have been absent from the said Province for the space of four years continually, at any time between the date of his succeeding to such right, and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also when and so often as any such person shall at any time, before his applying for such writ of summons, have taken any oath of allegiance or obedience to any foreign Prince or Power, in every such case such person shall not be entitled to receive any writ of summons to the Legislative Council by virtue of such hereditary right, unless his Majesty, his heirs or successors, shall at any time think fit, by instrument under his or their Sign Manual, to direct that such person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath, touching the said several particulars, before such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such Province, for the affairs thereof.

Such descendible right forfeited, and

VIII. *Provided also, and be it further enacted by the authority aforesaid,* That if any Member of the Legislative Councils of either of the said Provinces respectively, shall leave such Province, and shall reside out of the same for the space of four years continually, without the permission of his Majesty, his heirs or successors, signified to such Legislative Council by the Governor or Lieutenant Governor, or person administering his Majesty's Government there, or for the space of two years continually, without the like permission, or the permission of the Governor, Lieutenant Governor, or person administering the Government of such Province, signified to such Legislative Council in the manner aforesaid; or if any such Member shall take any oath of allegiance or obedience to any foreign Prince or Power; his seat in such Council shall thereby become vacant.

Seats in Council vacated in certain cases

IX. *Provided also, and be it further enacted by the authority aforesaid,* That in every case where a writ of summons,

Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the person next entitled thereto.

Seats in Council forfeited, and hereditary rights extinguished, for reason

Questions respecting the right to be summoned to Councils, &c. to be determined as herein mentioned.

The Governor of the Province may appoint and remove the Speaker.

His Majesty may authorize the Governor to call together the Assembly.

and, for the purpose of electing the Members, to issue a Proclamation dividing the Province into Districts, &c.

Power of the Government to appoint Returning Officers to continue two years from the commencement of this Act.

No person obliged to execute the office of Returning Officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province.

summons to such Legislative Council shall have been lawfully withheld from any person to whom such hereditary right as aforesaid, shall have descended, by reason of such absence from the Province as aforesaid, or of his having taken an oath of allegiance or obedience to any foreign Prince or Power, and also in every case where the seat in such Council of any Member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes herein before specified, such hereditary right shall remain suspended during the life of such person, unless his Majesty, his heirs or successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the death of such person such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the Letters Patent by which the same shall have been originally conferred.

X. *Provided also, and be it further enacted by the authority aforesaid,* That if any Member either of the said Legislative Councils shall be attainted for treason in any court of law within any of his Majesty's Dominions, his seat in such Council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such Person, or to be derived to any other Persons through him, shall be utterly forfeited and extinguished.

XI. *Provided also, and be it further enacted by the authority aforesaid,* That whenever any question shall arise respecting the right of any person to be summoned to either of the said Legislative Councils respectively, or respecting the vacancy of the seat in such Legislative Council, of any person having been summoned thereto, every such question shall, by the Governor, or Lieutenant Governor of the Province, or by the person administering the Government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for his Majesty's Attorney General of such Province in his Majesty's name, to appeal from the determination of the said Council, in such case, to his Majesty in his Parliament of Great Britain; and that the judgement thereon of his Majesty in his said Parliament shall be final and conclusive to all intents and purposes whatever.

XII. *And be it further enacted by the authority aforesaid,* That the Governor or Lieutenant Governor of the said Provinces respectively, or the person administering his Majesty's Government therein respectively, shall have power, and authority from time to time, by an instrument under the Great Seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces respectively.

XIII. *And be it further enacted by the authority aforesaid,* That, for the purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their Sign Manual, to authorize and direct the Governor or Lieutenant Governor, or person administering the Government in each of the said Provinces respectively, within the time herein-after mentioned, and thereafter from time to time, as occasion shall require, in his Majesty's name, and by an instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

XIV. *And be it further enacted by the authority aforesaid,* That, for the purpose of electing the Members of such Assemblies respectively, it shall and may be lawful for his Majesty, his heirs or successors, by an instrument under his or their Sign Manual, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, within the time herein-after mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the limits thereof, and declaring and appointing the number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; and that it shall also be lawful for his Majesty, his heirs or successors, to authorize such Governor or Lieutenant Governor, or person administering the Government, from time to time to nominate and appoint proper persons to execute the office of Returning Officer in each of the said Districts, or Counties, or Circles, and Towns or Townships respectively; and that such division of the said Provinces into Districts, or Counties, or Circles, and Towns or Townships, and such declaration and appointment of the number of Representatives to be chosen by each of the said Districts, or Counties, or Circles, and Towns or Townships, respectively, and also such nomination and appointment of Returning Officers in the same, shall be valid and effectual to all the purposes of this Act, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XV. *Provided nevertheless, and be it further enacted by the Authority aforesaid,* That the provision herein before contained, for empowering the Governor, Lieutenant Governor, or person administering the Government of the said Provinces respectively, under such authority as aforesaid from his Majesty, his heirs or successors, from time to time, to nominate and appoint proper persons to execute the office of Returning Officer in the said Districts, Counties, Circles, and Towns or Townships, shall remain and continue in force in each of the said Provinces respectively, for the term of two years, from and after the commencement of this Act, within such Province, and no longer; but subject nevertheless to be sooner repealed or varied by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XVI. *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be obliged to execute the said office of Returning Officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

**XVII.** *Provided also, and be it enacted by the authority aforesaid,* That the whole number of Members to be chosen in the Province of *Upper Canada* shall not be less than Sixteen, and that the whole number of Members to be chosen in the Province of *Lower Canada* shall not be less than Fifty.

Number of Mem-  
bers in each Province

**XVIII.** *And be it further enacted by the authority aforesaid,* That writs for the Election of Members to serve in the said Assemblies respectively shall be issued by the Governor, Lieutenant Governor, or person administering his Majesty's Government within the said Provinces respectively, within fourteen days after the sealing of such Instrument as aforesaid for summoning and calling together such Assembly, and that such writs shall be directed to the respective Returning Officers of the said Districts, or Counties, or Circles, and Towns or Townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that writs shall in like manner and form be issued for the election of members in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the Legislative Council of either Province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new Member shall be issued within six days after the same shall be made known to the proper officer for issuing such writs of election

Regulations for is-  
suing Writs for the  
Election of Members  
to serve in the As-  
semblies.

**XIX.** *And be it further enacted by the authority aforesaid,* That all and every the returning Officers so appointed as aforesaid, to whom any such writs as aforesaid shall be directed, shall, and they are hereby authorized and required duly to execute such writs.

Returning Officers  
to execute writs.

**XX.** *And be it further enacted by the authority aforesaid,* That the Members for the several Districts, or Counties, or Circles of the said Provinces respectively, shall be chosen by the Majority of Votes of such persons as shall severally be possessed, for their own use and benefit, of lands or tenements within such District, or County, or Circle, as the case shall be, such lands being by them held in freehold or in fief, or in Rouré, or by certificate derived under the authority of the Governor and Council of the Province of Quebec, and being of the yearly value of forty shillings sterling, or upwards, over and above all rents and charges payable out of or in respect of the same; and that the Members for the several towns or townships within the said Provinces respectively shall be chosen by the majority of Votes of such persons as either shall severally be possessed, for their own use and benefit, of a dwelling house and lot of ground in such town or township, such dwelling house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds sterling, or upwards, or, as having been resident within the said town or township for the space of twelve calendar months next before the date of the writ of summons for the Election, shall *bona fide* have paid one year's rent for the dwelling house in which they shall have so resided, at the rate of ten pounds sterling *per annum*, or upwards.

By whom the Mem-  
bers are to be chosen.

**XXI.** *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils to be established as aforesaid in the said two provinces, or who shall be a Minister of the Church of England, or a Minister, Priest, Ecclesiastic, or Teacher, either according to the rites of the Church of Rome, or under any other form of profession of religious faith or worship.

Certain persons  
not eligible to the  
Assemblies.

**XXII.** *Provided also, and be it further enacted by the authority aforesaid,* That no person shall be capable of voting at any Election of a member to serve in such Assembly, in either of the said provinces, or of being elected at any such Election, who shall not be of the full age of twenty-one years, and a natural born subject of his Majesty, or a subject of his Majesty naturalized by Act of the British Parliament, or a subject of his Majesty, having become such by the Conquest and cession of the Province of Canada.

No person under  
21 years of age, &c.  
capable of voting or  
being elected;

**XXIII.** *And be it also enacted by the authority aforesaid,* That no person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall have been attainted for treason or felony in any Court of Law within any of his Majesty's dominions, or who shall be within any description of persons disqualified by any Act of the Legislative Council and Assembly of the province, assented to by his Majesty, his heirs or successors.

nor any person at-  
tainted for treason or  
felony.

**XXIV.** *Provided also, and be it further enacted by the authority aforesaid,* That every Voter, before he is admitted to give his vote at any such Election, shall, if required by any of the Candidates, or by the Returning Officer, take the following Oath, which shall be administered in the English or French language, as the case may require:

Voters if required,  
to take the following

**I.** A. B. do declare and testify, in the presence of Almighty God, That I am, to the best of my knowledge and be-  
**II.** lieve, of the full age of twenty-one years, and that I have not voted before at this Election.

Oath,

And that every such person shall also, if so required as aforesaid, make Oath, previous to his being admitted to vote, that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has *bona fide* been to resident and paid such rent for his dwelling house, as entitles him, according to the provisions of this Act, to give his vote at such Election for the County or District, or Circle, or for the town or township for which he shall vote the same.

and to make oath to  
the particulars herein  
expressed.



His Majesty may authorize the Governor to fix the time and place for holding elections.

and of holding the sessions of the Council and Assembly, &c.

Council and Assembly to be called together once in 12 months, &c.

and all questions therein to be decided by the majority of votes.

No Member to sit or vote till he has taken the following

Oath.

Governor may give or withhold his Majesty's assent to bills passed by the Legislative Council and Assembly, or reserve them for his Majesty's pleasure.

Governor to transmit to the Secretary of State, copies of such bills as have been assented to, which his Majesty in Council may declare his disallowance of, within two years from the receipt.

Bills reserved for his Majesty's pleasure not to have any force till his Majesty's assent be communicated to the Council and Assembly, &c.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, or Lieutenant Governor, or person administering the government, within each of the said Provinces respectively, to fix the time and place of holding such Elections, giving not less than eight days notice of such time, subject nevertheless to such provisions as may hereafter be made in these respects by any Act of the Legislative Council and Assembly of the Province, assented to by his Majesty, his heirs or successors.

XXVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, to fix the places and times of holding the first and every other Session of the Legislative Council and Assembly of such province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by proclamation or otherwise, whenever he shall judge it necessary or expedient.

XXVII. *Provided always, and be it enacted by the authority aforesaid,* That the said Legislative Council and Assembly, in each of the said provinces shall be called together once at the least in every twelve calendar months, and that every Assembly shall continue for four years from the day of the return of the writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor or Lieutenant Governor of the province, or person administering his Majesty's government therein.

XXVIII. *And be it further enacted by the authority aforesaid,* That all questions which shall arise in the said Legislative Councils or Assemblies respectively, shall be decided by the majority of voices of such Members as shall be present; and that in all cases where the voices shall be equal, the Speaker of such Council or Assembly, as the case shall be, shall have a casting voice.

XXIX. *Provided always, and be it enacted by the authority aforesaid,* That no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or to vote therein until he shall have taken and subscribed the following Oath, either before the Governor or Lieutenant Governor of such Province, or person administering the government therein, or before some person or persons authorized by the said Governor or Lieutenant Governor, or other person as aforesaid, to administer such Oath, and that the same shall be administered in the English or French language, as the case shall require:

*I A. B. do sincerely promise and swear, That I will be faithful, and bear true Allegiance to his Majesty King George, as lawful Sovereign of the Kingdom of Great Britain, and of these Provinces dependant on and belonging to the said Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against his Person, Crown and Dignity; and that I will do my utmost endeavour to disclose and make known to his Majesty, his heirs or successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary—So help me God*

XXX. *And be it further enacted by the authority aforesaid,* That whenever any bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces respectively, shall be presented, for his Majesty's assent, to the Governor or Lieutenant Governor of such Province, or to the person administering his Majesty's government therein, such Governor or Lieutenant Governor, or person administering the Government, shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by his Majesty, his heirs or successors, that he assents to such bill in his Majesty's name, or that he withholds his Majesty's assent from such bill, or that he reserves such bill for the signification of his Majesty's pleasure thereon.

XXXI. *Provided always, and be it further enacted by the authority aforesaid,* That whenever any bill, which shall have been presented for his Majesty's assent to such Governor, Lieutenant Governor, or person administering the Government, shall, by such Governor, Lieutenant Governor, or person administering the government, have been assented to in his Majesty's name, such Governor, Lieutenant Governor, or person as aforesaid, shall, and he is hereby required, by the next convenient opportunity, to transmit to one of his Majesty's principal Secretaries of State, an authentic copy of such bill so assented to; and that it shall and may be lawful, at any time within two years after such bill shall have been so received by such Secretary of State, for his Majesty, his heirs or successors, by his or their order in Council, to declare his or their disallowance of such bill, and that such disallowance, together with a certificate, under the hand and seal of such Secretary of State, testifying the day on which such bill was received as aforesaid being signified by such Governor, Lieutenant Governor, or person administering the government, to the Legislative Council and Assembly of such Province, or by Proclamation, shall make void and annul the same, from and after the date of such signification.

XXXII. *And be it further enacted by the authority aforesaid,* That no such bill, which shall be so reserved for the signification of his Majesty's pleasure thereon, shall have any force or authority within either of the said Provinces respectively, until the Governor, or Lieutenant Governor, or person administering the government, shall signify, either by speech or message, to the Legislative Council and Assembly of such Province, or by proclamation, that such bill has been laid before his Majesty in Council, and that his Majesty has been pleased to assent to the same; and that an entry shall be made, in the Journals of the said Legislative Council, of every such speech, message, or proclamation; and a duplicate thereof, duly attested,

shall be delivered to the proper officer, to be kept amongst the public records of the Province; And that no such bill, which shall be so reserved as aforesaid, shall have any force or authority within either of the said Provinces respectively, unless his Majesty's assent thereto shall have been so signified as aforesaid, within the space of two years from the day on which such bill shall have been presented for his Majesty's assent to the Governor, Lieutenant Governor, or person administering the government of such Province.

XXXIII. And be it further enacted by the authority aforesaid, That all laws, statutes, and ordinances, which shall be in force on the day to be fixed in the manner herein after directed for the commencement of this Act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority, and effect, in each of the said Provinces respectively, as if this Act had not been made, and as if the said Province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue of and under the authority of this Act, be repealed or varied by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the same may be repealed or varied by such temporary laws or ordinances as may be made in the manner herein after specified.

Laws in force at the commencement of this Act to continue so, except repealed or varied by it, &c.

XXXIV. And whereas by an ordinance passed in the Province of Quebec, the Governor and Council of the said Province were constituted a Court of Civil Jurisdiction, for hearing and determining appeals in certain cases therein specified, be it further enacted by the authority aforesaid, That the Governor, or Lieutenant Governor, or person administering the government of each of the said Provinces respectively, together with such Executive Council as shall be appointed by his Majesty for the affairs of such Province, shall be a Court of Civil Jurisdiction within each of the said Provinces respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom, as such appeals might before the passing of this Act have been heard and determined by the Governor and Council of the Province of Quebec; but subject nevertheless to such further or other provisions as may be made in this behalf, by any Act of the Legislative Council and Assembly of either of the said Provinces respectively, assented to by his Majesty, his heirs or successors.

Establishment of a Court of Civil Jurisdiction in each Province.

XXXV. And whereas, by the above mentioned Act, passed in the fourteenth year of the reign of his present Majesty, it was declared, That the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said religion; provided nevertheless, that it should be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant Clergy within the said Province, as he or they should from time to time think necessary and expedient: And whereas by his Majesty's Royal Instructions, given under his Majesty's royal sign manual on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton Esquire, now Lord Dorchester, at that time his Majesty's Captain General and Governor in Chief in and over his Majesty's Province of Quebec, his Majesty was pleased, amongst other things, to direct, "That no incumbent professing the religion of the Church of Rome, appointed to any parish in the said Province, should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the said Guy Carleton Esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec, should appoint, and should be reserved in the hands of his Majesty's Receiver General of the said Province, for the support of a Protestant Clergy in his Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton Esquire, his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province, should receive from his Majesty in that behalf; and that in like manner all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the like uses:" And whereas his Majesty's pleasure has likewise been signified to the same effect in his Majesty's royal instructions given in like manner to Sir Frederick Haldimand, Knight of the most Honorable Order of the Bath, late his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec; and also in his Majesty's royal instructions, given in like manner to the said Right Honorable Guy Lord Dorchester, now his Majesty's Captain General and Governor in Chief in and over his Majesty's said Province of Quebec; be it enacted by the authority aforesaid, That the said declaration and provision contained in the said above mentioned Act, and also the said provision so made by his Majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction herein after provided.

24 Geo. 3, c. 35.

Instructions of Jan. 3, 1775, to Sir Guy Carleton, &c. and

Instructions to Sir Frederick Haldimand and to Lord Dorchester, recited,

and the declaration and provisions therein respecting the clergy of the church of Rome to continue in force.

XXXVI. And whereas his Majesty has been graciously pleased, by message to both Houses of Parliament, to express his royal desire to be enabled to make a permanent appropriation of lands in the said Provinces, for the support and maintenance of a Protestant Clergy within the same, in proportion to such lands as have been already granted within the same by his Majesty: And whereas his Majesty has been graciously pleased, by his said message, further to signify his royal desire that such provision

His Majesty's message to Parliament recited.

may be made, with respect to all future grants of land within the said Provinces respectively, as may be necessary to conduce to the due and sufficient support and maintenance of a Protestant Clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof: There- fore, for the purpose of more effectually fulfilling his Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same, in all time to come, be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of his Majesty: And that whenever any grant of lands within either of the said Provinces shall hereafter be made, by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

His Majesty may authorize the Governor to make allotments of lands for the support of a Protestant Clergy in each Province.

and the rents arising from such allotments to be applicable to that purpose solely.

His Majesty may authorize the Governor, with the advice of the Executive Council, to erect Parsonage, and endow them.

and the Governor to present incumbents to them, who are to enjoy the same, as incumbents in England.

Presentations to Parsonages, and the enjoyment of them, to be subject to the jurisdiction granted to the Bishop of Nova Scotia, &c.

Provisions respecting the allotment of lands for the support of a Protestant Clergy, &c. may be varied or repealed by the Legislative Council and Assembly.

XXXVII. *And be it further enacted by the authority aforesaid,* That all and every the rents; profits or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy within the Province in which the same shall be situated, and to no other use or purpose whatever.

XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the government therein, from time to time, with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs or successors, within such Province, for the affairs thereof, to constitute and erect, within every township or parish which now is or hereafter may be formed, constituted, or erected within such Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the establishment of the Church of England; and from time to time, by an instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by his Majesty, in respect of any lands granted by his Majesty before the commencement of this act, as such Governor, Lieutenant Governor, or person administering the government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such township or parish.

XXXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty, his heirs or successors, to authorize the Governor, Lieutenant Governor, or person administering the government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an incumbent or minister of the Church of England, who shall have been duly ordained according to the rights of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a Parsonage or Rectory in England.

XL. *Provided always, and be it further enacted by the authority aforesaid,* That every such presentation of an incumbent or minister to any such Parsonage or Rectory, and also the enjoyment of any such Parsonage or Rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by his Majesty's royal letters patent to the Bishop of Nova Scotia, or which may hereafter, by his Majesty's royal authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

XLI. *Provided always, and be it further enacted by the authority aforesaid,* That the several provisions herein before contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty, his heirs or successors, under the restriction herein after provided.

**XLII.** *Provided nevertheless, and be it further enacted by the authority aforesaid,* That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above recited declaration and provision contained in the said Act passed in the fourteenth year of the reign of his present Majesty; or to vary or repeal the above-recited provision contained in his Majesty's royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the provisions herein before contained for continuing the force and effect of the said declaration and provisions: or to vary or repeal any of the several provisions herein before contained respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same: And also that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein before mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastick, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the ministers and members thereof within the said Provinces; or shall in any manner relate to or affect the King's prerogative touching the granting the waste lands of the Crown within the said Provinces; every such Act or Acts shall previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes, within either of the said Provinces, unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor or person administering the government of such Province, an address or addresses, specifying that such Act contains provisions for some of the said purposes herein before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of his Majesty's assent thereto.

Acts of the Legislative Council and Assembly, containing provisions to the effect herein mentioned to be laid before Parliament, previous to receiving his Majesty's assent, &c.

**XLIII.** *And be it further enacted by the authority aforesaid,* That all lands which shall be hereafter granted within the said Province of Upper Canada shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said Province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of the Province.

Lands in Upper Canada to be granted in free and common soccage, and also in Lower Canada if desired.

**XLIV.** *And be it further enacted by the authority aforesaid;* That if any person or persons holding any lands in the said Province of Upper Canada, by virtue of any certificate of occupation derived under the authority of the Governor and Council of the Province of Quebec, and having power and authority to alienate the same, shall at any time, from and after the commencement of this Act, surrender the same into the hands of his Majesty, his heirs or successors, by petition to the Governor or Lieutenant Governor, or person administering the government of the said Province, setting forth that he, she, or they is or are desirous of holding the same in free and common soccage, such Governor or Lieutenant Governor, or person administering the government, shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Persons holding lands in Upper Canada may have fresh grants.

**XLV.** *Provided nevertheless, and be it further enacted by the authority aforesaid,* That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest and that every such right, title, or interest shall be as valid and effectual as if such surrender and grant had never been made.

Such fresh grants not to bar any right or title to the lands.

**XLVI.** And whereas by an Act passed in the eighteenth year of the reign of his present Majesty, intituled, "An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain, in any of the Colonies, Provinces, and Plantations in North America, and the West Indies; and for repealing so much of an Act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any Colony or Plantation in America, or relates thereto," it has been declared, "That the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's Colonies, Provinces, and Plantations in North America or the West Indies, except only such duties as it may be expedient to impose for the regula-

18 Geo. 3. c. 100 - recited.

tion.

tion of commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province, or Plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied: And whereas it is necessary, for the general benefit of the British Empire, that such power of regulation of commerce should continue to be exercised by his Majesty, his heirs or successors, and the Parliament of Great Britain, subject nevertheless to the condition herein before recited, with respect to the application of any duties which may be imposed for that purpose: Be it therefore enacted by the authority aforesaid That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the execution of any law which hath been or shall at any time be made by his Majesty, his heirs or successors, and the Parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of the commerce to be carried on between the said two Provinces, or between either of the said Provinces and any other part of his Majesty's dominions, or between either of the said Provinces and any foreign country or state, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to his Majesty, his heirs or successors, any power or authority, by and with the advice and consent of such Legislative Councils and Assemblies respectively, to vary or repeal any such law or laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof.

This Act not to prevent the operation of any Act of Parliament, establishing prohibitions or imposing duties for the regulation of navigation and commerce, &c.

Such duties to be applied to the use of the respective Provinces.

XLVII. *Provided always, and be it enacted by the authority aforesaid,* That the net produce of all duties which shall be so imposed, shall at all times hereafter be applied to and for the use of each of the said Provinces respectively, and in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of such Province.

His Majesty in Council to fix and declare the commencement of this Act, &c.

XLVIII. And whereas, by reason of the distance of the said Provinces from this country, and of the change to be made by this Act in the government thereof, it may be necessary that there should be some interval of time between the notification of this Act to the said Provinces respectively, and the day of its commencement within the said Provinces respectively; Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, with the advice of his Privy Council, to fix and declare, or to authorize the Governor or Lieutenant Governor of the Province of Quebec, or the person administering the government there, to fix and declare the day of the commencement of this Act within the said Provinces respectively, provided that such day shall not be later than the thirty-first day of December in the year of our Lord one thousand seven hundred and ninety one.

Time for issuing the writs of summons & election, &c. to be later than Dec. 31 1791.

XLIX. *And be it further enacted by the authority aforesaid,* That the time to be fixed by his Majesty, his heirs or successors, or under his or their authority, by the Governor, Lieutenant Governor, or person administering the government in each of the said Provinces respectively, for issuing the writs of summons and election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the thirty-first day of December in the year of our Lord one thousand seven hundred and ninety two.

Between the commencement of this Act, and the first meeting of the Legislative Council and Assembly, temporary laws may be made.

L. *Provided always, and be it further enacted by the authority aforesaid,* That during such interval as may happen between the commencement of this Act, within the said Provinces respectively, and the first meeting of the Legislative Council and Assembly of each of the said Provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the person administering the government therein, with the consent of the major part of such Executive Council as shall be appointed by his Majesty for the affairs of such Province, to make temporary laws and ordinances for the good government, peace, and welfare of such Province, in the same manner and under the same restrictions, as such laws or ordinances might have been made by the Council for the affairs of the Province of Quebec, constituted by virtue of the above mentioned Act of the fourteenth year of the reign of his present Majesty; and that such temporary laws or ordinances shall be valid and binding within such Province, until the expiration of six months after the Legislative Council and Assembly of such Province shall have been first assembled by virtue of and under the authority of this Act; subject nevertheless to be sooner repealed or varied by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the said Legislative Council and Assembly.

CHAP. CXXXVIII.

An ACT for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces.

[11th August, 1803.]

WHEREAS crimes and offences have been committed in the Indian Territories, and other parts of America, not within the limits of the Provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the Courts established in those Provinces, or within the limits of any Civil Government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offences have gone and may hereafter go unpunished, and greatly increase: For remedy whereof 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 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, all offences committed within any of the Indian Territories, or parts of America not within the limits of either of the said Provinces of Lower or Upper Canada, or of any Civil Government of the United States of America, shall be and be deemed to be offences of the same nature, and shall be tried in the same manner and subject to the same punishment, as if the same had been committed within the Provinces of Lower or Upper Canada.

Offences committed within any of the Indian Territories, &c. shall be tried in the same manner as if committed within the Provinces of Lower or Upper Canada.

II. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor, or person administering the Government for the time being of the Province of Lower Canada, by Commission under his Hand and Seal, to authorize and empower any person or persons whosoever resident or being at the time to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or parts of America not within the limits of either of the said Provinces, or of any Civil Government of the United States of America, as well as within the limits of either of the said Provinces, either upon informations taken or given within the said Provinces of Lower or Upper Canada, or out of the said Provinces in any part of the Indian Territories or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said Province of Lower Canada to be dealt with according to law; and it shall be lawful for any person or persons whatever to apprehend and take before any persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient speed, to the Province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody for the purpose of being dealt with according to Law.

The Governor of Lower Canada may empower persons to act as Justices for the Indian Territories, &c. for committing offenders (to be conveyed to Canada for trial, &c.

III. And be it further enacted, That every such offender may and shall be prosecuted and tried in the Courts of the Province of Lower Canada, (or if the Governor or Lieutenant Governor, or person administering the Government for the time being, shall, from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may more conveniently be administered in relation to such crime or offence in the Province of Upper Canada, and shall by any instrument under the Great Seal of the Province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the Court of the Province of Upper Canada,) in which crimes or offences of the like nature are usually tried, and where the same would have been tried if such crime or offence had been committed within the limits of the Province where the same shall be tried under this Act; and every offender tried and convicted under this Act, shall be liable and subject to such punishment as may by any Law in force in the Province where he or she shall be tried be inflicted for such crime or offence; and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such Court, and such Court may and shall proceed therein to trial, judgement, and execution, or other punishment for such crime or offence in the same manner in every respect as if such crime or offence had been really committed within the jurisdiction of such Court; and it shall also be lawful for the Judges and other Officers of the said Courts to issue Subpoenas and other Processess for enforcing the attendance of witnesses on any such trial; and such Subpoenas and other Processess shall be as valid and effectual and be in full force and put in execution in any parts of the Indian Territories, or other parts of America out of and not within the limits of the Civil Government of the United States of America, as well as within the limits of either of the said Provinces of Lower or Upper Canada, in relation to the trial of any crimes or offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any offender or offenders to justice under this Act, as fully and amply as any Subpoenas or other Processess are, within the limits of the jurisdiction of the Court, from which any such Subpoenas or Processess shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Matter, or Thing to the contrary notwithstanding.

Place and manner of trial of such offenders

IV. Provided always, and be it further enacted, That if any crime or offence charged and prosecuted under this Act, shall be proved to have been committed by any person or persons not being a Subject or Subjects of his Majesty, and also within the limits of any Colony, Settlement, or Territory belonging to any European State, the Court before which such prosecution shall be had, shall forthwith acquit such person or persons not being such Subject or Subjects as aforesaid of such charge.

Offenders not being Subjects of his Majesty, and also within the limits, belonging to any European State, shall be acquitted.

V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the trial of any other person, being a Subject or Subjects of his Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any Colony, Settlement, or Territory belonging to any European State as aforesaid.

But Subjects to his Majesty shall be tried, although offence be committed in another European State.

11/11/11

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 321

LECTURE 10

LECTURE 10: THE HARMONIC OSCILLATOR

1. The Harmonic Oscillator

2. The Simple Harmonic Oscillator

3. The Quantum Harmonic Oscillator

4. The Anharmonic Oscillator

5. The Damped Harmonic Oscillator

M. Campbell

{A. D. 1792.

T H E

# STATUTES

O F

MAJESTY'S PROVINCE

O F

# UPPER-CANADA.

*Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of Great Britain, passed in the Thirty-first Year of the Reign of our Sovereign Lord George the Third, intituled, "An Act to Repeal certain parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled, An Act for making more Effectual Provision for the Government of the Province of Quebec, in North America; and to make further Provision for the Government of the said Province."*

PASSED IN THE FIRST SESSION OF THE FIRST PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT NIAGARA ON THE SEVENTEENTH DAY OF SEPTEMBER, IN THE THIRTY SECOND YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROLOGUED ON THE FIFTEENTH DAY OF OCTOBER FOLLOWING.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

## CHAPTER I.

*An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to introduce the English Law, as the Rule of Decision in all matters of Controversy, relative to Property and Civil Rights."*

**W**HEREAS, by an Act passed in the fourteenth year of his present Majesty, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," it was, among other things, provided, "That in all matters of controversy relative to property and civil rights, resort should be had to the Laws of Canada as the rule for the decision of the same;" such provision being manifestly and avowedly intended for the accommodation of his Majesty's Canadian subjects: And whereas, since the passing of the Act aforesaid, that part of the late Province of Quebec, now comprehended within the Province of Upper Canada, having become inhabited principally by British subjects, born and educated in countries where the English Laws were established, and who are unaccustomed to the Laws of Canada, it is inexpedient that the provision aforesaid contained in the said Act of the fourteenth year of his present Majesty, should be continued 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, "That from and after the passing of this Act, the said provision contained in the said Act of the fourteenth year of his present Majesty, be, and the same is hereby repealed; and the authority of the said Laws of Canada, and every part thereof, as forming a rule of decision in all matters of controversy relative to property and civil rights, shall be annulled, made void and abolished, throughout this Province, and that the said Laws, nor any part thereof as such, shall be of any force or authority within the said Province, nor binding on any of the inhabitants thereof."

II. *Provided always, and be it enacted by the authority aforesaid, That nothing in this Act shall extend to extinguish, release or discharge, or otherwise to affect any existing right, lawful claim or incumbrance,*

Preamble.

Recital of Act 14 Geo. III.

The same repealed in so far as it constitutes the laws of Canada a rule of decision, in matters of controversy, relative to property and civil rights.

Without affecting claims on real prop.



party or contracts or securities already executed.

The laws of England to be henceforth the rule of decision.

But the Ordinances of the Province of Quebec are no further repealed than as by this Act they are necessarily varied.

The rules of evidence to be regulated by those established in England

But no alteration is made in the subsisting provisions respecting ecclesiastical rights or dues, or the jurisdiction of courts of justice, or the poor or bankrupt laws.

to and upon any lands, tenements or hereditaments within the said Province, or to rescind or vacate, or otherwise to affect any contract or security already made and executed conformably to the usages prescribed by the said Laws of Canada.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in all matters of controversy, relative to property and civil rights, resort shall be had to the Laws of England as the rule for the decision of the same

IV. *Provided always, and be it enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to repeal or vary any of the ordinances made and passed by the Governor and Legislative Council of the Province of Quebec, previous to the division of the same into the Provinces of Upper and Lower Canada, otherwise than as they are necessarily varied by the provisions herein mentioned.

V. *And be it further enacted by the authority aforesaid,* That all matters relative to testimony and legal proof in the investigation of fact, and the forms thereof, in the several Courts of Law and Equity within this Province, be regulated by the rules of evidence established in England.

VI. *Provided always, and be it enacted by the authority aforesaid,* That nothing in this Act contained, shall vary, or interfere or be construed to vary or interfere with any of the subsisting provisions respecting ecclesiastical rights or dues within this Province, or with the forms of proceeding in civil actions, or the jurisdiction of the Courts already established, or to introduce any of the Laws of England respecting the maintenance of the poor, or respecting bankrupts.

CHAPTER II.

An Act to Establish Trials by Jury.

Preamble.

WHEREAS, the Trial by Jury has been long established and approved in our mother country, and is one of the chief benefits to be attained by a free Constitution; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of December, in this present year of our Lord one thousand seven hundred and ninety-two, all and every issue and issues of fact, which shall be joined in any action, real, personal or mixed, and brought in any of his Majesty's Courts of Justice within the Province aforesaid, shall be tried and determined by the unanimous verdict of twelve Jurors, duly sworn for the trial of such issue or issues, which Jurors shall be summoned and taken conformably to the Law and custom of England.

All issues of fact to be determined by the verdict of 12 Jurors conformably to the law and custom of England.

Who may bring in a special verdict.

II. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall prevent, or be construed to prevent the said Jurors, in all cases where they shall be so minded, from bringing in a special verdict.

CHAPTER III.

An ACT to Establish the WINCHESTER Measure, and a Standard for other Weights and Measures throughout this Province.

Preamble.

WHEREAS, an uniformity of Weights and Measures is much desired 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of May, in the year of our Lord One Thousand Seven Hundred and Ninety Three, there shall be one just beam or balance, one certain weight and measure, and one yard, according to the Standard of his Majesty's Exchequer in England, used throughout this Province; and whoever shall keep any other weight, measure or yard, whereby any corn, grain, or other thing is bought or sold, shall forfeit for every offence Two Pounds, Quebec Currency, being thereof convicted before any two Justices of the Peace, to be levied by distress and sale of the offenders goods, one half of which penalty shall be paid to the informer or informers, and the other half to his Majesty, his heirs and successors, for the public use of the said Province, and towards the support of the Government thereof.

Standard for weights and measures.

Penalty for not complying How levied and applied.

Persons appointed to mark measures.

How marked. Penalty.

When this Act commences in the Western District.

II. *And be it further enacted by the authority aforesaid,* That from and after the day above-mentioned, there shall be appointed certain judicious persons in every District throughout this Province, by the Magistrates in Quarter Sessions assembled, in and for such District, to ascertain the bushel, half bushel, or other measure by which Grain or other dry articles shall be bought or sold, and who shall mark and seal such bushel, half bushel, or other measure, with the letters and figures G. III. R. and receive for grain or other dry articles shall be used for the purposes aforesaid, under the penalty above-mentioned.

III. *Provided always,* That this Act, and the provisions and penalties therein contained, shall not extend, or be construed to extend to the Western District in this Province, until the twenty-fifth day of October, which will be in the year of our Lord One Thousand Seven Hundred and Ninety-Three.

CHAPTER

CHAPTER IV.

An ACT to Abolish the Summary Proceedings of the Courts of Common Pleas in Actions under Ten Pounds Sterling.

WHEREAS, the introduction of the Trial by Jury hath materially altered the Constitution of the Courts of Common Pleas, held for the Trial of causes under the value of Ten Pounds Sterling, so that their times of sitting and forms of process must become manifestly inconvenient—Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, all causes of action that exceed in value the sum of Forty Shillings, Quebec currency, shall be commenced and proceeded in, at the same times, and in the same manner, as is directed for the Trial of causes above Ten Pounds Sterling.

CHAPTER V.

An ACT to prevent Accidents by Fire in this Province.

WHEREAS, the Inhabitants of the Province of Upper Canada are liable to receive great injuries from accidental Fires that may happen therein, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of November, in the year of our Lord One Thousand Seven Hundred and Ninety-Two, it shall and may be lawful for the Magistrates of each and every District in this Province, in Quarter Sessions assembled, to make such orders and regulations for the prevention of accidental Fires within the same, as to them shall seem meet and necessary, and to appoint Fire-men, or other Officers for the prevention of accidental Fires, or for the purpose of extinguishing the same, when such may happen; and to make such orders and regulations as to them may seem fit or necessary, in any Town or Towns, or other place or places, in each District within this Province, where there may be forty Store-Houses and Dwelling-Houses within the space of half a mile square.

CHAPTER VI.

An ACT for the more Easy and Speedy Recovery of Small Debts.

WHEREAS, it will contribute to the conveniency of the Inhabitants of this Province, to have an easy and speedy method of recovering small Debts, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any two or more Justices of the Peace, acting under and by virtue of his Majesty's commission within the respective limits of their said commissions, to assemble, sit and hold a Court of Justice, to be called a Court of Requests, on the first and third Saturday in every month, at some fixed place within their respective divisions, which division shall be ascertained and limited by the Justices assembled in their General Quarter Sessions, or the greater part of them, and the place for holding the said Court shall be fixed by the Justices acting in and for the said division, or the greater part of them: and the said Justices are hereby declared, constituted and appointed to be Commissioners to hear and determine all such matters of Debts as are herein after mentioned; and shall have power and authority, by virtue of this Act, to give judgement and decree, and award execution thereupon, with such costs as shall be herein-after specified, against the goods and chattels of all and every the person and persons against whom they shall give any judgement or decree, as to them shall seem just in Law and Equity.

11. And be it further enacted by the authority aforesaid, That from and after the first day of February next, it shall and may be lawful to and for every Inhabitant within the limits of this Province, who then or thereafter shall have any Debt or Debts owing to him, her or them, not exceeding the sum of Forty Shillings, Quebec currency, by any person or persons whatsoever inhabiting the said Province, to cause such Debtor or Debtors to be warned or summoned by a writing under the hand of a Justice of the Peace, acting under and by virtue of His Majesty's commission, to be left with some grown person at the dwelling house or place of abode of such Debtor or Debtors, or by service of the same on the person of such Debtor, to appear before the Justices of the said Court; and that the said Justices shall, after such summons as aforesaid, have full power and authority, by virtue of this Act, to make, or cause to be made, such Acts, Orders, Decrees, Judgements and Proceedings between such Plaintiff, and his, her or their Debtor's Defendants touching such Debts not exceeding the Sum of Forty Shillings, Quebec currency, in question before them, as they shall find consistent with equity and good conscience, and all such Acts, Orders, Decrees, Judgements and Proceedings, shall be entered in a Book to be kept for that purpose.

Proviso

How to proceed in actions above 40s.

Proviso

Magistrates in Quarter Sessions authorized to make regulations to prevent accidental fires where 40 store and dwelling houses are erected within half a mile square.

Proviso

Two or more justices may hold a Court of Requests on the 1st and 3d Saturday of every month, within their respective divisions to be ascertained in Quarter Sessions,

And give judgement and award execution there upon as shall seem just.

In matters not exceeding 40s.

Summons Service.

Judgment.

Records.

May administer an Oath to either party & their witnesses.

III. And, for the more due and regular proceedings in the said Court, it is hereby further enacted, That it shall and may be lawful for the said Justices to administer an Oath to the Plaintiff or Defendant, as well as to such Witnesses or Witnesses as shall be produced by each party, and also to all the Officers of the said Court, when the said Justices shall think it meet.

Perjury punished by 5 Ems.

IV. And be it further enacted by the authority aforesaid, That in case any person or persons shall make Oath or give Evidence, in any cause depending before the said Justices in the said Court, whereby he or they shall commit wilful or corrupt perjury, and thereof be duly convicted according to Law, that such person or persons shall suffer the pains and penalties inflicted on wilful and corrupt perjury, by the Statute passed in the fifth year of the Reign of Queen Elizabeth.

Commissioners shall be sworn.

V. And be it further enacted by the authority aforesaid, That no person or persons shall be capable of acting as a commissioner or Commissioners in the execution of the power given by this Act, until such time as he or they shall respectively have taken an Oath, to the effect following:

Oath.

"I. A. B. do Swear, that I will faithfully, impartially and honestly, according to the best of my judgement, hear and determine such matters and things as shall be brought before me, by virtue of an Act of the Legislature of this Province, intituled, "An Act for the more easy and speedy recovery of small Debts," without favor or affection to either Party—SO HELP ME GOD."

Fees.

VI. And be it further enacted by the authority aforesaid, That the several fees and sums of money herein after limited and expressed, and no more, shall and may be taken—for every Summons, six pence; for every Judgement, two shillings; for every Execution, two shillings; for every Subpoena, six pence; for every Copy of Judgement, if demanded, one shilling;—the allowance to be paid to all and every of the Witnesses, to be left to the discretion of the Justices, but not to exceed two shillings and six pence per day to each Witness; and for serving every Summons or Subpoena, within one mile of the Justices' house, one shilling; and for every mile in travelling to execute the same, when the distance exceeds one mile, four-pence; for serving Writ of Execution, seizing and selling effects, and making return, two shillings.

CHAP. VII.

An Act to Regulate the Toll to be taken in Mills.

Preamble.

WHEREAS, it is expedient to ascertain and determine the quantity of grain to be taken by way of Toll, for grinding the said grain into flour and bolting the same, and whereas, different customs have obtained within the several Districts 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety three, no owner or occupier, or owners or occupiers of any mill or mills within this Province, or any person employed by him or them, shall demand, take or receive any quantity or proportion of grain, brought to him or them to be ground and bolted, greater than one twelfth share or part for grinding and bolting such grain.

No greater proportion to be taken for grinding and bolting grain than one 12th.

Penalty.

II. And be it further enacted by the authority aforesaid, That any owner or occupier, or owners or occupiers of a mill or mills within the said Province, or any person employed by him or them, who shall demand and take after the day and year above mentioned, any quantity or proportion of grain, greater than one twelfth share or part of such grain as aforesaid, shall for every such offence, forfeit and pay the sum of ten pounds, Quebec currency, one moiety thereof to his Majesty, his heirs and successors, for the public uses of the said Province, and the support of the government thereof, and the other moiety of the said sum to any person who shall sue for the same, in any of his Majesty's Courts of Record within this Province.

How levied and applied.

Bags must be marked.

III. And whereas, much inconvenience and confusion has arisen from the custom of bringing bags of grain without any distinguishing mark to whom the said bags of grain belong, Be it enacted by the authority aforesaid, that no owner or occupier of any mill shall be bound to receive, or be chargeable with the loss of any bag or bags of grain or flour, unless the same be marked with the initial letters of the christian and surname of the owner of the said grain, or with some mark distinguishing the said bag or bags, which mark of distinction shall be previously communicated and made known to the said owner or occupier, or his servant usually attending the said mill.

CHAP. VIII.

An Act for building a Goal and Court House in every District within this Province, and for altering the Names of the said Districts.

Preamble.

WHEREAS, great inconveniences have been suffered by the inhabitants of this Province, from the want of Prisons and Court Houses in the several Districts thereof, and whereas such buildings are manifestly necessary for the regular administration of justice, and the due execution of the laws, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision

provision for the government of the said Province," and by the authority of the same, That a Gaol and Court House shall be erected in manner herein after to be mentioned, in each and every District through- out the said Province.

A gaol and court house to be built in each district.

II. And be it enacted by the authority aforesaid, That from and after the passing of this Act, the name of the District at present known by the name of the District of Lunenburg, and bounded as in a certain Proclamation issued by his Excellency Guy Lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said District shall hereafter, in all public proceedings, be called and known by the name of the Eastern District.

The district of Lunenburg to be henceforth called the Eastern District.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the name of the District at present known by the name of the District of Mecklenburgh, and bounded as in a certain Proclamation issued by his Excellency Guy Lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said District shall hereafter, in all public proceedings, be called and known by the name of the Midland District.

The district of Mecklenburgh to be henceforth called the Midland District.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the name of the District at present known by the name of the District of Nassau, and bounded as in a certain Proclamation issued by his Excellency Guy Lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said District shall hereafter, in all public proceedings, be called and known by the name of the Home District.

The district of Nassau to be henceforth called the Home District.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the name of the District at present known by the name of the District of Hesse, and bounded as in a certain Proclamation issued by his Excellency Guy Lord Dorchester, in the twenty-eighth year of his Majesty's reign, is described, shall cease, and that the said District shall hereafter, in all public proceedings, be called and known by the name of the Western District.

The district of Hesse to be henceforth called the Western District.

VI. Provided always, and it is hereby enacted, That such alteration of the names of the said several Districts, shall not impeach, or be construed to impeach the validity of any existing commission, granted for the exercise of any authority or jurisdiction within the limits of the said Districts, or any of them, by the names herein before mentioned, or to make void any legal or other proceeding, had under and by virtue of the said commissions, or otherwise to affect the said commissions in any respect whatever.

Such alteration of names not to avoid commissions or legal proceedings.

VII. And for the better effectuating the building the said Gaol and Court House in each of the said Districts, Be it further enacted by the authority aforesaid, and it is hereby enacted, That the Justices of the Peace within the respective limits of their commissions, as the general Quarter Sessions assembled, shall be authorized, and they are hereby authorized, by such means as shall to them seem most fitting and convenient, to procure different plans and elevations of a Gaol and Court House, to be laid before them, for the purpose of selecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said Justices then and there assembled as aforesaid.

Magistrates in Quarter Sessions, to procure different plans and elevations of a gaol and court house, to approve of, and

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more of the said Justices, assembled in manner aforesaid, in the name and on the behalf of the inhabitants of the several Districts, to contract, and they are hereby enabled and authorized to contract, with any person or persons who shall be willing to build the said Gaol and Court House, according to the plan to be approved of as aforesaid, upon a site or situation to be determined upon by the said Justices, or the greater part of them, so assembled as aforesaid, and for that purpose, the said plan and elevation shall remain and continue in the office of the Clerk of the Peace of the said several Districts, for general inspection, and public notice shall be given to all persons willing to contract for the building of the said Gaol and Court House, to deliver in, within a certain limited time, written proposals or offers, under seal, of the sum of money for which he or they will engage to build such Gaol or Court House, conformably to certain articles and conditions, to be agreed upon by the Justices then present, or the greater part of them as aforesaid; and that the said Justices shall, on a day for that purpose previously to be fixed, openly examine the said proposals so delivered in as aforesaid, and shall be empowered and are hereby required, to contract with such person or persons as shall offer to undertake and perform the said buildings for the lowest price, provided the person or persons making such proposals, shall give and enter into good and sufficient security, to be approved of by the said Justices, or the greater part of them, in manner aforesaid, for the due performance of their contract.

to contract for building in the same agreeable thereto.

Public notice being given for receiving proposals, and the same examined the lowest shall be accepted, provided the security be sufficient.

IX. Provided always, That it be an article within the said contract, and the person or persons so contracting shall engage, that the said Gaol and Court House shall be completed within eighteen calendar months after the execution of the said contract.

When to be completed.

X. And be it further enacted by the authority aforesaid, That a Gaol and Court House for the Eastern District, shall be built in manner aforesaid, in the Town of New Johnstown, in the Township of Edwardburgh.

Where to be built in the Eastern district.

XI. And be it further enacted by the authority aforesaid, That a Gaol and Court House for the Midland District, shall be built in manner aforesaid, in the Town of Kingdon.

in the Midland district.

XII. And be it further enacted by the authority aforesaid, That a Gaol and Court House for the Home District, shall be built in manner aforesaid, in the Town of Newark.

in the Home district.

XIII. And be it further enacted by the authority aforesaid, That a Gaol and Court House for the Western District, shall be built in manner aforesaid, as near to the present Court House as conveniently may be.

in the Western district.

XIV. And be it further enacted by the authority aforesaid, That in each and every District, the Sheriff thereof shall have power and authority, to nominate and appoint such person as he shall judge most proper, to be the office of Gaoler and Keeper of the Gaol and Court House, and also to remove and discharge such Gaoler and Keeper.

Sheriff to appoint the Gaoler.

No licence to be granted for retailing spirituous liquors within such gaols.

Penalty on gaolers transgressing in this respect.

Penalty for a second transgression.

Rules made in quarter Sessions when approved by a judge shall be binding on the Gaoler and prisoners.

A yearly salary shall be appointed to such gaoler in place of all fees, perquisites or impositions whatever

XV. *Provided always*. That no licence shall be granted for retailing any spirituous liquors within any of the said Gaols or Prisons, and if any Gaoler, Keeper or Officer of any Gaol or Prison, shall sell, lend, use, or give away, or knowingly permit, or suffer any spirituous liquors or strong waters, to be sold, used, lent, or given away, in such Gaol or Prison, or brought into the same, other than except such spirituous liquors or strong waters, as shall be prescribed or given by the prescription and direction of a regular Physician, Surgeon, or Apothecary; every such Gaoler, Keeper, or other Officer, shall for every such offence, forfeit and lose the sum of twenty pounds, current money of this Province, one moiety thereof to his Majesty, his heirs and successors, for the public uses of the said Province, and the support of the Government thereof, and the other moiety of the said sum, with full costs of suit, to such person or persons as will sue for the same, in any of his Majesty's Courts of Record in this Province, by action of debt, bill, plaint, or information; and in case any such Gaoler or other Officer being convicted thereof as aforesaid, shall again offend in like manner, and be thereof a second time lawfully convicted, such second offence shall be deemed a forfeiture of his office.

XVI. *Provided also*, That it shall and may be lawful for the said Justices at their Quarter Sessions assembled, as aforesaid, or the greater part of them, to frame and draw up such rules and regulations to be observed and obeyed within the said Gaols, respectively, as to them shall seem most proper and convenient, which having received the approbation and signature of one of the Judges of the Supreme Courts shall be binding on the Gaoler and Prisoners.

XVII. *And he it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Justices within the respective limits of their commissions, assembled as aforesaid, or the greater part of them, and they are hereby authorized and empowered, to ascertain and appoint a reasonable yearly salary, according to their discretion, to be paid to the Gaoler, and that the said salary shall be in place of all fees, perquisites, or impositions of any sort or kind whatever, and that it shall not be lawful for the said Gaoler, or any Officer belonging to the said Gaol, to demand or receive any fee, perquisite or other payment, from any prisoner who may be confined within any of the said Gaols or Prisons.

T H E

# STATUTES OF HIS MAJESTY'S PROVINCE OF UPPER-CANADA.

PASSED IN THE SECOND SESSION OF THE FIRST PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NIAGARA ON THE THIRTY-FIRST DAY OF MAY, IN THE THIRTY-THIRD YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROLOGUED ON THE NINTH DAY OF JULY FOLLOWING.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

## CHAPTER I.

*An ACT for the better Regulation of the Militia in this Province.*

Example.

WHEREAS, the establishment of a respectable Militia, under proper Officers, is essential for the protection and defence 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, an Ordinance of the Province of Quebec, passed in the seventeenth year of his Majesty's reign, intituled, "An Ordinance for regulating the Militia of the Province of Quebec, and rendering it of more general utility towards the preservation and security thereof," shall be repealed, and the same is hereby repealed accordingly. And be it enacted by the authority aforesaid, That the Governor, Lieutenant Governor, or Person administering the government of this Province, shall and may from time to time, constitute and appoint a Lieutenant in each and every County and Riding thereof, who shall have full power and authority, and is hereby required, to call together, arm and array, and cause to be trained and exercised, such persons, in such manner as herein after directed, once in every year; and the said Lieutenants severally, shall from time to time, constitute and appoint one such person as they shall think fit, qualified as herein after directed, and living within their respective Counties and Ridings, to be their Deputy Lieutenant, (the names of such persons having been first presented to and approved by the Governor, Lieutenant

Ordinance for regulating the militia repealed.

Lieutenants of Counties to be appointed,

with power to constitute their deputies, train the militia, and appoint the officers thereof.

tenant Governor, or Person administering the Government of the Province for the time being) and shall appoint a sufficient number of Colonels, Lieutenant Colonels, Majors, and other Officers, qualified as herein after directed, to train, discipline, and command the persons so to be armed and arrayed according to the rules, orders and directions herein after mentioned, and shall certify to the Governor, Lieutenant Governor, or person administering the government of the said Province, the names and ranks of all such officers so appointed; and in case the Governor, Lieutenant Governor, or person administering the government of the Province, shall within two months after such certificate shall have been laid before him, signify his disapprobation of any of the persons so appointed, it shall not be lawful for the said Lieutenants to grant a commission to the person so disapproved, but commissions shall be granted to all such persons so appointed who shall not be so disapproved of, as aforesaid, and the officers so appointed for the Militia, to be armed and arrayed as herein after directed, shall rank with the officers of such of his Majesty's forces, as may for the time being serve within this Province, as youngest of their respective rank.

II. *And be it further enacted*, That when the Lieutenant of any County or Riding shall be out of the Province, or when there shall be no Lieutenant, it shall be lawful for the Governor, Lieutenant Governor, or person administering the government of the Province, to authorize the Deputy Lieutenant of such County or Riding, to grant commissions, and do all such acts, matters and things as might lawfully have been done by the said Lieutenant, and the same shall be good and valid in law, as if done by the said Lieutenant, and such commissions so granted by such Lieutenant or Deputy Lieutenant, to the officers aforesaid, shall not be revoked or made void by the death of the party granting the same.

III. *And be it further enacted*, That the Lieutenant of every County or Riding, shall have the chief command of the Militia within such County or Riding, and that one Deputy Lieutenant shall be appointed within each County and Riding for the purposes of this Act.

IV. *And be it further enacted by the authority aforesaid*, That every person so to be appointed a Deputy Lieutenant, shall be possessed of five hundred acres of land, within the District in which the County or Riding to which he is appointed a Deputy Lieutenant is situated, to and for his own use and benefit, free and clear of and from all mortgages and other incumbrances whatsoever; and every person so to be appointed a Colonel, shall in like manner be possessed of four hundred acres of land, within the District in which the County or Riding where he is so appointed Colonel is situated, to and for his own use and benefit, free and clear of and from all mortgages or other incumbrances whatsoever; and every Lieutenant Colonel so to be appointed in such county or riding as aforesaid, shall be possessed of four hundred acres of land, in like manner and form and under the conditions aforesaid; and every Major and Captain, so to be appointed in such County or Riding as aforesaid, shall be possessed of three hundred acres of land in like manner and form and under the conditions aforesaid; and every Lieutenant and Ensign so to be appointed in such county or riding as aforesaid, shall be possessed of two hundred acres of land, in like manner and form and under the conditions aforesaid, which said Deputy Lieutenants, Colonels, Lieutenant Colonels, Majors, Captains, and other Officers respectively, shall, within six months next after their several appointments, take the oath of allegiance to his present Majesty, his heirs and successors, before the Magistrates assembled in Quarter Sessions within the limits aforesaid.

V. *And be it further enacted by the authority aforesaid*, That the general meetings of the lieutenancy of each county and riding, shall be holden at the most convenient place within such county or riding, and such general meetings shall consist of the lieutenant together with the deputy lieutenant or one justice of the peace for the said district, or on the death or removal, or in the absence of the lieutenant thereof, the deputy lieutenant aforesaid, and one justice of the peace of each county and riding respectively. And one such general meeting shall be holden within every county and riding annually on the fourth day of June, or in case that day should happen to be Sunday, on the Monday following, in every year, and the lieutenant, together with the deputy lieutenant, or one justice of the peace, or (on the death or removal, or in the absence of the lieutenant) any deputy lieutenant of any county or riding, together with a justice of the peace as aforesaid, when and so often as they shall find it necessary for carrying the purposes of this Act into execution, may summons or cause to be summoned other general meetings of the lieutenancy, on any days to be fixed by such summons, giving at least one month's notice of such intended general meeting, in the most public manner that the same can be made and circulated throughout the county or riding, and in case any annual or other general meeting shall not be attended by the lieutenant and deputy lieutenant or justice of the peace, or by the deputy lieutenant and one justice of the peace as herein before required, the said meeting shall and may be adjourned by the lieutenant or deputy lieutenant then present, to some other time, and to any other place within such county or riding, as shall and may to them seem meet and convenient.

VI. *And be it further enacted*, That where the extent of the county or riding may be such as to require sub-division meetings, that the meetings of the deputy lieutenant within the respective counties or ridings shall be holden as herein after directed, which sub-division meeting shall consist of the deputy lieutenant of such county or riding respectively, and one justice of the peace, to do all acts, matters and things, which are by this act directed to be done by the deputy lieutenants at the respective sub-division meetings, and if it shall happen that there shall not appear at such sub-division meeting one deputy lieutenant and one justice of the peace, the clerk at such meeting shall by notice given in writing to the deputy lieutenant of such sub-division, to be left at their respective places of abode, appoint another meeting to be holden within fourteen days, at the same place where such meeting was to have been holden, such notice being given five days at least previous to such meeting.

The names of such officers, and their ranks, being certified to the Governor, &c. those not disapproved shall receive commissions.

Their rank in the army.

Powers vested in the deputy lieutenants of counties.

The lieutenant to command the militia and have a deputy.

Proportion of land to be possessed by the deputy lieutenant and officers of the militia respectively.

When and in what manner they shall take the oath of allegiance.

General meetings of the lieutenancy to be holden.

Where and when, annually

and oftener, if necessary, due notice being given.

Annual or general meetings may be adjourned.

Sub-division meetings.

Of what persons to consist, and powers thereof.

On notice and how such meeting may be appointed.

Sub-division of counties.

Annual meetings consequent thereon.

Clerk to attend the same.

Persons to enroll in the militia.

In what manner to enroll.

Penalty for neglect.

Persons enrolled exempted from attending other inrollment meetings.

Copies of inrollments in the sub-division meetings to be transmitted to the clerk of the general meeting,

and by him to the constables of every parish, &c.

Annual review.

Penalty for not attending.

Review may be appointed at several times and places.

Captains to discipline their companies.

Penalty for disobeying notice.

In cases of emergency, the militia to be called forth for service, to any place within the Province.

Penalty for disobedience on such occasions.

Ordn detachments, of a limited number when expedient

VII. *And be it further enacted,* That in those counties or ridings, where it may be necessary to hold sub-division meetings the lieutenant and deputy lieutenant at the general meeting, shall and may apportion the same into divisions, as may best suit the general convenience of the county or riding, and shall and may by public notice, declare the limits of each division respectively, and the parishes, townships or places contained therein, and shall and may at such general meeting where it shall be deemed necessary, appoint two or more meetings in every year, in different parts of the said county or riding, giving three weeks previous notice at least to the inhabitants of the respective parishes, townships or places within the division, of the time and place where such meeting is to be holden, and shall and may appoint a clerk to attend the same.

VIII. *And be it further enacted,* That every male inhabitant from sixteen years of age to fifty, shall be deemed capable of bearing arms, and shall inroll or cause to be inrolled his name as a militia man, at the first meeting for that purpose to be holden for the division in which his place of abode may be, and shall at such meeting give in his name, his age and place of residence, and if he has thereto but lately removed, he shall make known the same, together with the place whence he removed. And each and every such inhabitant as aforesaid, who shall not at the first meeting, for that purpose to be holden for the division in which his place of abode may be, either attend in person and give in his name in writing, or cause himself to be made known in some certain way to the lieutenant, deputy lieutenant, or person presiding at such meeting, so that his name may be inrolled as a militia man, shall for such neglect, upon conviction thereof, before any one justice of the Peace, forfeit and pay the sum of twenty shillings, to be raised and applied in manner herein after mentioned.

IX. *Provided always,* That when such inhabitant shall have once inrolled, or cause to be inrolled, his name in manner aforesaid, he need not attend any other meeting for the said division, to be holden for the purpose of inrollment, unless thereunto summoned in writing.

X. *And be it further enacted,* That after every sub division meeting, the clerk of the said meeting shall, within fourteen days, transmit to the clerk of the general meeting, a fair and true copy of the rolls, signed at the said meeting, and to the end, that it may be better known, whether any inhabitant liable to be inrolled and serve as aforesaid, shall have omitted to cause his name to be inrolled, the clerk of the said meeting shall, and is hereby required, to transmit to the constable of every parish, township or place within the said division, a list of the persons living within such parish, township, or place, respectively, who shall have delivered in their names as aforesaid, which list, or a copy thereof, the said constable shall fix in some public place within such parish, township or place, for public inspection.

XI. *And be it further enacted,* That the lieutenant of each county or riding, shall, once in every year, call out the militia of such county or riding, to be reviewed and exercised, and in his absence from the county, or in case of his removal, or death, the said militia shall be called out by the deputy lieutenant of such county or riding, and every person liable to serve in such militia, whether officer or private, neglecting or refusing to attend (except in case of sickness or having obtained leave of absence) shall forfeit and pay, if an officer, forty shillings, and if a non-commissioned officer or private, ten shillings. But if it shall appear to the lieutenant of any county or riding to be more conducive to the interest and convenience of such county or riding, that the militia of the same be reviewed at different times and in separate bodies, it shall and may be lawful for the lieutenant to call out a part of the militia of his county or riding, at some convenient time and place, and the remaining part at some other convenient time and place, as shall to him seem meet.

XII. *And be it further enacted,* That the captains of the militia shall draw out their respective companies not less than twice, nor more than four times in every year, giving ten days notice thereof, at the most convenient time and place in the county or riding, and shall inspect their arms and instruct them in their duties; and every person after such notice as aforesaid, who shall neglect to attend, or shall disobey, whether subaltern officer or private, (except in case of sickness or on leave of absence) shall forfeit and pay, every officer, the sum of forty shillings, and every non-commissioned officer or private, the sum of ten shillings, for every such disobedience.

XIII. *And be it further enacted,* That in time of war, rebellion, or any other pressing exigency of the state, it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to call forth the different companies of the militia, and to march them from their respective counties or ridings, towns, townships or parishes, and there to serve in conjunction with the other militia, or with his Majesty's forces, under the guidance and superintendance of the officers, whom the governor, lieutenant governor, or person administering the government, shall appoint, so as the said militia be not marched out of the province, and the said officers and privates, upon being regularly dismissed, may return to their own homes, and any person refusing to obey such order or command, or absconding from or neglecting to repair to the place he is ordered to, being a commissioned officer, shall forfeit and pay the sum of fifty pounds, and be held to be unfit to serve his Majesty in any military capacity, and being a non commissioned officer or private, shall forfeit and pay the sum of twenty pounds, and in default of payment for such refusal or neglect, such officer, non-commissioned officer or private, shall be committed to the common gaol of the district, for any time not less than six, or more than twelve calendar months, except such person shall satisfy the lieutenant of such county or riding of which he is a militia man, that such neglect or refusal arose from sickness, or that he was absent upon leave.

XIV. *And whereas,* it may be expedient on certain occasions, to call out detachments of the militia, *Be it enacted* by the authority aforesaid, that it shall and may be lawful for the governor, lieutenant governor, or person administering the government, so to do, and to limit and fix the number of men to be called out on such detachment. *And in cases of emergency, by actual invasion or otherwise, when it may*

not be practicable to consult the governor, lieutenant governor, or person administering the government of the Province, it shall and may be lawful for the lieutenant or deputy lieutenant of the several counties and ridings, to limit and appoint the number of men that he shall judge necessary to be called out, and for that purpose to issue his orders to the several commanding officers, and also to direct and authorize any officer, having first obtained a warrant for such purpose, from one of his Majesty's Justices of the Peace, to impress such carriages and horses as the service may require, for the use of which, the owner or owners thereof, shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as the same shall be employed or detained on public service.— Provided always, that whenever it shall happen, that only part of the body of the militia of this Province shall be called out for actual service, it shall and may be lawful for any person being of the militia of the county or riding that may be so called out, to provide and send an able bodied man to serve in the said militia in his stead, and such able bodied man shall be taken and received as a proper substitute for such person, living in the county or riding, that would otherwise be obliged to serve in the said part of the militia called out as aforesaid.

Provisional powers vested in the lieutenants of counties, and their deputies to call forth the same.

and impress carriages for the service.

Serving by substitute admisible.

XV. *And be it further enacted,* That every person who shall sell or barter any part of the arms, ammunition or equipments, which may be delivered out of his Majesty's stores to the militia, or any ammunition, which may be furnished by his Majesty for training and exercising the said militia, and every person who shall buy, or by barter obtain the same, shall severally and respectively forfeit and pay the sum of five pounds for every offence, on conviction thereof, by the oath of any one credible witness, before any justice of the peace residing within the county where the same has been committed, and in case the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid, shall neglect or refuse to pay the said sum of five pounds, it shall and may be lawful for the justice by a warrant under his hand, to commit such person or persons to the gaol of the county or district where the offence shall be committed, for any space of time not exceeding two months. Provided always, That it shall and may be lawful for the said justice to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said justice the penalty inflicted by this act.

Penalty for the sale or purchasing of arms, ammunition, &c. issued to the militia.

Persons convicted shall be imprisoned for non-payment.

XVI. *And be it further enacted,* That in the several counties and ridings where the number of men is sufficient, the militia shall be formed into regiments, consisting of not more than ten, nor less than five companies, which companies shall consist of not more than fifty, nor less than twenty, private men, and the field officers of such regiments shall be as follows, that is to say, one colonel, one lieutenant colonel, and one major, and where the number of militia shall amount to a number under eight, and not less than five companies, such militia shall be formed into a battalion, and the field officers of such battalion, shall be one lieutenant colonel, and one major only, and in each regiment or battalion of such militia, there shall be one captain, one lieutenant, and one ensign, to each company. Provided always, That it shall and may be lawful for every battalion consisting of five companies or upwards, to have one company of grenadiers or light infantry, to which two lieutenants shall be appointed instead of one lieutenant and one ensign. And it shall be lawful for every regiment consisting of eight companies or upwards, to have one company of grenadiers, and one of light infantry, to each of which companies, two lieutenants shall be appointed instead of one lieutenant and one ensign.

Disposition of the militia into regiments

Officers thereof

into battalions.

Officers thereof.

Regulation for companies of grenadiers and light infantry.

XVII. *And be it further enacted,* That to every regiment or battalion of militia, which shall consist of five or more companies, there shall be in addition to the officers already mentioned, one adjutant and one quarter master.

Appointment of adjutants and quarter masters.

XVIII. *And be it further enacted,* That in the several counties and ridings, where the militia men are not in number sufficient to form a regiment or battalion, according to the intent and meaning of this Act, the militia of such counties or ridings shall be formed into independent companies, each company to consist of not more than fifty, nor less than twenty private men, with one captain, one lieutenant and one ensign, to each company, and that the governor, lieutenant governor, or person administering the government, may when he shall think proper, join together any number of such independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any such regiment or battalion, be not thereby made to exceed the number of companies, of which a regiment or battalion of militia is herein before directed to consist.

Formation of independent companies.

Junction of several thereof into a battalion

or incorporation into other regiments, &c.

XIX. *And be it further enacted,* That it shall and may be lawful for the lieutenant of any county or riding to act as colonel or commanding officer of any regiment, battalion, or independent company of militia for such county or riding, for and during such time as there shall not be any colonel or commanding officer appointed to such regiment, battalion, or independent company, but no such lieutenant of any county or riding, shall at any one time, act as colonel or commanding officer to more than one body of militia, whether regiment, battalion, or independent company; and when the lieutenant of any county or riding, shall take the command of any body of militia, not being by this Act deemed a regiment, he shall be entitled to the rank of colonel, except when the said company shall be formed into battalion as aforesaid.

Lieutenants of counties to act as colonels, while that appointment is vacant.

To one body of militia only, & rank as such.

Exception.

XX. *And be it further enacted,* That at all times when the militia may be called out and embodied for actual service, the officers, non-commissioned officers and private men of the several regiments, battalions and independent companies of militia, shall from the time of their being drawn out and embodied as aforesaid, and until they shall be returned again to their respective towns, townships, parishes or places of abode, remain under the command of his excellency the governor, lieutenant governor, or other general officer

the militia when embodied for actual service, shall be under the command of the governor,



and subject to the provisions of Acts of this Province made or to be made in this respect,

and in certain cases to those of the British Parliament.

No officer of other forces to sit on court martial

Persons exempted from serving in the militia except in time of actual service,

but may notwithstanding hold commissions.

Governor, &c may grant exemptions from actual service.

Exemptions in favour of Quakers, Menonists and Tunkers.

Composition money to be paid by such for being exempted.

Composition money to be levied by distress, on omission or refusal to pay the same.

Persons distrained may appeal if oppressed.

Appointment of an adjutant general, and his salary.

Fines, &c. to be recovered before one Magistrate,

and transmitted to the lieutenant or his deputy, and by him annually, along with the composition monies be paid to the Receiver General, to satisfy the salary of the adjutant general, and for purposes of the militia.

officer having the command of them, and shall be liable to the provisions of such Act or Acts of this Province, as may be in force for the punishment of mutiny, desertion, and other crimes, or may hereafter be made, and be in force for the explanation, amendment or enforcement of this Act, and for want of any Act or Acts of this Province, or where the same shall not extend to punish desertion to the enemies of this Province, or any treasonable correspondence that may be held with them, by any person or persons acting in the said militia, during the time they shall be called out, that then and in in such case, the said militia and every part thereof, shall be and considered to be under the rules, regulations, pains and penalties of any Act or Acts of the British Parliament, that may be in force for the punishment of mutiny and desertion. Provided always, that no officer serving in any of his Majesty's other forces, shall sit in any court martial, upon the trial of any officer or private man serving in the militia.

XXI. *And be it further enacted*, That except in time of actual service, the judges of the Supreme court and clergy, the members of the legislative and executive councils, and their respective officers, the members of the house of assembly for the time being, and the officers thereto belonging, his Majesty's attorney general, the secretary of the Province, and all other civil officers, who shall have been, or hereafter may be appointed, to any civil office in this Province, under the great seal of the same, as well as all magistrates sheriffs, coroners, half-pay officers, militia officers having served under and by virtue of a commission from any of his Majesty's governors in the different Provinces, now States of America, the surveyor-general and his deputies duly appointed, sea-faring men actually employed in the line of their calling, physicians, surgeons, the masters of public schools, ferry men, and one miller to every grist mill, shall be and they are hereby excused from serving in the said militia. Provided always, that this Act and the exceptions herein contained, shall not prevent, and it is hereby declared, that the same shall not be construed to prevent any, or every above mentioned person or persons from holding commissions as officers in the militia of this Province. Provided always, that it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this Province, by warrant under his hand and seal, to exempt any of the persons herein before enumerated, to whom such warrant shall be granted, from being called out for the service aforesaid.

XXII. *And be it further enacted*, That the persons called Quakers, Menonists, and Tunkers, who from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the said militia, but every person professing that he is one of the people called Quakers, Menonists or Tunkers, and producing a certificate of his being a Quaker, Menonist or Tunker, signed by any three or more of the people (who are or shall be by them authorized to grant certificates for this or any other purpose of which a pastor, minister or preacher shall be one) shall be excused and exempted from serving in the said militia, and instead of such service, all and every such person or persons, that shall or may be of the people called Quakers, Menonists or Tunkers, shall pay to the lieutenant of the county or riding, or in his absence to the deputy lieutenant, the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, upon producing such certificate, and being thereby exempted from such service as aforesaid, and if any such person or persons being of the people called Quakers, Menonists or Tunkers, and producing a certificate as aforesaid, shall omit or refuse to pay the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, instead of such service, it shall and may be lawful, upon the oath of any one credible witness, of such omission or refusal before any justice of the peace, for such justice to issue his warrant to levy the same by distress, and sale of the offender or offenders goods and chattels, returning so much of the said distress as shall exceed the said sum of twenty shilling per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, after deducting the expences of levying the same, to the person or persons upon whom such distress shall be made. And if any measures shall be used in making such distress which may by such person or persons be thought oppressive, he or they may complain to the lieutenant or deputy lieutenant at the next meeting, who shall hear and finally determine the same.

XXIII. *And be it further enacted*, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government, to appoint a proper person to be the adjutant general of the said militia, who shall do all matters and things appertaining to the said office of adjutant general, and be paid for and during the time of his serving in the said militia, as such adjutant general as aforesaid, the sum of one dollar per day, per annum, free and clear of and from all deduction whatsoever.

XXIV. *And be it further enacted by the authority aforesaid*, That the fines, penalties and forfeitures by this Act imposed, shall be fined for and recovered by and upon the oath of any one credible witness, before any one of his Majesty's justice of the peace, and within two months after such conviction and recovery, shall be transmitted by the justice before whom such information shall be laid to the lieutenant, in case there be no lieutenant or that he be absent, to the deputy lieutenant of the county, where the offence has been committed. And the said lieutenants shall, and are hereby required, yearly and every year, to transmit to his Majesty's receiver general, the several sums of money by them received by way of composition from the persons permitted by virtue of this Act to make such composition, and the said receiver general shall out of the monies aforesaid, pay to the said adjutant general upon his producing a warrant for such purpose, to be signed by the governor, lieutenant governor, or person administering the government, the sum herein before directed to be paid. And in case any surplus of such monies shall remain in the hands of the said receiver general, after making such payment as aforesaid, such surplus shall be disposed of, as the governor, lieutenant governor, or person administering the government

Government shall direct, to purposes only that shall respect the said militia, and the other fines, forfeitures and penalties shall be appropriated to the purchase of such necessaries, as may be requisite towards the establishing of and better providing for the militia aforesaid.

XV. And be it further enacted by the authority aforesaid, That if any action shall be brought against any lieutenant or deputy lieutenant, or against any deputy lieutenant and justice of any county or riding, or against any justice or justices of the peace, for any thing done by virtue of this Act, that such action or suit shall be commenced within six months next after the fact has been committed, and not afterwards, and shall be laid in the district, county or place where the cause of complaint did arise, and not elsewhere, and the defendant or defendants in such action or suit shall and may plead the general issue, and give the special matters and this Act in evidence, and where the plaintiff or plaintiffs shall be non-suited or dismissed, and the defendant or defendants shall have appeared, and if upon any demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as the defendant hath in other cases to recover costs by law.

Limitation of Actions, within 6 months for things done by virtue of this Act.

Plaintiffs if non-suited, to pay treble costs.

CHAPTER II.

An ACT to provide for the Nomination and Appointment of Parish and Town Officers within this Province.

WHEREAS it is requisite for the maintenance of good order and the regular execution of the laws, that proper officers should be appointed to superintend the observance thereof; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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, as soon as conveniently may be, after the passing of this Act, for any two of his Majesty's justices of the peace, acting within the division in which any parish, township, reputed township or place may be, to issue their warrant, giving eight days previous notice to the constable of such parish, township, reputed township, or place, authorizing him on a day to be fixed by the said justices in the present year, and on the first Monday in the month of March in every ensuing year, to assemble the inhabitant householders, paying or liable to pay, to any public assessment or rate of such parish, township, reputed township, or place, in the parish church or chapel, or in some convenient place within the said parish, township, reputed township, or place, for the purpose of choosing and nominating the parish or town officers herein after mentioned, to serve in their respective offices for the year next ensuing, at which meeting the said constable shall preside.

Preamble.

Annual town meetings to be holden, assembled by warrant of two Magistrates.

When.

for the purpose of choosing parish and town officers.

Election of a parish or town clerk.

duties of his office.

II. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitant householders, or the greater part of them so assembled, to choose one fit and proper person from among the inhabitants to be clerk of the said parish, town or township, who shall and is hereby required to make a true and complete list of every male and female inhabitant within the limits of his parish, town or township, and return the same to the justices acting as aforesaid, so as they may produce the said list at the general quarter sessions in the month of April to be holden, and the said clerk shall and is hereby required, to enter and record all such matters, as shall relate to the said parish, town or township, and shall appertain to his office, which records shall be faithfully and carefully kept and preserved by such clerk, and by him delivered to his successor duly nominated and appointed.

Election and duties of assessors.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitant householders, in manner aforesaid, to choose two fit and proper persons, from among the said inhabitants, to serve the office of assessors for the said parish, township, reputed township or place, who shall assess all such rates and taxes, as shall be imposed by any Act or Acts of the Legislature of this Province, and be payable by the inhabitants thereof.

Election and duties of collector.

IV. And also to choose and nominate in manner aforesaid, one fit and proper person to serve the office of collector for such parish, township, reputed township, or place, who shall and may, and is hereby authorized, from time to time, to demand and receive from the inhabitant householders, under the said assessment, such monies as may be due and payable from the said inhabitants, in respect of the matters aforesaid, which collector shall account for and pay over the monies so received by him, in such manner as shall be directed by any Act or Acts of the said Legislature, that may authorize the imposing and levying such rates and taxes respectively.

Election and duties of the overseers of the highways.

V. And also to choose and nominate in manner aforesaid, not less than two, or more than six persons, as shall be specified in the warrant to be issued by the said justices, to serve the office of overseers of highways and roads, to oversee and perform such things as shall be directed by any Act to be passed, touching or concerning the highways and roads in this Province, which said overseers shall also serve the office of fence viewers, and are hereby authorized and required, upon receiving proper notice, to view and determine upon the height and sufficiency of any fence or fences within their respective parish, township, reputed township, or place, conformably to any resolutions, that may be agreed upon by the said inhabitants at such meeting to be holden, under and by virtue of such warrant as aforesaid.

the sufficiency of fences to be with their cognizance.

VI And also to choose and nominate in manner aforesaid, a person or persons to serve the office of pound-keeper, who is hereby authorized to impound all cattle, and each and every horse, sheep and hog that shall trespass on the lands of any person, having inclosed the same by such high and sufficient fence,

Nomination of pound-keeper, and duties incumbent to his office.

as shall have been agreed or in manner aforesaid, and also to impound any stoned-horse, more than one year old, that shall be running at large upon the high-ways or commons, and to detain such horse, until the owner thereof shall have paid the sum of twenty shillings, one half to be paid to the person taking such horse, the other half thereof to the collector, towards the public stock of the district.

**Nomination of town wardens.**

**Provision in behalf of parish churches when built.**

**Powers vested in town wardens.**

**A list of persons nominated at such meeting shall forthwith be communicated to a magistrate of the division.**

**Who may swear the same into office.**

**Oath.**

**Persons sworn shall be held lawfully appointed.**

**Penalty for neglecting or refusing to be sworn into office after nomination.**

**Application of such penalties.**

**Magistrates to name other persons into offices vacant by refusal.**

**Penalty for refusing such office.**

**Nomination of a high constable annually, for each district.**

**Number of constables for each township, &c.**

**Oath.**

**Period of exemption from an office after serving the same.**

**Provision for townships, &c. thinly inhabited.**

**Fees and perquisites of the town clerk, and pound keepers to be regulated in the April sessions.**

VII. And also to choose and nominate in manner aforesaid, two fit and discreet persons to serve the office of town wardens for such parish, township, reputed township, or place; but as soon as there shall be any church built for the performance of divine service, according to the use of the church of England, with a parson or minister duly appointed thereto, then the said inhabitant householders shall choose and nominate one person, and the said parson or minister shall nominate one other person, which persons shall jointly serve the office of church warden, and that such town wardens or church wardens, and their successors duly appointed, shall be as a corporation, to represent the whole inhabitants of the township or parish, and as such may have a property in goods or chattels of or belonging to the said parish, and shall and may sue, prosecute or defend in all presentments, indictments or actions, for, and on the behalf of the inhabitants of the said parish.

VIII. And be it further enacted by the authority aforesaid, That the constable presiding at such meeting, shall and is hereby required, to cause a list to be made out, containing the names of the persons chosen and nominated to serve and execute the several offices herein before mentioned in manner aforesaid, which list shall be signed by the said constable, who shall forthwith communicate the same to either of the justices, having signed the warrant by virtue of which such meeting was holden, and it shall and may be lawful for either of the said justices, or for any justice of the peace, acting within the division, and he is hereby authorized and empowered to administer an oath of office, to each and every person or persons so chosen and nominated as aforesaid, within seven days after such meeting as aforesaid, in the following form:—

You A. B. do promise and swear, that you will faithfully, diligently and justly serve and perform the office and duties of \_\_\_\_\_ for \_\_\_\_\_ according to the best of your abilities—So help you God.

And that every person having taken such oath, shall be held to be lawfully appointed to such office, for which he shall have been chosen and nominated as aforesaid.

IX. Provided always, That any person so chosen and nominated to serve any of the offices herein before mentioned in manner aforesaid, who shall refuse or neglect to signify his consent to enter upon such service, and to take the oath herein before set forth by the space of seven days after such nomination as aforesaid, shall forfeit and pay the sum of forty shillings for every such neglect or refusal, to be recovered upon proof thereof on confession, or by the oath of one credible witness, before any one justice of the peace, acting within the said division, to be levied by warrant of distress, and sale of the goods and chattels of the party so neglecting or refusing; and to be paid into the hands of the treasurer, towards the public stock of the district, except in the case of forfeiture of any person or persons nominated to be overseers of the highways and roads, and refusing to act, whose penalties shall be paid into the hands of the commissioners of the highways and roads, and that it shall and may be lawful, in case of refusal as aforesaid, for any two of his Majesty's justices, acting within the said division, to hold a special session for the purpose of naming one or more person or persons to serve the office, that may have been refused, by the party chosen to serve the same, and fined in manner aforesaid, and if the person or persons so named by the said justices, upon being served with due notice thereof, which notice the constable is hereby required to serve upon the person, or leave the same at his usual place of abode, shall neglect or refuse by the space of seven days, after the service of such notice, to accept the said office, and take the oath herein before prescribed, he shall for every such neglect or refusal, forfeit the sum of forty shillings, to be levied by distress and sale, and paid over in manner herein before mentioned.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace, within the respective limits of their commissions at their general quarter sessions in the month of April assembled, or the greater part of them, to nominate and appoint yearly and every year, a sufficiently discreet and proper person, to serve the office of high constable in each and every district, and also to nominate and appoint, such a sufficient number of persons, as in their discretion will be necessary, to serve the office of constable in each and every parish, township, reputed township, or place, and the said constable and constables, before they enter upon their office, shall severally take the following oath, which it shall and may be lawful for any justice of the peace to administer—

“ You shall well and truly serve our Sovereign Lord the King, in the Office of \_\_\_\_\_ for the \_\_\_\_\_ of \_\_\_\_\_ for the year ensuing, according to the best of your skill and knowledge—So help you God ”

XI. Provided always, and be it further enacted by the authority aforesaid, That no person having been appointed and served any of the offices mentioned in this Act, shall be liable to be appointed, or serve the same office, within three years from such appointment and service, unless he shall consent thereto.

XII. Provided also, That when any township, or reputed township, shall not contain thirty inhabitant householders, it shall not be lawful for the said justices to issue their warrant for calling a meeting therein, but the said inhabitant householders shall be joined to, and be reputed and taken as inhabitants of the township adjacent thereto, which shall contain the smallest number of inhabitants.

XIII. And be it enacted, That it shall and may be lawful for the justices of the Peace within the respective limits of their commissions, at the General Quarter Sessions in the month of April to be holden, assembled, or the greater part of them, to limit and appoint such fees and perquisites as to them shall appear reasonable to be demanded and taken by every town clerk and pound keeper of the several parishes or townships within their respective Districts.

SCHEDULE.

JUSTICE'S WARRANT TO ASSEMBLE THE INHABITANTS.

HOME DISTRICT, < To the Constable for the Township of \_\_\_\_\_ in the said District.

BY virtue of a power for such purpose granted by a certain Act of the Legislature of this Province, made and passed in the thirty-third year of his present Majesty's reign, to us A. B. Esquire, and C. D. Esquire, two of his Majesty's Justices of the Peace in and for the said District, these are to authorize and require you, giving eight days previous notice, to assemble the inhabitant householders, paying or liable to pay to any public assessment or rate living within your parish or township, to meet at \_\_\_\_\_ on \_\_\_\_\_ for the purpose of choosing and nominating certain fit and proper persons, to serve the offices herein specified for the ensuing year, that is to say, one town clerk, two assessors, one collector, two or more overseers of the highways and roads, one or two pound-keepers, and two town wardens, according to the directions in the said Act contained, and for so doing this shall be a sufficient warrant.

Form of a warrant for a town meeting.

Given under our hands and seals at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of \_\_\_\_\_

Constable's Notice to be given on a nomination to an Office by the Justices.

HOME DISTRICT, } WHEREAS at a special Session for that purpose holden on the \_\_\_\_\_ day of \_\_\_\_\_ Township of \_\_\_\_\_ by A. B. Esquire, and C. D. Esquire, two of his Majesty's Justices of the Peace for the said District, you were by the said Justices nominated and appointed to serve the office of \_\_\_\_\_ for the township of \_\_\_\_\_ for the year next ensuing, by virtue of a power to them for that purpose granted by a certain Act of the Legislature of this Province. These are therefore to notify unto you, that unless you accept the said office, and take the oath prescribed, within seven days from the receipt of this notice, you shall for such neglect or refusal, forfeit and pay the sum of forty shillings, as by the said Act is directed. Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year, \_\_\_\_\_ To Mr. L. M. \_\_\_\_\_ C. H. Constable.

Form of notice of a nomination by the Justices.

CHAPTER III.

An ACT to authorize and direct the Laying and 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.

WHEREAS it is necessary to make provision for defraying the expences of building a Court House and Gaol, and keeping the same in repair, for the payment of Gaolers Salary, for the support and maintenance of prisoners, for building and repairing houses of correction, for the construction and the repair of bridges, for the fees of the coroner and other officers, for the destroying of bears and wolves, and other necessary charges within the several Districts of this Province; Et it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the assessors of every parish, township, reputed township or place within this Province, shall and they are hereby required as soon as conveniently may be after the passing of the present Act, and hereafter yearly and every year, within thirty days next after they shall be appointed to their office, to make out a true and complete return of every inhabitant householder living within the limits of the said parish, township, reputed township or place, and to divide each and every of them into eight different classes, in the following manner, that is to say:

Preamble.

The assessors to make out a list in eight classes of the inhabitant householders within their respective townships.

- I. That the first class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement believe, are possessed of real or personal property, goods or effects to their own use, to the value of fifty pounds, and not amounting to one hundred pounds. 1st class.
- II. And that the second class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement believe, to be possessed of real or personal property, goods or effects to their own use, to the value of one hundred pounds, and not amounting to one hundred and fifty pounds. 2d class.
- IV. And that the third class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement believe, to be possessed of real or personal property, goods or effects to their own use, to the value of one hundred and fifty pounds, and not amounting to two hundred pounds. 3d class.
- V. And that the fourth class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement, believe to be possessed of real or personal property, goods or effects to their own use, to the value of two hundred pounds, and not amounting to two hundred and fifty pounds. 4th class.
- VI. And that the fifth class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement, believe to be possessed of real or personal property, goods or effects to their own use, to the value of two hundred and fifty pounds, and not amounting to three hundred pounds. 5th class.
- VII. And that the sixth class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgement, believe to be possessed of real or personal property, goods or effects to their own use, to the value of three hundred pounds, and not amounting to three hundred and fifty pounds. 6th class.

VIII.

7th class.

VIII. And that the seventh class do contain the names of such householders as aforesaid, as the said assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of three hundred and fifty pounds, and not amounting to four hundred pounds.

8th class.

IX. And that the eighth class do contain the names of such householders as aforesaid, as the said assessors, to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of four hundred pounds and upwards; and that such inhabitants as the said assessors, to the best of their knowledge and judgment, believe not to be possessed of real or personal property, goods or effects, to the value of fifty pounds, shall be included in a list to be called the excused list.

A copy of the assessors returns duly certified, to be the collectors warrant for levying rates.

X. And be it enacted by the authority aforesaid, That the said assessors shall and they are hereby required within six weeks from the time of their appointment, to make out a copy of such their returns of all the inhabitant householders within their respective parish, township, reputed township or place, so divided into classes as aforesaid, with the names of the said assessors thereunto subscribed, and to present the same to two justices of the peace living within or next to such parish, township, reputed township or place, for their consideration and allowance, which they are to signify by signing the said return, and such allowance of the said justices shall be a sufficient warrant for the collectors of the said parish, township, reputed township or place, to demand and receive from the said inhabitant householders the rates hereafter imposed by virtue of this Act, and the said assessors shall cause the same to be fixed on the church door, or some other place of public resort, in the said parish, township, reputed township or place for general inspection, and shall also transmit a copy of such return, signed by the said assessors, to the clerk of the peace of the respective districts.

The same to be published, and a copy transmitted to the clerk of the peace.

An appeal for grievance and for omissions in the classes, shall be to the next general quarter sessions.

XI. And be it further enacted by the authority aforesaid, That if any person shall be aggrieved by being included in any of the classes above mentioned, or shall have any material objection to any person being left out of any of the said classes in such return as aforesaid, he may upon giving reasonable notice to the assessors in his own case, and to the party in case of any such objection as aforesaid, appeal to the next general quarter sessions, and it shall and may be lawful for the said justices to inquire into the matters aforesaid, upon oath to be administered to the parties, if to the said justices it shall appear to be needful, (which oath the said justices are hereby empowered and authorized to administer) and having enquired, to determine the same either by confirming or amending such return, in such manner only as shall be necessary to give relief in the matters complained of, and such determination of the said justices shall be final in all matters aforesaid.

Rate to be paid by each inhabitant householder of the first class and during what term.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collector of each parish, township, reputed township or place, and he is hereby authorized, to demand and receive yearly and each year for the space of two years next ensuing the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and ninety-four, of every inhabitant householder, whose name shall be included in the first class aforesaid, the sum of two shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 2d class.

XIII. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such second class as aforesaid, the sum of five shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 3d class.

XIV. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such third class as aforesaid, the sum of seven shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 4th class.

XV. And also to demand and receive for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such fourth class as aforesaid, the sum of ten shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 5th class.

XVI. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such fifth class as aforesaid, the sum of twelve shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 6th class.

XVII. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such sixth class as aforesaid, the sum of fifteen shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 7th class.

XVIII. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such seventh class as aforesaid, the sum of seventeen shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

Of the 8th class.

XIX. And also to demand and receive, for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such eighth class as aforesaid, the sum of twenty shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

The collector to pay periodically, into the hands of the district treasurer, the monies so received respectively, and to

XX. And be it further enacted by the authority aforesaid, That the collector of each and every parish, township, reputed township or place, shall, and he is hereby required once in every three months to pay or cause to be paid to the treasurer of the district, all such monies as he shall have received under and by virtue of this Act, and shall also produce the book or books of assessment for the examination of the

said

said treasurer, and it shall and may be lawful for the said treasurer, upon being satisfied that all the monies to be received by virtue of this Act, have been duly collected and paid or accounted for by the said collector, to pay into the hands of the said collector, the sum of three pounds for every hundred pounds so by him collected and paid as aforesaid, and at and after the same rate and proportion, for any sums less than one hundred pounds, by him collected and paid, and the said treasurer shall and is hereby required to give a receipt for the monies so collected and paid over to him, which receipt shall be a good and sufficient discharge to the said collector, for the monies so collected and paid by him to the said treasurer.

produce these books for inspection, and to receive three per cent, for collecting.

XXI. *Provided always, and be it enacted,* That for the purposes of the current year which will determine on the twenty-fifth day of March, one thousand seven hundred and ninety-four, it shall and may be lawful, for the said collectors, and they are hereby required, to demand and levy in manner herein after to be mentioned, from each and every inhabitant, according to the several classes in which they shall respectively be included, one half of the rate to be yearly assessed on each and every class according to the proportions herein before set forth, and that each and every person whose name shall be returned in the first class, shall pay for the purposes aforesaid, the sum of fifteen pence, that each and every person whose name shall be returned in the second class, shall pay for the purposes aforesaid, the sum of two shillings and six pence, that each and every person, whose name shall be returned in the third class, shall pay for the purposes aforesaid, the sum of three shillings and nine pence, and that each and every person, whose name shall be returned in the fourth class, shall pay for the purposes aforesaid, the sum of five shillings, and that each and every person, whose name shall be returned in the fifth class, shall pay for the purposes aforesaid, the sum of six shillings and three pence, and that each and every person, whose name shall be returned in the sixth class, shall pay for the purposes aforesaid, the sum of seven shillings and six pence, and that each and every person, whose name shall be returned in the seventh class, shall pay for the purposes aforesaid, the sum of eight shillings and nine pence, and that each and every person, whose name shall be returned in the eighth class, shall pay for the purposes aforesaid, the sum of ten shillings.

Provision for the current year.

XXII. *And be it further enacted by the authority aforesaid,* That the said collectors shall make out a book of account, containing the names of each inhabitant householder, within their parish, township, reputed township, or place, who are liable to be charged with such assessment, divided into their respective classes, according to the returns made by such assessors as aforesaid, and that upon the payment of the rate so charged upon them in their several classes, the said inhabitant householders, and each of them may require the collector to write the word "paid," opposite to his or her name, and likewise to write down in figures the sum so paid in a ruled column or margin in such book to be made, and that such entry shall be a full and sufficient discharge to such inhabitant householder for the payment of the said rate.

The collectors to make out a book of account.

entry therein in discharge of rate when paid.

XXIII. *And be it further enacted by the authority aforesaid,* That if any inhabitant householder shall refuse or neglect to pay the sum or rate, for which he stands called and rated in manner aforesaid, by the space of fourteen days after demand duly made of the same by the said collector, such collector shall, and he 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, having first obtained a warrant for that purpose, under the hand and seal of some Justice of the Peace, within the said District, and to render the overplus, if any there shall be, after deducting the amount of the rate assessed and the charges of the distress and sale, to the owner thereof.

The rate to be levied by distress on neglect or refusal of payment, after due notice.

XXIV. *And be it further enacted by the authority aforesaid,* That no collector of any parish, township, reputed township or place, shall be authorized to demand payment of any assessment or rate to be imposed upon any inhabitant householder by virtue of this Act, until after he shall have entered into a bond with a sufficient surety to the church or town wardens of the said parish, township, reputed township, or place, and their successors in the penal sum of one hundred pounds, that the said collector will duly and faithfully account and pay into the hands of the treasurer of the district, all and every sum or sums of money that he shall receive, on account of the said assessment and rates. Provided always, that the receipt of such treasurer shall be a sufficient discharge to all such collectors for the amount thereof, and shall be so far deemed and taken as evidence of the performance of the conditions in such bond or obligation to be contained.

No collector to act without having entered into a bond with a sufficient surety.

XXV. *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, 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, or the greater part of them, 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 and 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 uses and purposes herein before 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 labor and expence, the sum of three pounds for every hundred, that shall or may be paid into his hands by the said collectors for the purposes aforesaid.

A treasurer to be appointed by the justices in quarter sessions for their respective districts, to whom he shall give sufficient security.

In what manner and to what uses the public stock of the district shall be applied.

Allowance of 3 per cent to the treasurer, on monies received.

Treasurer to keep books of entries, and at every quarter sessions to lay before the Justices a statement of his receipts and disbursements.

Treasurer to be continued, or removed, at pleasure, by the Justices in quarter sessions.

Provision for the future assessments, after the expiration of two years.

The fractional part of rate to be assessed when it will suffice.

No new assessment to be made, until 3/4 part of the preceding rate be expended.

The Members of the House of Assembly to be allowed wages for their attendance thereat,

not exceeding 10s. per day,

the same to be raised within the respective counties or ridings, represented by the Members,

and by distress, neglect or refusal of payment, after due notice.

Form of High Constable's warrant to levy the rate.

XXVI. *And be it further enacted by the authority aforesaid,* That the said treasurer shall, and 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 true and exact accounts 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 Quarter Sessions to be holden for the District, and shall lay before the Justices of such Session 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 treasurer, shall be taken and allowed, as good and sufficient acquittances to the full amount thereof.

XXVII. *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 assembled, 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 appoint any other person in his place.

XXVIII. *And be it further enacted by the authority aforesaid,* That in order to make provision for the District assessment after the expiration of two years as aforesaid, it shall and may be lawful for the Justices of the Peace, in their General Quarter Sessions in the month of April assembled, or the greater part of them, to cause an estimate to be laid before them of the sum or sums of money that may be necessary, to defray the charges and expences accruing to their respective Districts, for the uses and purposes aforesaid, for the ensuing year, and having determined and resolved upon the same, to cause the amount of the sum to be raised, to be divided, in an exact proportion, to the rate with which each class is severally charged, as herein before is provided, and to declare that the assessment required will be a half rate, a third, fourth, fifth, eighth, or any aliquot part of a rate, by computing the proportion, which the sum proposed to be raised bears to the amount of the sum, which shall have been raised by the original rates of two shillings and six pence, five shillings, ten shillings and twenty shillings, severally imposed on each respective class as aforesaid, and for that purpose to make a special order or declaring the amount of the sum intended to be raised, and specifying the fractional part of the rate to be assessed and collected (in case it shall not be deemed necessary to impose an entire rate, according to the proportions aforesaid) on each and every inhabitant householder, according to their respective classes as aforesaid, which order being signed by the said Justices in their General Quarter Sessions in the month of April assembled, or the greater part of them, shall be binding upon each and every inhabitant householder, in respect of the rate, with which he stands charged throughout this Province. And the high constable shall, at such times as the said Justices by their order in Sessions shall direct, cause such rates to be levied by a warrant under his hand, directed to the assessors and collector of every parish, township, reputed township or place, within this Province.

XXIX. *And be it further enacted by the authority aforesaid* That no new assessment shall be made, until it shall appear to the Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, by the accounts of their treasurer or otherwise, that three-fourths of the money collected by virtue of the preceding rate, shall have been expended for the uses and purposes mentioned in this Act.

XXX. And whereas, it was the ancient usage of that part of Great Britain called England, for the several members representing the counties, cities and boroughs therein, to receive wages for their attendance in Parliament; and whereas it seems expedient to adopt the same custom in this Province; Be it therefore further enacted, that after every prorogation and dissolution of the Assembly of this Province, it shall and may be lawful for every member thereof having attended, to receive from the Speaker of the house of assembly, a warrant under his hand and seal, signifying the time that such member hath attended his duty in the said Assembly, and every member possessed of such warrant, shall and may ask and demand of the Justices of the Peace for the District, in which the county or riding represented by such member may be situate, in their General Quarter Sessions assembled, a sum not exceeding ten shillings per day, for every day that the said member shall have been engaged in the attendance of his duty in the House of Assembly; and have been necessarily absent from his place of abode, in going to, or returning from his said attendance, which sum it shall and may be lawful for the said Justices to levy by assessment to be made on each and every inhabitant householder in the several parishes, townships, reputed townships or places, within the county or riding represented by such member, by virtue of and in pursuance of an order to be by the said Justices made for that purpose to the high constable of the District, who shall and may thereupon issue his warrant to the assessors of the several parishes, townships, reputed townships or places as aforesaid, who shall assess the same by dividing the sum to be assessed according to the rates, and proportions as annexed to the several classes, in the return made as herein before mentioned, which rates shall be levied by the collector in manner herein before directed, and paid over to the said member, and in case any person shall refuse or neglect to pay his due proportion or rate so to be assessed as aforesaid, by the space of fourteen days after the same shall have been demanded of him by the said collector, it shall and may be lawful for the said collector to levy the same by distress and sale of such persons goods and chattels, having first obtained a warrant for that purpose in manner herein before directed.

SCHEDULE.

HIGH CONSTABLE'S WARRANT TO LEVY THE RATE.

To the Assessors and Collector of the Township of \_\_\_\_\_ in the said District.

WESTERN } BY virtue of an order from his Majesty's Justices of the Peace, and for this District in DISTRICT, } their General Quarter Sessions assembled, you are hereby required to raise the sum of \_\_\_\_\_

within your township, in such manner as by a certain Act of the Legislature of this Province, for that purpose, passed in the thirty third year of his present Majesty's reign, is directed, being the proportion of your township (or parish) for and towards the general District assessment for defraying the expences of building a gaol and court house and keeping the same in repair, for the payment of the gaolers salary, for the support and maintenance of prisoners, for building and repairing houses of correction, for the construction and repairing of bridges and other purposes in the said Act mentioned, and hereof you are not to fail on the peril that shall ensue thereof.

Given under my hand this day of

A. H. High Constable.

FORM OF AN ASSESSMENT.

EASTERN DISTRICT. } AN Assessment for defraying the expences of building a gaol and court-house Township of } and keeping the same in repair, for the payment of the gaolers salary, for the support and maintenance of prisoners, for building and repairing houses of correction, for the construction and repair of bridges and other purposes mentioned in an Act of the Legislature of this Province, of the thirty third year of his present Majesty, intituled, An Act to for the township, or reputed township, called in the county of made and affected the day of

Form of an assessment.

Class I. Containing the name of such inhabitant householders living within the township aforesaid, as we to the best of our knowledge and judgement, do believe are possessed of real or personal property, goods or effects, to the value of fifty pounds, and not amounting to one hundred pounds, and who are severally and each to pay the sum of two shillings and six pence, in respect of their rate and proportion of the said assessment.

G. H. } First class : rate two shillings and six pence.  
I. K. }  
L. M. }

Class II. Containing the names of such inhabitant householders, living within the township aforesaid, as we to the best of our knowledge and judgement, believe are possessed of real or personal property, goods or effects to their own use, to the value of one hundred pounds, and not amounting to one hundred and fifty pounds, and who are severally and each to pay five shillings, in respect to their rate and proportion of the said assessment.

N. O. } Second class : rate five shillings.  
P. Q. }  
R. S. }

Class III. Containing, &c. Class VIII. Containing, &c.

Assessed by us { A. B. } Assessors.  
C. D. }

CHAPTER IV.

And ACT to regulate the laying out, amending and keeping in repair, the Public Highways and Roads within this Province.

WHEREAS, the regulations hitherto in force in this Province, for laying out the Public Highways and Roads, and amending and repairing the same, have been found insufficient, and much inconvenience and complaint have been occasioned thereby; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, a certain Ordinance passed in the seventeenth year of the reign of his present Majesty, intituled, An Ordinance for repairing and amending the Public Highways and Bridges, in the Province of Quebec," shall be, and the same is hereby repealed.

Preamble.

Ordinance for repairing and amending highways and bridges repealed.

II. And be it further enacted by the authority aforesaid, That each and every Justice of the Peace, acting under and by virtue of his Majesty's Commission, shall be and they are hereby declared to be Commissioners to lay out and regulate the highways and roads, within the respective counties, divisions or limits, in which they shall act, of the several Districts within this Province

Justices within their respective divisions to be commissioners of highways.

III. And be it further enacted, That the persons to be employed as overseers of the highways and roads, in every parish, township or place within this Province, shall be nominated and appointed according to the provisions for that purpose made, in a certain Act of the Legislature of this Province, intituled, "An Act to provide for the nomination and appointment of parish and town officers within this Province."

Appointment of the overseers thereof.

IV. And be it enacted by the authority aforesaid, That the said Commissioners, or the major part of them, and they are hereby empowered and authorized, to regulate the roads already laid out, and if any of them shall appear to be inconvenient, and that an alteration be necessary, and the same be certified on oath, by twelve principal freeholders of the district, to be summoned by the high sheriff, his deputy, or any constable of the division, by virtue of a warrant to be issued by two Justices of the Peace for that purpose, the Commissioners may alter the same, and also lay out such other public highways and roads, as they or the major part of them, shall think most convenient, as well for travellers, as for the inhabitants of each neighboring parish, township or place, which highways and roads, so laid out, shall be common public highways.

Roads already laid out to be regulated by the commissioners, or altered on oath of a jury.



Width of roads to be laid out.

V. And be it further enacted by the authority aforesaid, That the width of the roads hereafter to be laid out, shall be left to the discretion of the Commissioners for the time being, of the parish, township, or place through which such roads may pass, so that the same be not less than thirty feet, and do not exceed sixty feet: Provided always, That the front roads on the water, and between every concession, shall in no case be less than sixty feet.

Width of bridges, and provision for the materials thereof.

VI. And be it further enacted by the authority aforesaid, That all bridges hereafter to be built upon any public highway or road, within this Province, shall not be less than eighteen feet in width, and in order to provide materials for the same, it shall and may be lawful, for the said overseers, to direct the labourers performing such duty, as herein after is mentioned, to cut down and make use of any trees standing upon open and unimproved lands, that may be most convenient and best adapted to the building or repairing such bridges.

Precaution in dangerous passes.

VII. And be it further enacted by the authority aforesaid, That wherever any public highway or road, is or shall be laid out by any deep water, or dangerous precipice, that the overseers, shall and are hereby required to cause good and sufficient fences to be erected thereon, for the security of his Majesty's subjects, and others, who may travel on the said road. Provided also, and be it enacted, That where any road shall hereafter be laid out through inclosed or improved lands, it shall and may be lawful for the said commissioners or the major part of them, to view the same, and to make an agreement with the owner or owners of such inclosed or improved land for the recompence to be made for such ground, and if the said commissioners cannot agree with the said owner or owners, or the said owner or owners shall refuse to treat, or take such recompence or satisfaction as shall be offered, then the justices of the peace at any general quarter sessions, to be holden for the limit wherein such grounds shall lie, upon certificate in writing, signed by the commissioners making such view aforesaid, of their proceedings on the premises, and upon giving fourteen days notice in writing, to the owner or other person interelld in the said ground, or to his, her, or their agent, signifying an intention to apply to such quarter sessions, for the purpose of taking such ground, shall impanel a jury of twelve disinterested men, out of the persons returned to serve as jury-men, at such quarter sessions, and the said jury shall upon their oaths to the best of their judgment, assess the damages to be given, and recompence to be made to the owner or owners, or others interested as aforesaid. Provided always, That all roads already marked, or laid out, in the Eastern District of this Province, under the authority of any Commander in Chief, or under the authority of any former Ordinance of the Province of Quebec, shall be and the same are hereby adopted and confirmed and if any such roads are not yet opened, the same shall be laid open under and by virtue of this Act, and that no compensation shall be made to any person or persons through whose land the same may run: Provided always, that the said roads be opened in the same direction that was originally marked out.

Manner of ascertaining the recompence to be made to the owners of inclosed or improved lands, through which a road may be laid out.

Exception as to the Eastern District.

Regulations in the disposal of ground let out to the public, which shall be road into a new direction.

VIII. And be it further enacted, That in all cases where it shall be found necessary, by the said commissioners, to alter the direction of any road or highway, so that the ground it formerly occupied shall become unnecessary for public purposes, that then and in such case, it shall and may be lawful for the said commissioners, and they are hereby required to dispose of the said ground; and to that end, to cause a jury to be summoned by a warrant under their hands and seals, to estimate the value thereof, and the choice of first buying the same, according to such valuation, shall be given to the owner of the lands adjoining, on each side of the said road; but in case the lands shall belong to different owners, that then it shall be equally divided between them, if they shall be disposed to purchase the same, and the monies arising from such sale, shall be applied towards indemnifying the owner or owners of the lands, as such road or highway may pass through by such new direction; and such sale so made, shall be deemed valid and legal in all courts of law and equity within this Province.

Division of townships, &c. to the overseers, who shall superintend the repairing of roads in their respective divisions.

IX. And be it further enacted by the authority aforesaid, That the said commissioners for the time being, shall and may as they shall judge proper and necessary, divide their respective parishes, or townships into divisions, which they shall allot to the overseers of the highway, and the said overseers, shall superintend, repair and keep in order, the highways, roads, streets and bridges in their several divisions, and the said commissioners or the major part of them, may from time to time, order any overseer to work upon any road or highway within his division, as they shall think necessary, and the said overseer shall within ten days after having received such order, summon such persons within his division, as are obliged to perform duty or labour, and let them to work on such part of the road or highway as they shall be directed to amend or lay out, and shall direct all persons performing labour on the said highways and roads, to destroy as much as may be in their power, all burrs, thistles, and other weeds, that are hurtful to the purposes of husbandry, and in case of any wilful neglect, every person neglecting or refusing to obey such orders, shall be subject to the like penalty as if he had been a wilful defaulter for that day, or for such time as he shall have so neglected or refused, and if any overseer shall refuse or neglect to summon such persons as aforesaid, and to set them to work on such road or highway, as he shall be directed to lay out or amend, he shall for every such neglect or refusal, forfeit the sum of twenty shillings, to be recovered in manner herein after to be set forth.

Hurtful weeds to be destroyed.

Penalty.

List to be kept by the overseers,

X. And be it further enacted by the authority aforesaid, That the overseers for every parish, or township, shall severally make out and keep a list, of every person who is owner of a car, cart or team, within their division, and likewise of all the inhabitants of such division, who are liable under the directions of this Act, to work upon the highways, which list shall be subscribed by the said overseers respectively, and delivered in to the commissioners of the division to which they belong, within twenty days after they shall

and delivered to the commissioners.

shall have been appointed overseers as aforesaid, and the said overseers for every parish, or township, and each of them, shall carefully and diligently collect the several compositions, forfeitures, penalties, and sums of money directed and allowed to be received and taken within the same by virtue of this Act, within the year for which he is appointed overseer, and shall also keep one or more book or books, containing an account of the duty or labour done, compounded for, or unperformed by every person liable to discharge the same, and also a just, true and fair account to be verified on oath, if required (which oath the justices are hereby authorized to administer) of all such money as shall have come to his hands in respect of such parish or township, by virtue of and for the purposes of this Act, and to whom and on what occasion, he shall have paid and applied the same, and also of the sum of money that shall then remain due and owing, from any person or persons in respect of the payments, compositions, penalties, and forfeitures to be taken and received, for and in respect of the said highways by virtue of this Act, which book or books, shall be delivered in to the commissioners acting within their respective divisions, at some special sessions to be holden for that purpose in the month of March in every year, and if any overseer shall neglect or refuse to deliver such account, or to make such oath if required, he shall forfeit and pay the sum of twenty pounds, to be recovered and applied in manner herein after mentioned.

Overseers to collect compositions and fines, to keep an account of the duties performed by every person on the highways respectively, and account for the application of the monies so received.

XI. And be it further enacted by the authority aforesaid, That the roads and highways, in and through every parish, township or reputed township, shall be cleared, repaired and maintained by the inhabitants thereof, and that every person being a householder or freeholder, shall either in person or by a sufficient man in his stead, be obliged to work on the roads, and shall have and bring with him, one spade, pickaxe, bar, or such other tool or instrument useful for the purposes aforesaid, as shall be directed, for and during any space of time, not exceeding twelve days in every year, allowing eight hours to each day's work, and that every person within each parish, or township, keeping a cart, plough, wain, waggon, or team of two horses, oxen, or beasts of draught, used to draw the same, shall send on every day to be appointed by the said overseer, a cart, wain, waggon, or team, and one able man to drive the same for any space of time not exceeding six several days in every year, to work on the highways, roads, streets or bridges, allowing eight hours to each day's work, which said day's work shall be held and taken as equivalent to two days personal labour, and if any labourer or driver shall refuse to work and labour, or to carry proper and sufficient loads during the time above mentioned, it shall and may be lawful for the said overseer to discharge such labourer, or driver, team and cart, and to receive from the said labourer or driver, or from the owner of such team and cart, the forfeiture which every such person or persons would have incurred by virtue of this Act, in case such labourer had not attended, or such team, cart and driver had not been sent.

Penalty.

Means for clearing, maintaining and repairing the highways.

Implement.

Carriages.

Space of time.

Penalty for insufficient discharge of duty.

XII. And be it further enacted by the authority aforesaid, That each overseer shall from time to time give to every person, or leave, or cause to be sent at the house or usual place of abode of every person within his division liable to perform the duty and labour by this Act directed, three days notice at least of the day, hour and place, upon which each of the said day's duty shall be performed; and every person possessed of a wain, wagon, cart, carriage or team, having been duly summoned as aforesaid, and not having paid such composition as herein after is mentioned, who shall make default in sending such carriage and team with an able man to drive the same, or in performing the said duty, at the time and place to be notified to him in manner aforesaid, shall for every such default, forfeit and pay the sum of ten shillings; and that every householder or freeholder, liable to such personal labour as aforesaid, having been duly summoned, and not having paid such composition as herein after is mentioned, who shall not appear or send a sufficient man in his stead with such tool or instrument, at such time or place, as by the said notice shall be directed, shall forfeit and pay for every such default, the sum of five shillings, all which forfeitures shall be applied to the use of the highways of the parish, or township respectively, in which such default shall have been made, and the said overseers shall fairly and equally demand and require such duty and labour from every person liable to perform the same, according to the directions of this Act, without favour or partiality to any person or persons whatsoever, except in the cases of poor persons herein after mentioned, and every overseer shall and may and is hereby required with all convenient speed after default made as aforesaid, to proceed for the recovery of the penalties and forfeitures hereby inflicted, in manner herein after directed, so that the same may be recovered before he makes up his accounts, in the manner directed by this Act.

Overseers to give notice of the time and place of performing such duty on the highways.

Penalty for neglecting or disobeying such notice.

The duty to be equally required of all persons, certain of the poor excepted.

XIII. Provided always, and it is hereby enacted, That any person liable to perform the said duty, by sending a carriage, cart and team, with a driver to the same, in manner aforesaid, shall and may compound for such duty, if he or she shall think fit, by paying to the said overseer, at the time and in the manner herein after mentioned, the sum of six shillings for each carriage, team and driver for each day, and that every freeholder or householder, liable to perform such duty or labour as aforesaid, shall and may compound for the same, if he shall think fit, by paying to the overseer the sum of three shillings, for and in lieu of every such day's duty or labour, respectively, at the time and in the manner herein after directed. Provided always, that upon application to be signed by any two or more neighbouring householders, to any two of his Majesty's justices, made by any person having four children under the age of fourteen years, and not possessing more than two hundred acres of land, it shall and may be lawful for the said justices, by an order under their hands and seals, to lessen the duty or labour of such persons, according to the discretion of the said justices.

Rates and manner of compounding for duty on the highway.

The duty of certain persons may be lessened in the discretion of two justices.

XIV. Provided always, and it is hereby further enacted, That the overseers of every parish, township, or place, shall, on or before the third Sunday in the month of March, cause public written notice to be given

On the third Sunday in March or on the 1st, the overseers shall

publish in writing, a notice to all persons desirous of compounding for their duties, specifying the time and place of payment of such compositions.

Power vested in the justices to restrain in certain cases, the privilege of compounding.

Means of erecting bridges and completing other particular works on the roads, of public benefit to the district, when the established duty and funds of the division are insufficient.

Penalty for altering, incumbering, or encroaching upon the highway.

No tree standing within thirty yards of the road to be henceforth girdled; and to be cut down if so, after the 1st of Sept. 1798, on notice.

Penalty for non-compliance.

Trees falling across the road to be removed within twenty-four hours.

Penalty.

given in the church or chapel of such parish, township or place, and if there be no church or chapel, then at the most public place of meeting therein, of the time and place, when and where persons permitted under the authority of this Act, and inclined to compound for the said duty, may signify such their intention to the said overseers, and all and every person signifying the same, who shall then, or within the space of one calendar month after the date of such notice, pay to the overseer of his division, the composition authorized and allowed by this Act, shall be discharged from the performance of such duty, and the said composition money shall be employed by the commissioners for the use of the highways, but in case the said composition money be not paid within one month, the parties neglecting to pay the same, shall be considered defaulters, and shall be liable to the same forfeitures as they who shall make wilful default. Provided always, and be it enacted, That if it shall appear to the justices at any special sessions, for the roads to be holden, that from the liberty herein before given for compounding for the performance of the statute duty, there will be a difficulty in procuring the necessary carriages and teams in any particular parish, township or place within their respective divisions, without paying high and extravagant prices for the same, it shall and may be lawful for such justices, to order and direct the team duty hereby required, or so much thereof as they shall think fit to be performed in kind, in such parish, township or place, except in respect of such teams as belong to persons not possessing more than two hundred acres of land within the same, and that it shall and may be lawful for such justices in those parishes, townships or places, where the price of daily labour exceeds the sum of three shillings, to order and direct the persons so exempted from performing the team duty, to perform the labour upon the highways in person, which order shall supersede the power or liberty of compounding for labour, any thing herein before mentioned to the contrary notwithstanding.

XV. And whereas, the monies that may arise by fines and compositions may not be sufficient for purchasing materials and other necessaries for erecting and building bridges, and making such other improvements on the public roads as cannot be accomplished by the ordinary statute labour; Be it further enacted by the authority aforesaid, That where the major part of the commissioners of the highways, acting within any division, shall be of opinion that a further sum will be wanting to undertake any particular work of manifest general advantage, on the public highway, that they may certify the same by a writing subscribed with their names, to the justices of the peace, in general quarter sessions assembled, within their respective districts, and may report to them an estimate of the additional sum that may be required to complete such work, and if it shall appear to the major part of the justices then and there assembled, that such proposed improvement or work will be of public benefit to the district, and that it is expedient to undertake the same, they may come to a resolution to such effect, and declare that they will take the matter into consideration at the general quarter session next ensuing, advertising such resolution in the public papers, or giving such other notice thereof as they shall deem necessary, and in case it shall be deemed adviseable by the greater number of the justices at such subsequent quarter session assembled, upon further consideration that such resolution should be confirmed, it shall and may be lawful for the said justices, to order and direct that the sum, provided the same do not exceed fifty pounds, be raised and collected either in the whole or by installments, of and from the freeholders and inhabitants within the said district, to be paid out of the district assessment for the said district.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall alter, stop up, or in any wise incumber or encroach on any street, highway or road already laid out, or that shall be laid out by the commissioners aforesaid, by laying timber or wood, or wilfully leaving any cart, waggon, carriage, plough, or any instrument of husbandry, or any rubbish, dung or manure in any highway (excepting only with respect to such waggon, cart or carriage, during such reasonable time, as the same shall be loading or unloading, and standing as near the side of such highway as conveniently may be) so as to intercept or hinder the free passage of any other carriage of his Majesty's subjects, or shall pull down or destroy any fences that shall be put up, by virtue of this Act, he shall forfeit and pay for every such offence the sum of five shillings.

XVII. And be it further enacted, That after the passing of this Act, it shall not be lawful for any owner or occupier of lands adjoining to his Majesty's highway or road, to girdle or cause to be girdled, any tree standing upon such lands within the distance of thirty yards, from the side of the said road, and that from and after the first day of September, that will be in the year one thousand seven hundred and ninety-four, if any girdled tree or dead tree shall be found standing within thirty yards of the said road, it shall and may be lawful for any person, taking with him a credible witness, to give a verbal or written notice to the owner or occupier of the said lands, to cut down or remove such girdled or dead tree or trees, and in case any owner or occupier of the said lands, shall neglect or refuse to cut down or remove any such tree by the space of thirty days after such notice as aforesaid, he shall forfeit and pay the sum of ten shillings, for every day that the said tree shall be suffered to remain uncut or unremoved, after the expiration of such period as aforesaid, which penalty shall be levied and applied in manner and for the purposes herein after mentioned; and also that from and after the said first day of September, if any tree shall be cut down, or fall out of any inclosed land, into or across any of the public highways, that the owner or occupier of such inclosure, shall within the space of twenty-four hours after the same shall be so fallen, remove the same, and if after such notice thereof given to such owner or occupier as aforesaid, he shall neglect to remove such tree out of the said road by the space of twenty-four hours, he shall forfeit and pay the sum of ten shillings, for every day that the said tree shall be unremoved, after receiving such notice as aforesaid.

XVIII. And be it further enacted by the authority aforesaid, That the penalties severally inflicted by virtue of this Act, and all other fines and forfeitures accruing by virtue thereof, shall be levied and recovered by warrant under the hand and seal of some Justice of the Peace, acting within the division, where such refusal or neglect shall have been made, or offence committed, which warrant such Justice is hereby empowered and required to grant, upon conviction of the offender by confession, or upon oath of one credible witness, of any offence committed against any one of the enactments or provisions herein contained, and in default of payment of such fines and forfeitures, to levy the same by distress and sale of the goods and chattels of the person so offending; and that the produce of all compositions, penalties, fines and forfeitures, shall be applied towards the making or repairing of the public roads and bridges, within the parish, or township where the same shall arise, and if any person shall refuse to pay the sum or sums payable by virtue of this Act, for neglecting or refusing to obey the notice or summons of the overseer, the same being duly served within ten days after demand thereof made, such sum shall and may be levied by the overseer, constable or any person authorized by warrant under the hand and seal of one justice of the peace acting within the said division, by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner or owners thereof, the necessary charges of making such distress and sale being first deducted, and in default of such distress, it shall and may be lawful for any such justice to commit the person so refusing to the common gaol, for any time not exceeding one month, unless the penalty, forfeiture, costs and charges, shall respectively be sooner by him paid.

Process for recovering penalties,

the same in default of payment to be levied by distress, application thereof.

Penalty for refusing the overseer summons.

to be levied by distress and in default thereof, the party to be imprisoned.

XIX. And in order to prevent as much as possible any inconvenience to persons liable to work upon the road, Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said justices in the said parishes, townships or places respectively, to appoint two periods or times in the year, within which no statute duty upon the roads shall be performed; namely, one month in the spring commencing upon the twentieth day of April, and ending upon the twentieth day of May, and three months in the summer, commencing upon the first day of July, and ending upon the first day of October in every year.

Periods of the year within which the duty on the roads may be suspended.

XX. And be it further enacted by the authority aforesaid, That after every fall of snow, by which any principal highway leading through this Province, shall or may be obstructed and the passage through the same thereby interrupted or hindered, it shall and may be lawful for the overseers of the towns, townships or parishes, through which the said highway may run, and they are hereby required to order and direct such and so many as they shall deem necessary of the freeholders or householders next adjoining the same, being possessed of a sleigh, or sledge and team, to open a free passage through the said highway, by driving or causing their sleigh or sledge to be driven over and through the said highway.

Methods of opening a passage through the roads when obstructed by a fall of snow,

XXI. And whereas it often happens, that after falls or drifts of snow, the highways through several parts of this Province, are so covered over, as to leave no visible tract or path to guide travellers, particularly where the said highways pass through extensive cleared fields, (or for the sake of shortening the communication in the winter) over and along rivers or bodies of frozen water. Be it therefore enacted by the authority aforesaid, That in such cases it shall and may be lawful for the overseers, and they are hereby required, to warn and direct the householders and freeholders in such parishes, townships or places respectively, to erect or set up stakes or beacons on each side of the said highway, road or common path, so as to direct travellers, particularly at night and in bad weather; and any householder or freeholder neglecting or refusing to obey such summons, and perform such duty or labor, shall be liable to the same penalties, fines and forfeitures as those neglecting to perform their proportion of duty or labour on the highway, as herein before mentioned, and to be recovered in like manner.

Method of marking the roads by stakes or beacons, when required.

Penalty.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace within their respective divisions, and they are hereby empowered from time to time, whenever they shall judge proper, to hold any special sessions besides that which is herein before directed in the month of March, for executing the purposes of this Act, and to adjourn the same from time to time, as they shall think fit, causing notice to be given of the time and place, of holding such special sessions and of the adjournments thereof, to the several justices acting and residing within such limits, by the constable or other proper officer within the same.

Two or more justices may hold any special sessions for the purpose of this Act.

XXIII. Provided always, and be it further enacted, That if any action or suit, shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed and not afterwards, and the defendant or defendants in any such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act, and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her or their action, after the defendant or defendants shall have appeared, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof, as in any other cases by law.

Actions founded on things done in pursuance of this Act, to be commenced within three months.

Plaintiff to pay treble costs on nonsuit or discontinuance.

XXIV. And be it further enacted by the authority aforesaid, That any person who shall be seized of two hundred acres of land or more within this Province, and shall not reside in the said Province, or have any tenants or tenant resident on his said lands: such person shall be liable to pay the sum of twenty shillings per annum, to be applied towards keeping in repair the King's highway, and the said sum shall be chargeable on such lands as aforesaid, and they shall be liable for payment of the same, for so long as they shall remain unoccupied, or be the property of any person not residing within the Province aforesaid. CHAP

Persons seized of lands, and absent from the province to pay 20s. annually for their duty, chargeable on their lands.

CHAPTER V.

An ACT to confirm and make valid certain Marriages heretofore contracted in the country now comprized within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same.

Preamble.

WHEREAS many marriages have been contracted in this Province, at a time when it was impossible to observe the forms prescribed by law for the solemnization thereof, by reason that there was no Protestant Parson or Minister duly ordained residing in any part of the said Province, nor any consecrated Protestant church or chapel within the same, and whereas the parties having contracted such Marriages, and their issue may therefore be subjected to various disabilities, in order to quiet the minds of such persons, and to provide for the future solemnization of marriage within this Province, Be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, an Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the marriage and marriages of all persons, not being under any canonical disqualification to contract matrimony, that have been publicly contracted before any magistrate or commanding officer of a post, or adjutant, or surgeon of a regiment, acting as chaplain, or any other person in any public office or employment, before the passing of this Act, shall be confirmed and considered to all intents and purposes as good and valid in law, and that the parties who have contracted such marriage, and the issue thereof, may become severally entitled to all the rights and benefits, and subject to all the obligations arising from marriage and cohabitation, in as full and ample a manner, as if the said marriages had respectively been solemnized according to law.

Marriages heretofore contracted, before any person in public employment, declared valid.

and the issue thereof legitimate.

Method of preserving the testimony of such marriages.

Oath of the husband.

II. And be it further enabled by the authority aforesaid, That in order to enable those persons who may be desirous of preserving the testimony of such marriage and of the birth of their children, to effectuate the same, it shall and may be lawful at any time within three years from the passing of this Act, for any magistrate of the district where any such parties as may have contracted matrimony as aforesaid, shall reside, at the request of either of the said parties, to administer the following oath to the husband :

" I A. B. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with C. D. at on the day of in the year of our Lord and that there is now living issue of the said marriage (as the case may be)

T. B. born on the day of
M. B. born on the day of

Oath of the Wife.

And to administer the following Oath to the Wife :
" I C. D. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with A. B. at on the day of in the year of our Lord and that there is now living issue of the said marriage (as the case may be)

T. B. born on the day of
M. B. born on the day of

manner of entering the same of record ;

the register of such record, or an attested copy thereof to be sufficient evidence.

Regulations for the future celebration of marriages.

Circumstances under which it may be lawful for a justice to solemnize marriage.

Public notice.

Form of the church

Which form of attestation shall be subscribed by the parties, and certified under the hand and seal of the magistrate administering the said oath, who shall be entitled to demand and receive one shilling for such certificate, and that it shall and may be lawful for the clerk of the peace of the district to enter and record, and he is hereby required, upon the payment of the sum of two shillings to enter and record such attestation, duly certified as aforesaid, in a book or register to be by him kept for that purpose; and that such register or an attested copy thereof, which copy the said clerk, is hereby required to make out, and on the payment of the sum of two shillings to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such marriage, and the birth of such children in all his Majesty's courts of law and equity.

III. And be it further enabled by the authority aforesaid, That until such time as there shall be five parsons or ministers of the church of England, severally incumbent or doing duty on and in their respective parishes or place of residence in any one district within this Province, such parties as are not under any canonical disability, and are desirous of intermarrying with each other, and neither of them living within the distance of eighteen miles of any parson or minister of the church of England, may apply to any neighbouring justice of the peace within the district, and declare the same, whereupon it shall and may be lawful for the said justice, to cause to be affixed in some public place within the township or parish wherein the parties reside, or if they should reside in different townships or parishes, then in the most public place within each of the said townships or parishes, a notice in the following form, for which he shall be entitled to receive one shilling, and no more.

" Whereas A. B. of and C. D. of are desirous of intermarrying with each other, and there being no parson or minister of the church of England living within eighteen miles of them or either of them, all persons who know any just impediment, why they should not be joined in matrimony, are to give notice thereof to E. F. Esquire, of one of his Majesty's justices of the peace for the district."

And if no valid objection shall have been made to such intended marriage when three Sundays have intervened after the publication of the said notice, it shall and may be lawful for the said magistrate to proceed to solemnize the marriage, according to the form prescribed by the church of England, and to give

to the parties a certificate thereof, in the following form, for which he shall be entitled to receive the sum of one shilling, and no more :

of England to be followed.

"Whereas A. B. of and C. D. of were desirous of intermarrying with each other, and there being no parson or minister of the church of England, living within eighteen miles of them, or either of them, they have applied to me for that purpose; now these are to certify, that in pursuance of the powers granted by an Act of the Legislature of this Province, passed in the thirty third year of his Majesty's reign, I A. B. one of his Majesty's justices of the peace, having caused the previous notice by the statute required to be given, have this day married the said A. B. and C. D. together, and they are become legally contracted to each other in marriage."

Certificate of marriage.

Which certificate shall be signed by the parties, and also by any two or more persons present at the said marriage, and such marriage shall be good and valid in law to all intents and purposes whatever. And that upon application for that purpose made, the clerk of the peace for the said district shall and may, and he is hereby required to register the said certificate in a book for that purpose by him to be kept, and that it shall and may be lawful for him to demand and receive the sum of two shillings for registering the same, and that such register, or an attested copy thereof, which the said clerk is hereby required to make and deliver to any person requesting the same, and paying for it the sum of two shillings, shall be held and taken to be sufficient evidence of such marriage in all his Majesty's courts of law and equity.

The same to be signed by the parties and by two or more persons present.

And on application of and registered by the clerk of the peace.

IV. And be it further enacted by the authority aforesaid, That if any person shall after the passing of this Act, make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering, forging or counterfeiting, any such certificate of marriage as herein before is required to be given, or shall knowingly and wilfully insert or cause to be inserted in such register book to be kept in each district any false entry of any matter or thing relating to any marriage, or act or assist in falsely making, altering, forging any such entry in such register; or utter or publish as true, any such false, forged, altered, or counterfeit certificate or register as aforesaid, or a copy thereof, knowing such certificate or register respectively to be false, altered, forged, or counterfeited, or shall wilfully destroy or cause or procure to be destroyed any register-book of marriages or any part of such register book, with an intent to avoid any marriage, every person so offending, and being thereof lawfully convicted, shall for such offence suffer such fine and imprisonment as to the court shall seem meet, provided such imprisonment be in the common gaol of the district, for a term not less than twelve calendar months.

Persons counterfeiting, or procuring to be counterfeited the evidence of any marriage, to suffer on conviction, fine and imprisonment.

V. Provided always, That when and so soon as there shall be five parsons or ministers of the church of England, severally incumbent and doing duty, within their respective parishes or places of residence, in any one district within this province, that the authority herein before given to the justices of the peace, within such district for the purposes aforesaid, shall cease and determine, and to the end that it may become publicly known when such a number of parsons or ministers are incumbent within a district, it shall and may be lawful for the governor, lieutenant governor or person administering the government of this province, and he is hereby required to give notice thereof, by an instrument under his hand and seal to the first general quarter sessions to be holden for the said district, certifying that there are five parsons or ministers of the church of England, severally incumbent, and doing duty, within their respective parishes, or places of abode in the said district, and that therefore the provisions herein before made, authorizing the justices of the peace to solemnize matrimony, have ceased and determined within the said district, which said instrument shall be publicly read before the justices in quarter sessions assembled, and kept and preserved by the clerk of the peace, among the records of the said district, and from and after the publication of such notice, it shall not be lawful for any justice of the peace within such district, to perform the marriage ceremony; and if any justice of the peace within the district where such notification shall have been made in manner aforesaid, shall after the publication thereof, knowingly and wilfully pretend to perform the marriage ceremony, between any persons under or by virtue of the powers of this Act, or under any pretence whatever, he shall for every such offence, forfeit and pay the sum of twenty pounds, one moiety to his Majesty, his heirs and successors for the public uses of the province, and the support of the government thereof, and the other moiety to any person who shall sue for the same by action of debt, plaint, bill or information, in any of his Majesty's courts of record within this province, and such pretended marriage so performed, shall be null and void to all intents and purposes whatever.

Eventual determination and period of the powers vested in justices to solemnize marriage.

Method of ascertaining such event.

Penalty for solemnizing marriage after such event.

and the marriage to be void.

No valid objection to a marriage, if it be solemnized in a church or chapel.

VI. And be it further enacted by the authority aforesaid, That it shall be no valid objection to the legality of any marriage heretofore solemnized by any parson or minister, either by licence, or after due publication of banns, or hereafter to be solemnized in manner aforesaid, or by any justice of the peace, duly authorized under the provisions of this Act, that the same was not solemnized in a church or chapel duly consecrated, nor shall any such marriage on account thereof, be held or taken to be illegal.

Promulgation of this Act.

VII. And be it further enacted by the authority aforesaid, That this Act shall be publicly read in the several districts of this Province, at the opening of the general quarter sessions of the peace for each district, that shall be holden next after the passing thereof, and once in every year for two years following, at the quarter sessions to be holden in the month of January.

CHAPTER VI

An ACT to fix the Times and Places of holding the Courts of General Quarter Sessions of the Peace within the several Districts of this Province.

WHEREAS it is necessary to fix the times and places for holding the courts of general quarter sessions of the peace within the several districts in this Province; Be it enacted by the King's most excellent

Proclamation.

cellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, the several Courts of general sessions of the peace within this Province respectively, shall commence and be holden at the times and places hereinafter mentioned, yearly and in every year, that is to say—That the Courts of general quarter sessions of the peace for the Eastern district of this Province, shall commence and be holden in New Johnstown, on the second Tuesday in the month of October, and on the second Tuesday in the month of April; and in the Town of Cornwall, on the second Tuesday in the month of July.

Time and place of holding the quarter sessions in the Eastern district.

In the Midland District.

II. *And be it enacted,* That the Courts of general quarter sessions of the peace for the Midland district of this Province, shall commence and be holden in Adolphus Town, on the second Tuesday in the month of July, and on the second Tuesday in the month of January; and in Kingston, on the second Tuesday in the month of April, and on the second Tuesday in the month of October.

In the Home District.

III. *And be it enacted,* That the Courts of general quarter sessions of the peace for the Home district of this Province, shall commence and be holden in the Town of Newark, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April.

In the Western District.

IV. *And be it enacted,* That the Courts of general quarter sessions of the peace for the Western district of this Province, shall commence and be holden in the Town of Detroit, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April.

Special sessions at Michilimackinac.

V. *And be it further enacted,* That a Court of special sessions of the peace shall commence and be holden, yearly and in every year, in the town of Michilimackinac, on the second Tuesday in the month of July.

CHAPTER VII.

*An ACT to prevent the further introduction of Slaves, and to limit the Term of Contracts for Servitude within this Province.*

Preamble.

WHEREAS it is unjust that a people who enjoy freedom by law should encourage the introduction of slaves, and whereas it is highly expedient to abolish slavery in this Province, so far as the same may gradually be done without violating private property; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of a certain Act of the Parliament of Great Britain, passed in the thirtieth year of his present Majesty, intituled, "An Act for encouraging new settlers in his Majesty's colonies and plantations in America," as may enable the governor, or lieutenant governor of this Province, heretofore parcel of his Majesty's Province of Quebec, to grant a licence for importing into the same any Negro or Negroes, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall not be lawful for the governor, lieutenant governor, or person administering the government of this Province, to grant a licence for the importation of any Negro or other person to be subjected to the condition of a slave, or to a bounden involuntary service for life, into any part of this Province; nor shall any Negro, or other person who shall come or be brought into this Province after the passing of this Act, be subject to the condition of a slave, or to such service as aforesaid, within this Province, nor shall any voluntary contract of service or indentures that may be entered into by any parties within this Province, after the passing of this Act, be binding on them, or either of them, for a longer time than a term of nine years, from the day of the date of such contract.

Recital of Act 30 Geo. III.

The same is partly repealed.

Provisions against the further introduction of slaves.

Terms of servitude by contract limited.

The owners of slaves at present within the Province, confirmed in their property therein.

Nothing herein to extend to contracts for service already made, nor to parents or guardians.

The children that shall be born of female slaves, to remain in the service of the owner of their mother until the age of 25 years, when they

II. *Provided always,* That nothing herein contained shall extend, or be construed to extend to liberate any negro, or other person subjected to such service as aforesaid, or to discharge them, or any of them from the possession of the owner thereof, his or her executors, administrators or assigns, who shall have come or been brought into this Province, in conformity to the conditions prescribed by any authority for that purpose exercised, or by any ordinance or law of the Province of Quebec, or by Proclamation of any of his Majesty's Governors of the said Province for the time being, or of any Act of the Parliament of Great Britain, or shall have otherwise have come into the possession of any person, by gift, bequest or bona fide purchase before the passing of this Act, whose property therein is hereby confirmed, or to vacate or annul any contract for service that may heretofore have been lawfully made and entered into, or to prevent parents or guardians from binding out children until they shall have obtained the age of twenty-one years.

III. *And in order to prevent the continuation of slavery within this Province, Be it enacted by the authority aforesaid,* That immediately from and after the passing of this Act, every child that shall be born of a negro mother, or other woman subjected to such service as aforesaid, shall abide and remain with the master or mistress, in whose service the mother shall be living at the time of such child's birth (unless such mother and child shall leave such service, by and with the consent of such master or mistress) and such mas-

ter or mistress shall, and is hereby required to give proper nourishment and cloathing to such child or children, and shall and may put such child or children to work, when he, she or they shall be able so to do, and shall and may retain him or her in their service until every such child shall have attained the age of twenty five years, at which time they and each of them shall be entitled to demand his or her discharge from, and shall be discharged by such master or mistress, from any further service. And to the end that the age of such child or children may be more easily ascertained, the master or mistress of the mother thereof, shall and is hereby required, to cause the day of the birth of every such child as shall be born of a Negro or other mother, subjected to the condition of a slave, in their service as aforesaid, to be registered within three months after its birth, by the clerk of the parish, township or place wherein such master or mistress reside, which clerk shall be authorized to demand and receive the sum of one shilling, for registering the same. And in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witnesses, before any justice of the peace, he or she shall, for every such offence, forfeit and pay the sum of five pounds, to the public stock of the district.

shall be discharged

Birth of the children of slaves to be recorded

Penalty for neglecting or refusing to record the same.

Remedy against the undue detention of such children

Provision for the issue of the children of slaves.

Security to be given on liberating a slave.

IV. And be it further enacted by the authority aforesaid, That in case any master or mistress shall detain any such child born in their service as aforesaid, after the passing of this Act, under any pretence whatever, or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such servant to apply for a discharge to any of his Majesty's justices of the peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause, why such servant should not be discharged, and the proof that such servant is under the age of twenty-five years, shall rest upon and be adduced by the master or mistress of such servant; otherwise it shall and may be lawful for the said justice to discharge such servant from such service as aforesaid. Provided always, That in case any issue shall be born of such children, during their infant servitude, or after, such issue shall be entitled to all the rights and privileges of free born subjects.

V. And be it further enacted, That whenever any master or mistress shall liberate or release any person subject to the condition of a slave from their service, they shall at the same time, give good and sufficient security to the church or town wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.

CHAPTER VIII.

An ACT to establish a Court of Probate in this Province, and also a Surrogate Court in every District thereof.

WHEREAS it is expedient to establish a Court for the purpose of granting probate of wills and committing letters of administration of the goods of persons dying intestate, having personal estate 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, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there be constituted and established, and there is hereby constituted and established, a court with full power and authority to issue process and hold cognizance of all matters relative to the granting of probates, and committing letters of administration, and to grant probates, rights and credits within this Province, to be called and known by the name of the Court of Probate of the Province of Upper Canada, and that the governor, lieutenant governor, or person administering the government thereof, shall preside in the said court, to hear, give, order or decree, or pronounce judgement in all questions, causes or suits, that may be brought before him, relative to the matters aforesaid, and that for such purpose he may from time to time, when he shall be so disposed, call such person or persons as he shall think proper, to be assessor or assessors with him, and that it shall and may be lawful for the governor, lieutenant governor or person administering the government in this Province, to nominate and appoint from time to time, an official principal of the said court, together with a register and such officers as may be necessary for the exercise of the jurisdiction to the said court belonging.

Preamble

Constitution and jurisdiction of the court of probate

Institution of a surrogate court in each district.

II. And whereas it will be convenient for the inhabitants of this Province to be enabled to obtain probate of wills, and letters of administration within their several districts; Be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government in this Province, to institute, and he is hereby authorized to institute by commission under the great seal of this Province, in each and every district thereof, a court for the purpose of granting probate of wills, and letters of administration of the goods of persons dying intestate, having personal estate within the limits of each district respectively, which courts shall be severally called and known by the names of the Surrogate Court of the Eastern District, the Surrogate Court of the Midland District, the Surrogate Court of the Home District, and the Surrogate Court of the Western District, and also to appoint from time to time, a Surrogate to preside as judge in each of the said Courts, to hear, give, order, or decree, or pronounce judgement in all questions, causes or suits, that may be brought before him relative to the said matters, and also from time to time, to nominate and appoint a fit and proper person to be register, and also such officers as may be necessary for the exercise of the jurisdiction to the said Courts belonging, and that each and every of the said Courts shall have full power and authority, to issue process and



and hold cognizance of all matters relative to the granting of the probate of wills and letters of administration, and to grant probate of wills, and commit letters of administration of all and singular the goods and effects, rights and credits of persons dying intestate, within the limits of their respective districts, except in the cases herein after mentioned.

When testator or intestate dies possessed of chattels or credits in different districts, probate of the will and letters of administration shall be granted by the court of probate only.

III. *Provided always*, That in all cases where a testator or intestate shall die possessed of goods, chattels or credits to the amount of five pounds in any district, other than that in which he usually resided at the time of his decease, or when any testator or intestate shall die possessed of goods to the value of five pounds, in two or more several districts within this Province, the probate of such will and letters of administration of the goods and effects of such person shall be granted by the Court of probate only, and not by any Surrogate Court.

Seal of each of the said courts.

IV. And in order to give due authenticity to the Acts and proceedings of the said several courts, Be it Enacted by the authority aforesaid, That each of the said Courts be provided with a suitable seal, that on the seal of the Court of probate be inscribed the name of the Province, and on the several seals of the surrogate courts the name of the district, over which its jurisdiction extends, and that a particular description of such seals be respectively sent to the office of the Secretary of the Province to be kept among the records of the Province.

A description whereof to be sent to the Secretary's office.

V. *Provided always*, That no person shall be entitled or qualified to enter upon or execute the office of surrogate in any of the courts so to be established, until after he shall have taken the following oath:

Oath of the surrogate

" I A. B. do solemnly promise and swear, that I will honestly and impartially execute the office of surrogate according to the best of my knowledge and ability. " SO HELP ME GOD."

And that no person shall be entitled or qualified to act as a register in any of the said Courts until after he shall have taken the following oath:

Oath of the register.

" I A. B. do promise and swear, that I will diligently and faithfully execute the office of register, and that I will not knowingly permit or suffer any alteration, obliteration or destruction to be made or done by myself or others, on any wills or testamentary papers committed to my charge. " SO HELP ME GOD."

Every will or testamentary paper to be kept as recorded in court, and the transcript thereof duly sealed to be held a sufficient probate.

VI. And be it enacted by the authority aforesaid, That every will or testamentary paper, which shall be duly proved, approved and insinuated in the court of probate, or in any surrogate court within this Province, shall be kept and preserved among the records of the said court, and that a transcript thereof duly authenticated under the seal of the said court, shall be taken and received as the regular probate of such will or testamentary paper, so far as the same may regard the disposal of any personal estate or effects, in all and every of his Majesty's courts within this Province, or wherever it may be necessary to produce the same.

Circumstances required to render nuncupative wills good.

VII. And be it enacted by the authority aforesaid, That from and after the passing of this Act, no nuncupative will, shall be good where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses at the least, that were present at the making thereof, nor unless it be proved that the testator at the time of pronouncing the same, did bid the persons present or some of them bear witness that such was his will, or to that effect, nor unless such nuncupative will were made at the time of the last sickness of the deceased, and in the use of his or her habitation or dwelling, or where he or she hath been resident for the space of ten days or more, next before the making of such will, except when such person was surprized or taken sick being from his own home, and died before he returned to the place of his or her dwelling.

Period of time within which proof of nuncupative wills to be admissible.

VIII. And be it further enacted by the authority aforesaid, That after six months passed after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony or the substance thereof were committed to writing within six days after making the said will.

Preliminary measures to be taken, previous to granting probate of nuncupative wills.

IX. And be it further enacted by the authority aforesaid, That no letters testamentary, or probate of any nuncupative will shall pass the seal of any court till fourteen days at the least after the decease of the testator be fully expired, nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow or next of kindred of the deceased, to the end that they may contest the same, if they shall be so advised.

Proof to be adduced of the demise of an intestate.

X. And be it enacted by the authority aforesaid, That no letters of administration shall be granted by the court of probate, or by any surrogate court, of the goods, chattels or credits of any person represented as having died intestate, until due proof be made before the said judge or surrogate, to his satisfaction, that such person is dead, and died intestate.

Steps to be taken in granting administration to persons not next of kin.

XI. And be it further enacted by the authority aforesaid, That when application is made for letters of administration of the goods, chattels and credits of any person dying intestate, by any person or persons not entitled to the same as next of kin to the intestate, the judge of the court of probate, or the surrogate to whom such application shall be made, shall before the granting of the administration, issue a citation to the next of kin to the intestate, summoning him or her to appear, and shew cause, if any they have, why the administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate, residing within this Province, and if the next of kin, nor any person of the kindred of the intestate shall happen to reside in this Province, then a copy of such citation shall be affixed up in some public place in the town where the intestate did reside at the time of his death, at least ten weeks before the return thereof, and in case such intestate did not reside within this Province at the time of his death, then a copy of the citation shall be published in the Upper Canada Gazette, once in every month during the space of eight months before the return thereof. *Provided always*, that in case the person next

of kin usually residing within this Province, and regularly entitled to administer, should happen to be absent from the Province, it shall and may be lawful for the judge of probate or surrogate, within the limits of his district, to grant a temporary administration, to the next of kin who shall be in the Province, of the intestate, during a limited time, or to be revoked upon the return and application of such nearest of kin as aforesaid, and for that purpose to take sufficient bonds from the party to whom such temporary administration shall have been granted, for the surrender of such letters of administration, and to account for the same, in manner herein after to be mentioned.

Temporary administration.

XII. And be it further enacted by the authority aforesaid, That the judge of probate, and every surrogate in his several districts, shall and may upon their respective granting and committing letters of administration of the goods of persons dying intestate, take sufficient bonds of the respective person or persons to whom any administration is to be committed, with two or more able sureties, respect being had to the value of the estate, in the name of the Governor, Lieutenant Governor, or person administering the government of the said Province, or with the condition in form and manner following, *mutatis mutandis*. The condition of this obligation is such, that if the within bounden A. B. administrator of all and singular the goods, chattels and credits of C. D. deceased, do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come into the hands, possession or knowledge of him, the said A. B. or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the registry of court, on or before the day of next ensuing, and the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased, at the time of his death, which at any time after shall come into the hands or possession of the said A. B. or into the hands and possession of any other person or persons for him, do well and truly administer according to law, and further do make or cause to be made, a true and just account of his said administration, at or before the day of

Bonds to be taken of the persons to whom administration shall be granted.

Form and conditions of such bonds.

and all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrator's account, the same being first examined and allowed by the judge of the court, for the time being, shall deliver and pay unto such person or persons respectively, as the said judge by his decree or sentence, conformably to the provisions in a certain Act of Parliament, intituled, "An Act for the better settling intestate estates," and passed in the twenty second and twenty-third year of the reign of Charles II. and also in a certain Act passed in the first year of King James II. contained, shall limit and appoint, and if it shall hereafter appear, that any last will or testament was made by the deceased, and the executor or executors therein named do exhibit the same unto the said court, making request to have it allowed and approved accordingly, if the said A. B. within bounden, being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court, then this obligation to be void and of none effect, or else to remain in full force and virtue; which bonds are hereby declared and enacted to be good and binding to all intents and purposes, and pleadable in any courts of justice.

Such bonds pleadable.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said judge of probate and surrogate respectively, and they are hereby enabled to call by citation under the seal of their several courts, such administrators to account, for and touching the goods of any person dying intestate within their several jurisdictions, and upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts, funeral and just expences of every sort, first allowed and deducted, according to the provisions in the said statutes herein before mentioned, contained. Provided always, to the end that a due regard be had to creditors, that no such distribution of the goods of any person dying intestate be made, until after one year be fully expired, after the intestate's death: and that such and every one, to whom any distribution and share shall be allotted, shall give bonds with sufficient sureties, in the said courts, that if any debt or debts truly owing by the intestate, shall be afterwards sued for and recovered, or otherwise made to appear, that then and in every such case, he or she shall respectively refund and pay back to the administrator, his or her rateable part of such debt or debts, and of the costs of suit, and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt and debts, so discovered after the distribution made as aforesaid.

Method of making distribution of the proceeds of an intestate's estate.

After the term of one year.

Security to be given the administrators, against demands which may arise after distribution.

XIV. And in order to enforce, when it shall be necessary, due respect and obedience to the process, orders, sentence or decree of the said courts, in all matters within their cognizance, Be it enacted by the authority aforesaid, That it shall and may be lawful for the said judge of the court of probate, and his surrogates within their respective districts, and they are hereby authorized upon application made and supported by certificate from the register or proper officer, of any neglect of, or disobedience to the regular process, order or sentence of the court, or upon any complaint to be verified upon oath, by any apparitor, officer, or other person, of any wilful contempt or resistance to the regular process, or sentence of the said courts or any of them, or to the service thereof, to proceed against the parties, so withstanding, disobeying or offending, by attachment to be directed to the sheriff of the district, who is hereby authorized and required to execute the same; and in case the sheriff return that the party is not found in his district, that the said courts and each of them may issue a proclamation directed to the sheriff of the district, which he is hereby authorized and required to make, that the said party do on his allegiance personally appear in the said court, on a day in the said proclamation to be named; and in case the sheriff return that the party is not found, and he do not appear at the time and place as com-

Process of the said courts respectively, in cases of disobedience or contempt.

Attachment.

Sequestration of the personal estate.

In administration granted with a will annexed, it shall be expressly conditioned, that such will shall be performed.

Form and condition of bond to be entered into in such case.

Force and effect of such bond.

An appeal to lie from the surrogate courts to the court of probate.

to be made within fifteen days next after judgment below.

and that the value of the rights affected exceeds fifty pounds.

Terms of sitting of the said courts.

Fees to be taken.

by the official principal surrogate, and register.

manded, that the said courts, and each of them may proceed to a sequestration of the personal effects, goods and chattels of the said party in contempt, to be directed to certain persons to detain and keep the same. Until the said contempts be cleared or the court make order to the contrary

XV. And be it further enacted by the authority aforesaid, That in all cases where any administration shall be granted with a will annexed either by the judge of the court of probate in this Province, or by any surrogate of any district of this Province, such letters shall contain an express provision or condition that the will of the deceased in such testament expressed, shall be observed and performed, and for such purpose that bonds with two or more able and sufficient sureties, shall be taken of the respective person or persons to whom such administration shall be committed in such penalties as to the judge or surrogate shall appear reasonable, respect being had to the value of the estate of the said testator, which condition may be as follows: "The condition of this obligation is such, that if the above bounden administrator (or administratrix as the case may be) of all and singular the goods, chattels and credits of the said deceased, with the will of the said deceased, annexed, and not administered by (as the case may be) do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which shall have come to the hands, possession or knowledge of the said administrator, or into the hands and possession of any other person for the said administrator, and the same to made do exhibit or cause to be exhibited (where such bond shall be taken by the judge of the court of probate) into the registry of the court of probate of this Province, or into the office of the surrogate of the district of , at or before the expiration of six calendar months from the date of the above written obligation, and the same goods, chattels and credits, and all other goods, chattels and credits of the said deceased, at the time of his or her death, which at any time after shall come into the hands and possession of the said administrator, or into the hands and possession of any other person or persons for the said administrator, do well and truly administer according to the directions and true intentions of the testator or testatrix (as the case may be) expressed in the will to the letters of administration granted to the said administrator, annexed, as the law directs, and further when thereunto lawfully required, do make, or cause to be made a true and just account of administration, then this obligation to be void and of none effect, or else to remain in full force and virtue.—Which bonds, shall be of the same force and effect and may be prosecuted upon the like occasions and for the purposes, and in the same manner as the bonds taken upon the granting of administrations of persons dying intestate, herein before set forth.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all persons who may be aggrieved by any order, sentence, judgment or decree, of any surrogate court within this Province, to appeal from the same or any part thereof, to the judge of the court of probate, who shall have full power and authority, and hereby is authorized and required to examine, hear and finally determine all such appeals, and all matters concerning the same, and to reverse, affirm or alter such order, sentence, judgment or decree, and to make such other order or decree therein, as justice and equity shall require, and thereupon to remit the same, with his order, judgment or decree in the premises, and all things concerning the same, into the court so appealed from. Provided always, that all such appeals from the said surrogate court, shall be made within fifteen days next after making or giving the order, sentence, judgment or decree so appealed from, and upon security being given to the satisfaction of the said surrogate, for prosecuting such appeal, such order, sentence, judgment or decree, shall be suspended. Provided always, that no appeal shall be had or lie from any such order, judgment, sentence or decree, of any surrogate court, unless the value of the goods, chattels, rights or credits to be affected by such order, judgment, sentence or decree, shall be more than fifty pounds.

XVII. And in order that certain stated times be fixed for the hearing and determining all motions, petitions, pleadings, suits and causes respecting the matters aforesaid, that may be brought before the said court of probate, or the said surrogate courts: Be it enacted by the authority aforesaid, That four terms or times of session be appointed in each and every year for the purposes aforesaid, the first term to be holden from the first Monday in January to the Saturday of the same week inclusive; the second to be holden from the last Monday in March, to the Saturday of the same week inclusive; the third to be holden from the first Monday in June to the Saturday of the same week inclusive; and the fourth term to be holden from the last Monday in September to the Saturday of the same week.

XVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the members and officers of the said courts to demand and take the following fees:—

OFFICIAL PRINCIPAL AND SURROGATE.

	L.			S.			D.		
	£	s.	d.	£	s.	d.	£	s.	d.
For seal to the probate of a will, to letters of administration with the will annexed, and to letters of administration, where the property devolving is under £300.	0	16	0	0	6	8			
From 300 to 1000l.				1	0	0	0	6	8
When above 2000l.				2	0	0	0	6	8
For seal of the court to any writing or instrument,				0	13	4	0	3	4
For receiving caveat				0	6	8	0	0	0
For filing the same				0	0	0	0	3	4
For receiving inventory				0	6	8	0	0	0
For filing the same				0	0	0	0	3	4
For citation				0	3	4	0	1	0

FOR

For collating will							
For drawing bond and attesting execution				0	0	0	0 6 8
For searching regiller each year				0	0	0	0 6 8
For office copy, each page eighteen lines, six words in each				0	0	0	0 1 0
APPARITOR OR MESSENGER.							
For service of citation				0	2	0	
For travelling, each mile				0	0	4	

by the apparitor or messenger.

CHAPTER IX.

An ACT to authorize the Lieutenant Governor, to nominate and appoint certain Commissioners for the purposes here- in mentioned.

MAY IT PLEASE YOUR EXCELLENCY,

WE his Majesty's most dutiful and loyal subjects the Members of the House of Assembly of the Province of Upper Canada, having taken into our serious consideration the message communicated to us by your Excellency, together with the resolution of the House of Assembly of his Majesty's Province of Lower Canada, bearing date the sixth day of May, of the present year one thousand seven hundred and ninety-three, and being anxious to establish that generous intercourse which should always subsist between members of the same Empire, do most earnestly request your Excellency, that for the mutual convenience and benefit of his Majesty's subjects within the provinces of Upper Canada and Lower Canada, and in order to promote and confirm a good correspondence between them, it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering his Majesty's government in this Province from time to time, by letters patent, under the great seal of the Province, to commission, authorize and empower three able and discreet persons, to treat, consult and agree with an equal number of persons to be duly authorized for that purpose, by a power to be granted by an Act of the Legislature of his Majesty's Province of Lower Canada, of and concerning the establishing such regulations as may regard the collection of duties or payment of drawbacks to be imposed or allowed on goods passing from one Province into the other, by the Legislature of each Province respectively, and of and concerning any proportion to be received and paid, of any equal duties already imposed or hereafter to be imposed by the said legislatures respectively, on any article or commodity passing from one Province into the other, and of and concerning any regulations, provisions, matters and things which may regard the commerce, manufactures or produce of the said Province.

II. *Provided always, and be it enacted and declared,* That no regulation, provision, matter or thing so proposed, treated, consulted, or agreed, shall have any other force or effect, or be carried further into execution, until the same shall have been confirmed by the legislature of this Province.

III. *And be it further enacted,* That this Act shall continue in force until the first day of August, which will be in the year of our Lord, one thousand seven hundred and ninety-five, and no longer.

Preamble

Three fit persons to be commissioned to treat and agree in behalf of this Province, with a like number of persons in behalf of the province of Lower Canada, of & concerning regulations of mutual expediency.

But their proceedings to have no force or effect until confirmed by the Legislature.

Determination of this Act.

CHAPTER X.

An ACT to establish a Fund for paying the Salaries of the Officers of the Legislative Council and Assembly, and for defraying the Contingent Expences thereof.

WHEREAS it is necessary to establish a fund for defraying the salaries of the different officers of the Legislative Council and Assembly, together with the Contingent Expences thereof, we your Majesty's most dutiful and loyal subjects, the representatives of the people of the Province of Upper Canada, in assembly met, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," That from and after the passing of this Act, there shall be raised, levied, collected and paid unto his Majesty, his heirs and successors, over and above all other duties by any Act of Parliament of Great Britain, now payable in this Province, upon the respective wines herein after mentioned, which shall be imported or brought into any part of this Province, the several rates and duties following, that is to say:—

For every gallon (wine measure) of wine of the growth or produce of the Island of Madeira, which shall or may be legally imported from any port, place, or country whatsoever, *four pence.*

For every gallon (wine measure) of other wine of the growth or produce of any other country whatsoever, which shall or may be legally imported from any port, place or country whatsoever, *two pence.*

II. *and it is hereby further enacted by the authority aforesaid,* That the said rates and duties imposed by this Act, shall be deemed and are hereby declared to be current money of this Province, payable at and after the rate of five shillings the Spanish dollar, or in other silver or gold coin, as nominally proportioned thereto by the laws of this Province enacted, or to be enacted, and the same duties shall be levied, collected,

Preamble.

Additional duties and rates to be levied on wines.

On Madeira.

On all other wines.

Specie in which such duties shall be payable.

Means of levying the same and all penalties and forfeitures.

Into whose hands the same shall be paid.

Application of the monies arising there-by.

Determination of this Act.

Preamble.

Method of receiving the reward for killing a wolf or bear.

Respective rewards for killing the same.

Exception as to Indians.

And as to the Western District.

Preamble.

In what manner returning officers shall be, in future, appointed.

Shall not be compelled to serve for any longer time than one year.

lected, paid and recovered in the same manner and form, in the said courts, and by such rules, ways and means, and under such penalties and forfeitures, as any other duties payable to his Majesty, upon any goods imported into this Colony or Province, under any Act or Acts of the Parliament of Great Britain hitherto enacted, and as fully and effectually as if the several clauses of the said Act or Acts of Parliament were herein particularly repeated and enacted, and all the monies that shall arise by such duties, may be received by the collector of his Majesty's customs of the Province of Lower Canada, and shall be paid by him into the hands of his Majesty's Receiver General of Upper Canada, as treasurer of this Province for the time being, according to such arrangements as shall be made and agreed upon, under and by virtue of the powers and provisions granted by a certain Act, intituled, "An Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes herein mentioned."

III. *And it is hereby further enacted by the same authority,* That all such monies as shall be paid as aforesaid to the Receiver General, as Treasurer of this Province, shall be by him paid and applied for the purposes before set forth in this Act, and in discharge of such warrant or warrants as shall for that purpose be from time to time issued by his Excellency the Governor or Lieutenant Governor, or person administering the government of this Province for the time being, and not otherwise; and the duties aforesaid, together with all fines, forfeitures, penalties and confiscations that shall be incurred under this Act, 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.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall remain and be in force for the space of two years from and after the passing thereof, and no longer.

CHAPTER XI.

*An ACT to encourage the destroying of Wolves and Bears in different parts of this Province.*

WHEREAS the inhabitants in many parts of this Province, have suffered and continue to suffer great injury and damage from wolves and bears; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, all and every person or persons, who shall kill or cause to be killed any wolf or wolves, bear or bears, and who shall after the death thereof take or cause to be taken the head or heads of such wolf or wolves, bear or bears, before any one of his Majesty's justices of the peace, acting within the division where such town, township or parish, where the said wolf or wolves, bear or bears, shall have been killed, shall be, and make oath before the said justice, that the said wolf or wolves, bear or bears, was or were killed within the said town, township or parish, or within five miles of any inhabited place next adjoining the said town, township or place, which oath the said justice is hereby authorized and empowered to administer, the said justice having first destroyed the said head or heads, shall give to such person or persons a certificate of the fact or facts, having been proved to his satisfaction, and such certificate being presented to the treasurer of the district, shall authorize the person or persons obtaining and presenting the same, to ask for, demand and receive of and from the said treasurer, the sum of twenty shillings for every head of every wolf so taken and presented, and for every head of every bear so taken and presented as aforesaid, the sum of ten shillings. Provided always, That nothing herein contained shall extend or be construed to extend the said reward to any Indian or Indians, who shall kill or cause to be killed, any wolf or bear, wolves or bears as aforesaid.

II. *Provided always, and be it hereby enacted by the authority aforesaid,* That this Act shall not extend nor be construed to extend to the Western District of this Province, nor have any force or operation whatsoever therein.

CHAPTER XII.

*An ACT to provide for the Appointment of Returning Officers of the several Counties within this Province.*

WHEREAS the powers at present subsisting for the appointment of persons to execute the office of returning officer in each of the districts, counties or circles and town or townships in this Province, are limited to a certain period which will soon expire, and whereas it is necessary to make further provision for the appointment of such officers; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government for the time being, from time to time to nominate and appoint by an instrument under his hand and seal at arms, a proper person to execute the office of Returning Officer, for every county or riding, division or town within the Province.

II. *Provided always, and it is hereby enacted,* That no person shall be obliged to execute the office of Returning Officer for any longer time than one year, unless he shall be disposed to continue to execute the same, by and with the consent and approbation of the said governor, lieutenant governor, or person administering the government for the time being.

III. *Provided also, and be it hereby enacted by the authority aforesaid, That this Act shall continue in force for and during the space of seven years, and no longer*

Determination of this Act.

CHAPTER XIII.

*An ACT to establish a further Fund for the Payment of the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the Contingent Expenses thereof.*

**W**HEREAS by a certain Act of the Parliament of Great Britain, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for establishing 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," it was therein, amongst other things enacted, "That from and after the fifth day of April, one thousand seven hundred and seventy five, there should be raised, collected and paid into his Majesty's Receiver General of the Province, for the use of his Majesty, his heirs and successors, a duty of one pound sixteen shillings, sterling money of Great Britain, for every licence that should be granted by the Governor, Lieutenant Governor, or Commander in Chief of the said Province, to any person or persons, for keeping a house or other place of public entertainment, or for retailing wine, brandy, rum, or other spirituous liquors, within the said Province." And whereas it is necessary that the said revenue should be increased for the purpose of paying the salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the contingent expenses thereof:

Proviso

We your Majesty's most dutiful and loyal subjects, the representatives of the people of the Province of Upper Canada, in assembly met, 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, intituled, an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," That in addition to the said sum of one pound sixteen shillings sterling as aforesaid, which shall still be and continue to be levied, collected and paid as it hitherto has been levied, collected and paid, by virtue of the Act aforesaid, there shall be raised and levied, collected and paid, under the same restrictions and penalties, in the said Act contained, unto his Majesty's Receiver General to and for the use of his Majesty, his heirs and successors, and to and for the use of this Province, and towards the support of the civil government thereof, the further sum of twenty shillings currency, upon every licence that shall be granted by virtue of this Act in manner following; that is to say, that from and after the fifth day of April, which will be in the year of our Lord one thousand seven hundred and ninety-four, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the government, by or through the Secretary of the Province, or other Person empowered to issue licences, for the vending of wines, brandy, rum or other spirituous liquors, to ask for, demand and receive over and above the sum of one pound sixteen shillings sterling as aforesaid, the further sum of twenty shillings currency, for every licence that shall or may be granted to any person for keeping a house or any other place of public entertainment, or for the retailing of wine, brandy, rum or other spirituous liquors, within this Province.

An additional duty of twenty shillings to be levied on all licences for the retail of wines or spirituous liquors, after the fifth day of April, 1794.

II. *And be it further enacted by the authority aforesaid, That in every District throughout the said Province, one month at least before the fifth day of April, in every year, being the day whereon the said sums of one pound sixteen shillings sterling, and twenty shillings currency, shall be due and payable as aforesaid, the Secretary of the Province or other person empowered to issue the said licence, shall and is hereby required to give public notice in the Upper Canada Gazette, or otherwise, to every person selling wine, brandy, rum or other spirituous liquors as aforesaid, to pay the said sum of one pound sixteen shillings sterling, and twenty shillings currency, and to receive or take out a licence for the same, and by such public notice to warn every person who shall neglect, omit or refuse to take out a licence and still continue to retail any wine, brandy, rum, or other spirituous liquors in less quantities at any one time than three gallons, of the pains and penalties that they are thereby likely to incur and hereafter to be inflicted by this Act.*

Time and manner of giving public notice annually to the persons, liable to the provisions of this Act to comply therewith

III. *And be it further enacted by the authority aforesaid, That every person who shall keep a house or other place of public entertainment for retailing wine, brandy, rum, or other spirituous liquors, shall cause to be written, painted, or printed over the door of such house of entertainment, in legible characters, the following words; "Licenced to sell wine and other spirituous liquors;" and every person neglecting to have the aforesaid words, written, painted or printed as aforesaid, and continue to keep such a house of entertainment, shall for every such offence forfeit and pay the sum of five shillings currency, to be recovered before any one of his Majesty's Justices of the Peace, upon the oath of one credible witness; one half of which said sum shall be given to the person informing, and the other half paid into his Majesty's Receiver General, to and for the use of his Majesty, his heirs and successors, and to and for the use of this Province, and towards the support of the civil government thereof.*

Words to be written, painted or printed over the door of every house of public entertainment.

Penalty for neglecting.

IV. *And whereas by a certain ordinance, passed in the twenty eighth year of his present Majesty's reign, it was declared and enacted, that every person taking out a licence for the purpose of retailing wine, brandy, rum or other spirituous liquors, should be obliged to enter into a bond with sufficient sureties to keep an orderly and decent house: Be it therefore enacted by the authority aforesaid, That every person taking out a licence by virtue of this Act, shall upon receiving such licence from the Secretary of the Province or his agent or other person for that purpose appointed, enter into a bond in the penal sum of ten pounds*

Persons licenced shall enter into bonds to keep a decent and orderly house.

pounds to his Majesty, his heirs and successors, well and truly to keep a decent and orderly house during the continuance of the said licence to him granted as aforesaid.

Fees of the Secretary, or his agents, on licences

Fee for drawing bond.

Retailers not keeping a house of entertainment, exempted from the additional duty after the expiration of two years.

Application of the monies arising by this Act.

Poundage of the Receiver General.

V. *And be it further enacted by the authority aforesaid*, That the Secretary of the Province or his agent, or other person appointed to grant such licence, shall receive from each person to whom a licence may be granted, over and above the duty herein before specified, the further sum of two shillings and six pence for his trouble in making out and issuing the same, and no more; and the clerk of the Peace or other person who shall draw out such bond as aforesaid, shall receive and take the sum of two shillings and six pence for his trouble therein, as aforesaid, and no more, any thing contained in any ordinance of the Province of Quebec, to the contrary notwithstanding.

VI. *And be it further enacted by the authority aforesaid*, That the additional duty imposed by this Act, shall not extend nor be construed to extend to any person not keeping a house of public entertainment for a longer space of time than two years next after the fifth day of April, which will be in the year of our Lord one thousand seven hundred and ninety-four, but that at and after the expiration of the said term of two years, no person other than such as shall keep a house of public entertainment, shall be obliged to pay for any licence to him granted a greater sum than one pound sixteen shillings sterling as imposed by the above recited Act.

VII. *And be it further enacted by the authority aforesaid*, That the said receiver general do pay and apply the monies by him received under and by virtue of this Act, in the manner and for the purposes as set forth in a certain Act, intituled, "An Act to establish a fund for paying the salaries of the officers of the legislative council and house of assembly, and for defraying the contingent expences thereof," and that it shall and may be lawful for the receiver general of the Province to deduct from and out of the several sums of money by him received, the sum of three pounds for every hundred pounds that may be raised, levied, collected and paid by virtue of this Act.

T H E

## S T A T U T E S OF HIS MAJESTY'S PROVINCE OF U P P E R - C A N A D A.

PASSED IN THE THIRD SESSION OF THE FIRST PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEWARK,  
ON THE SECOND DAY OF JUNE, IN THE THIRTY-FOURTH YEAR OF THE REIGN OF OUR SOVEREIGN  
LORD GEORGE THE THIRD, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

### CHAPTER I.

#### *An ACT for the Regulation of Juries.*

Preamble.

**F**OR the regulation of Juries, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act, to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the clerk of the Peace of each and every District in this Province, shall yearly and every year make up from the returns of the several assessors of each parish, township, reputed township or place, which shall have been transmitted to him, a true and complete list or transcript of the names of the several inhabitant householders, living in each of the said parishes, townships, reputed townships or places, classed and divided in such manner as by the said returns shall appear, which list or transcript shall be transmitted or delivered by the clerk of the peace, to the sheriff of each respective District, or his under sheriff, in order for his returning juries out of the said list from time to time, as he shall be commanded, and that each and every person whose name shall be returned in either of the said lists, shall be held and taken as qualified to serve on juries, and that no sheriff or coroner shall return any person to serve on any jury, whose name shall not appear in the said list, and that every clerk of the Peace neglecting his duty therein, shall forfeit the sum of five pounds to such person or persons as shall inform or prosecute for the same, until the party be thereof convicted, by indictment, before the justices of the Peace, at any quarter sessions of the peace, to be holden for the District where such neglect shall have been committed.

The clerks of the peace to deliver yearly to the sheriffs a list of jurors, duly classed.

Persons included in such lists qualified alone to serve on juries.

Penalty for neglect in the clerks of the peace.

II. *And for preventing abuses by sheriffs, bailiffs, or other officers concerned in the summoning and returning*

returning of Jurors, Be it enacted by the authority aforesaid, That no person or persons shall be returned as a Juror or Jurors to serve on trials at any Assizes or Nisi Prius, Quarter Sessions or District Court who have served thereat within the space of one year before, and if any such sheriff shall wilfully transgress herein, any Judge or Justice of Assize or Nisi Prius, may and is hereby required, on examination and proof of such offence in a summary way, to set a fine or fines, upon every such offender as he shall think meet, not exceeding the sum of ten pounds for any one offence.

No sheriff or other officer to return as a juror, on trials, any person who has already served as such, within one year. Penalty.

III. And be it further enacted, That the sheriff, under sheriff, or officer to whom the return of Juries shall belong, shall from time to time enter or register in a book to be kept for that purpose, the names of such persons as shall be summoned and shall serve as Jurors on trials at any Assizes or Nisi Prius, Quarter Sessions, or District Court, with the times of their services, and every person so summoned and attending or serving as aforesaid, shall upon application by him made to such sheriff, under sheriff, or officer, have a certificate testifying the same, which certificate the said sheriff, under sheriff, or officer is hereby required to make out without fee or reward.

Sheriff, or other officers, to keep registers of the jurors on all trials, and to grant certificates of service, as required.

IV. And be it further enacted by the authority aforesaid, That no sheriff, under sheriff, or officer or any person whatsoever, shall directly or indirectly take or receive any money or other reward, to excuse any person from serving or being summoned to serve on Juries, and that no bailiff or other officer, appointed by any sheriff or under sheriff to summon Juries, shall summon any person to serve thereon, other than such whose name is specified in a mandate signed by such sheriff or under sheriff, and directed to such bailiff or other officer, and if any sheriff, under sheriff, bailiff or other officer, shall wilfully transgress in any of the cases aforesaid, any Judge or Justice of Assize or Nisi Prius, may and is hereby required on examination and proof of such offence in a summary way, to set a fine or fines upon any person so offending, as he shall think meet, not exceeding the sum of three pounds.

No reward to be taken for excusing any person from serving on juries, and no juror to be summoned whose name is not specified in the sheriff's mandate.

V. And be it further enacted by the authority aforesaid, That every sheriff or other officer, to whom the return of the venire facias juratores or other process for the trial of causes, before justices of assize or nisi prius, who may be assigned to hold assizes in any District or place within this Province, doth or shall belong, shall upon his return of every such writ of venire facias (unless in causes to be tried at bar or in cases where a special jury shall be struck by order or rule of court) annex a pannel to the said writ, containing the christian and surnames, additions and places of abode, of a competent number of jurors, whose names shall have been returned in the said lists, herein before directed to be made out, whose names shall be inserted in the pannel annexed to every venire facias, for the trial of all issues at the same assizes in each respective District or place, which number of jurors shall not be less than thirty six in any District or place, nor more than forty-eight, and the persons named in such pannels, shall be summoned to serve on juries at the then next assizes or sessions of nisi prius, for the respective Districts or places to be named in such writs, and no other.

Penalty.

Method of making the returns of writs of venire facias juratores

Number of jurors to be returned.

VI. And be it further enacted by the authority aforesaid, That the name of each and every person who shall be summoned and empannelled as aforesaid, with his addition and the place of his abode, shall be written on several and distinct pieces of parchment or paper, being all as near as may be of equal size, and shall be delivered to the marshall of such judge of assize or nisi prius, who is to try the causes in each respective District, by the sheriff or under sheriff of the said district, or some agent of his, and shall be put together in a box or glass to be provided for that purpose, and when a cause shall be called on to be tried, the marshall or some indifferent person by direction of the court, may and shall in open court draw out twelve of the said parchments or papers successively, and if any of the persons whose names shall be so drawn, shall not appear or be challenged and set aside, then such further number, until twelve persons be drawn, who shall appear; and after all causes of challenge shall be allowed to be indifferent; and the said twelve persons, their names being marked in the pannel and they being sworn, shall be the jury to try the cause, and the names of the persons so drawn and sworn, shall be kept apart by themselves till such jury shall have given in their verdict, and the same is recorded, or until the jury shall by consent of the parties or leave of the court, be discharged; and then the said names shall be rolled up again and returned to the former box or glass, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any cause remains to be tried.

Manner of empanneling the jury for the trial of every cause.

Penalty for not appearing when duly summoned as a juror and drawn to serve on trial.

VII. And be it further enacted by the authority aforesaid, That every person or persons, whose name or names shall have been drawn to serve on the trial of any issue, and who shall not appear after being openly called three times, shall forfeit and pay upon oath made by some credible person, that the party so making default had been lawfully summoned, such fine not exceeding the sum of three pounds, nor less than twenty shillings, as the judge who sits to try the cause shall think reasonable to inflict; unless some reasonable cause of his absence be alleged or proved to the satisfaction of such judge.

Persons aged sixty years exempted.

VIII. Provided always and be it enacted, That no person aged sixty years, shall be obliged to attend upon any summons to be directed to him for the purposes aforesaid.

Fee of each juror sworn to give his verdict.

IX. And be it further enacted by the authority aforesaid, That every common jurymen who shall have been sworn to give his verdict in any issue brought before the court, shall be entitled to demand and receive the sum of one shilling from the plaintiff or his attorney, for every cause in which such jurymen shall be sworn, to be accounted for in coils by the party charged with the payment thereof.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty's court of King's Bench in this Province, upon motion made on behalf of his Majesty, his heirs and successors, or on the motion of any prosecutor or defendant, in any indictment or information depending or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants,

The Court of King's Bench, on motion, may order a special jury to be struck for the trial of any issue.



endants, in any action, cause, or suit whatsoever to be brought in the said court, and the said court is hereby authorized upon motion as aforesaid, to order and appoint a special jury to be struck before the proper officer, for the trial of any issue joined, in any of the said cases, in such manner as special juries are usually struck upon trials at bar, in England; which jury, so struck as aforesaid, shall be the jury returned for the trial of the said issue.

Persons competent to serve on special juries.

XI. *Provided always, and it is hereby enacted,* That no person shall be nominated by the sheriff, to serve on a special jury, whose name shall not be included in either the fifth, sixth, seventh, eighth, ninth, or tenth classes, or in the upper list of inhabitant householders, as directed to be made out under and by virtue of a certain Act of the Legislature of this Province, intituled, "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."

Fees to be taken by each special juror for serving as such.

XII. *And be it further enacted by the authority aforesaid,* That no person who shall serve on any special jury to be appointed or returned under and by virtue of this Act, shall be allowed to take for serving on any such jury more than a sum of money not exceeding the sum of five shillings, except in causes where a view hath been or shall be directed.

Which party shall bear the increased costs occasioned by a special jury.

XIII. *And be it further enacted,* That the person or party who shall apply for such special jury, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same upon taxation of costs than such person or party would be entitled unto in case the issue had been tried by a common jury, unless the judge before whom the cause is tried, shall immediately after the trial certify in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Provision in cases where a view shall be allowed.

XIV. *Provided always, and be it further enacted,* That where a view shall be allowed in any case, that in such case six of the jurors named in such pannel, or more who shall be mutually consented to by the parties, or their agents on both sides, or if they cannot agree, shall be named by the officer of the court, or by the judge before whom the said cause shall be tried, shall have the view and be first sworn, or such of them as appear upon the jury to try the said cause before any drawing of jurors as aforesaid, and so many only shall be drawn to be added to the viewers as aforesaid, as shall make up the number of twelve to be sworn for the trial of such issue. *Provided also,* that every person attending such view as aforesaid, shall and may demand and receive a sum not exceeding ten shillings, for every day on which he shall be so employed.

Method of appointing viewers.

allowance to each of them per day.

XV. *Provided always, and be it further enacted,* That in case no view shall be had, or if a view shall be had by any of the said jurors, no valid objection shall be made on either side, either for want of a view, or that it was not had by any of the twelve jurors first named, or that it was not had by any particular number of jurors named in the said writ, but the trial of the issue shall proceed, any formal objection respecting the view, to the contrary notwithstanding.

The want of a view or any informality in having the same, shall not stay proceedings in trying the issue.

## CHAPTER II.

*An ACT to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal.*

Preamble.

**F**OR the general and regular administration of justice 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there be constituted and established, and there is hereby constituted and established a court of law, to be called and known by the name and style of his Majesty's Court of King's Bench, for the Province of Upper Canada, which shall be a court of record of original jurisdiction, and shall possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction, and may and shall hold plea in all, and all manner of actions, causes or suits, as well criminal as civil, real, personal and mixed, arising, happening or being within the said Province, and may and shall proceed in such actions, causes or suits by such process and course, as shall tend with justice and dispatch, to determine the same, and may, and shall hear and determine all issues of law, and shall also hear, and by and with an inquest of good and lawful men, determine all issues of fact that may be joined in any such action, cause or suit, as aforesaid, and judgment thereon give, and execution thereof award, in as full and ample a manner as can or may be done in his Majesty's courts of king's bench, common bench or in matters which regard the king's revenue by the court of Exchequer in England. And that his Majesty's chief justice of this Province, together with two puisne justices, shall preside in the said court, which court shall be holden in a place certain, that is, in the city, town, or place where the governor or lieutenant governor shall usually reside; and until such place be fixed, the said court shall be holden at the last place of meeting of the legislative council and assembly.

A Court of King's Bench established.

Jurisdiction and powers thereof.

Person who shall preside therein, and place where the same shall be holden.

Terms of sitting.

At what periods the same shall commence respectively.

II. And in order that certain stated times be fixed for the sitting of the court, be it 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 third Monday in July, and end on the Saturday of the ensuing

uing week : and that the Michaelmas term do commence on the first Monday in October, and end on the Saturday next ensuing : and that the first and last days of every term, and every alternate day from the first, not including Sunday, be return days.

III. *Provided always, and be it hereby further enacted,* 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.

IV. *And be it further enacted by the authority aforesaid,* That all writs to be sued out of the said court, shall issue in the King's name, and be tested by the Chief Justice, or in his absence, by the senior Judge of the court, and be returnable on some return day in term time, and that not less than fifteen days inclusive, shall always intervene between the teste and return of the first process that shall be directed to the Sheriff of the Home District, or the District in which the court shall be holden, and that not less than forty days inclusive, shall always intervene between the teste and return of the first process into every other District.

V. *And be it further enacted by the authority aforesaid,* That the original and first process of the said court, shall be by writ of *capias ad respondendum*; and in order that the defendant or defendants may be immediately apprized of the cause of complaint against him or them, the said writ shall state the form of action, and refer to the declaration which shall always be annexed to, and served with the writ; and for that purpose it is hereby further enacted, That no process shall issue at the suit of any plaintiff, where the defendant is not to be holden to special bail, until the declaration on which it may be founded shall be filed in the office.

VI. *And be it further 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, unless an affidavit be first made by the plaintiff, that the defendant is justly and truly indebted to him, in a sum certain, which together with the account for which it became due, shall be specified, and also that the deponent verily believes the defendant is about to leave the Province, with an intent to defraud his creditors, which affidavit may be made before any Judge or Commissioner of the Court, authorized to take affidavits as herein after is provided, or else before the officer who shall issue such process, or his deputy, which oath the said officer or his deputy are hereby authorized to administer; and for such affidavit one shilling shall be paid and no more; and the sum or sums specified in such affidavit, shall be indorsed on the back of the writ, or process, for which sum or sums the sheriff or other officer to whom such writ or process shall be directed shall take bail, and for no more.

VII. *And whereas by reason of the present want of a certain and ready communication throughout the Province, it may be practicable for fraudulent persons to escape from their creditors, before process can be obtained from the said court to prevent them, be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for any plaintiff having made such affidavit as aforesaid, to sue out from the clerk of the peace, in each and every district, a writ of *capias ad respondendum*, with which the said clerk shall, from time to time be supplied, signed by the proper officer of the court, on which shall be indorsed the amount of the sum sworn to, and to which the said affidavit shall be annexed; whereupon it shall and may be lawful for the sheriff to arrest the said defendant and hold him to special bail, to the amount of the sum indorsed.

VIII. *And be it further enacted by the authority aforesaid,* That in all civil suits where the defendant shall not be holden to bail, by reason of such affidavit as aforesaid, the ordinary course of proceeding shall be by serving or causing the defendant or defendants personally to be served with a copy of the process and declaration, by some literate person; and if such defendant or defendants shall not appear at the return of the process, or within eight days after such return, in such case it shall and may be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed of the personal service of such process and declaration, which affidavit shall be filed gratis, to enter a common appearance for the defendant or defendants, and to proceed thereon, as if such defendant or defendants had entered his, her or their appearance.

IX. *And be it further enacted by the authority aforesaid,* That upon every copy of such process, to be served upon any defendant, shall be written a notice in the English tongue, to such defendant of the intent and meaning of such service to the effect following:

"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, at the return thereof, being the day of \_\_\_\_\_ in order to your defence in this action."

And when any party, defendant, is a Canadian subject by treaty, or the son or daughter of such Canadian subject, the like notice shall be written in the French language.

"A. B. Il vous est enjoint et ordonné de comparôtre personnellement ou par procureur a la cour du banc du Roy, a l'expiration de ce writ qui sera le jour \_\_\_\_\_ pour répondre a cette action."

X. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for each and every defendant personally to attend and enter his, her or their appearance at the office, on or before the day at which the process or writ shall be returnable, or to authorize any person to enter an appearance for him, her or them; and that in all actions or suits where the defendant or defendants have entered, or caused such appearance to be entered, the plaintiff or his attorney shall, by a demand in writing, call for a plea; and in all actions or suits where the defendant or defendants live within the Home District, or the District in which the Court shall be holden, four days shall be allowed after such demand, as the ordinary time within which they shall be required to file their plea to the action; and in all actions or suits where the defendant or defendants reside without the limits of the Home District or District in which the Court shall

The Court may adjourn from one return day to the next immediate one.

Manner of issuing and testing writs and when returnable.

Original process.

Declaration to be annexed to the writ; and filed in the office before process issues.

Circumstances necessary in order to arrest or hold to special bail, and forms in so doing.

Bail.

Writs for arresting, or holding to special bail to be procurable from the clerk of the peace in every district.

Ordinary course of proceeding in civil suits.

Affidavit of personal service.

Notice.

In the English tongue.

In the French tongue.

Appearance.

Demand of a plea.

Time allowed for filing the same.

Judgment for want of a plea.

Judgment for want of appearance.

First and last days to be inclusive.

Form of proceeding to issue.

Form of a declaration on a common undertaking.

The statutes of jeofails, limitations, and for the amendment of the law, adopted as in England.

A rule of court to be obtained, on motion, for the payment of money into the same, in liquidation of a debt certain,

and a copy of such rule served on the plaintiff, or his attorney.

Poundage and fees of the officer receiving the same.

Commissions of assize and nisi prius to issue, yearly, into the several districts,

and oftener, when circumstances will permit.

Writs to be sued for, accordingly, by the parties.

Special commissions, to the trial of offenders, to issue, when expedient.

Period and manner of trying cases joined in the Home District.

shall be holden, eight days shall be allowed after such demand; as the ordinary time within which they shall be required to file their plea, and if after the expiration of such times respectively, no plea be filed, it shall and may be lawful for the plaintiff or plaintiffs or his attorney to sign judgment in the cause.

XI. *And be it further enacted by the authority aforesaid,* That in all actions or suits, where the defendant or defendants, having been served with a copy of process, with such written notice as aforesaid, shall neglect to enter their appearance at the return of the writ, it shall and may be lawful for the plaintiff or plaintiffs, having entered such appearance for the said defendant or defendants, as aforesaid, at the expiration of eight days after having entered such appearance, to sign judgment in the cause, without any demand of a plea.

XII. *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.

XIII. *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 the 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 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.

XIV. *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.

XV. 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 admit to be justly due, Be it enacted, 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 authorizing such payment to be made, upon the plaintiff or his attorney, at the time of filing his plea of the general issue, to such plaintiff's declaration.

XVI. *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.

XVII. And for the more convenient administration of justice throughout the Province, Be it enacted, 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 Trinity and Michaelmas 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, 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; and to that end, it shall and may be lawful for any person or persons upon reasonable notice given to the adverse party, or their attorney, to take and sue forth such writs and records of nisi prius, as may be necessary for the trial of all issues joined in the said court as may be triable in the respective districts of this Province, and thereupon sue out their jury process in such manner and form, and with such awards, as is practised in the courts of nisi prius in *England*.

XVIII. *Provided always,* 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.

XIX. *And be it further enacted by the authority aforesaid,* That upon all issues joined in the said court in any suit or action which shall arise or be triable within the Home District, or in the district where the Court shall be holden, the Chief Justice, or in his absence, any other Judge of the said Court, shall, as Justice of nisi prius for the said district, at their discretion, either in term time, or within ten days next after

after the end of every Easter and Trinity term, respectively, try all manner of issues joined in the said Court, which ought to be tried by an inquest of the said district, and that commissions and writs of nisi prius shall be for that purpose from time to time awarded; and it shall and may be lawful for any person or persons, upon reasonable notice as herein after set forth, given to the adverse party or their attorney, to take and sue forth such writs and records of nisi prius as may be necessary, for the trial of such issues as aforesaid.

Writs of nisi prius to be sued forth.

XX. 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.

Sheriff to make return of all writs of nisi prius, and to give their attendance upon the chief justice, or other judge of assize.

XXI. 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, or at the sittings for the Home District, or district where the said court shall be holden, 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.

Notice of trial in the Home District.

Countermand thereof.

XXII. 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, other than the Home District, or district where the court shall be holden, unless notice of trial has been given, at least twenty 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 fourteen 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.

Notice of trial in the other Districts.

Countermand thereof.

XXIII. And whereas it may in many cases be desirable for the furtherance of justice to obtain the depositions of witnesses in civil suits, which cannot be had by the ordinary process of subpoena, Be it enacted by the authority aforesaid, That where the cause of action arises without the jurisdiction of the court, it shall and may be lawful on special application for that purpose made, to issue a commission under the seal of the court, to take the examination of witnesses residing without the limits of the Province, 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 also that when the testimony of any aged or infirm person, or of any person about to depart the Province may be required, it shall and may be lawful for the said court to issue a commission, in like manner, for the examination of such aged or infirm person, or of any person about to depart the Province, due notice being given to the adverse party for the purposes aforesaid.

Commission for the examination of witnesses without the Province, and of persons, aged, infirm, or going to depart the Province.

XXIV. Provided always and be it further enacted, That the examination of such aged or infirm person so taken, shall not be admitted or read at the trial of any issue, in case he or she be living at the time of the trial, and that the examination of such person about to depart the Province, so taken, shall not be admitted or read at the trial of any issue, in case he or she shall be in the Province at the time of such trial.

Exceptions, in certain cases, to the evidence obtained by such examinations.

XXV. 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 cost, by the laws of England.

Costs of suit to be regulated by the statutes and usages of England.

XXVI. And be it further enacted, 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 any wife 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, 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 any wife 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 intents 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.

Commissioners to be empowered to take affidavits.

Force and effect of such affidavits.

Pains and penalties of perjury in making such affidavit.

Fee for taking affidavit.

Commissioners to be empowered to take recognizances of bail

XXVII. 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 so 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 transmitted to any one of the justices of the said court, who upon affidavit made of the due taking of the recognizance of such bail, or bail-piece, by some credible person, present at the taking thereof, such justice shall receive the same; which recognizance of bail, or bail-piece, so taken and transmitted, shall be of the like effect as if the same were taken de bene esse, before any of the said justices; 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.

Means of rendering such recognizances of bail effectual.

Fee for taking the same.

Rules to be made for justifying of bail, but by which the cognizors shall not be compelled to personal appearance in court.

XXVIII. And be it further enacted, That the justices, respectively, shall make such rules and orders for the justifying of such bails, 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.

Recognizances of bail before a judge of assize to be valid.

XXIX. And be it further enacted, 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, constituting the former courts of common pleas, repealed.

XXX. And be it further enacted, 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.

Provision for actions pending in the late courts of common pleas.

XXXI. And be it further enacted, That all proceeding upon actions, instituted and pending in any of the late courts of common pleas in this Province, shall forthwith be transmitted into the said court of King's Bench, there to be continued to judgment and execution, as if the same had been commenced in the said court, for which purpose it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to issue a commission for the trial of all issues that may be joined in any of the said courts in their respective districts, and to direct that the records thereof be returned into the said court of King's Bench.

The records of the late courts of common pleas to be deposited in the court of King's Bench.

XXXII. And be it further enacted, That all and singular the records of the several courts of common pleas for the Eastern district, for the Midland district, for the Home district, and for the Western district of this Province, respectively, shall be transmitted to, and deposited in the said court of King's Bench, and make a part of the records of the said court, for all such purposes as to law and justice may appear.

Court of appeals.

XXXIII. And be it further enacted, That the Governor, Lieutenant Governor, or person administering the government of this Province, or the chief justice of the Province, together with any two or more members of the executive council of the Province, shall compose a court of appeal, for hearing and determining all appeals from such judgments or sentences as may lawfully be brought before them.

The judges below, if members of the Court of Appeal may assign their reasons, but not give their votes in appeal.

XXXIV. Provided always, and be it further enacted, That when any person having given the judgment or sentence appealed from, shall be a member of the Court of Appeal, it shall and may be lawful for him to assign to the said court his reasons for delivering such judgment, in case he shall be so disposed, but he shall not be at liberty to give his vote in the decision of the question before the court.

Limitation of appeals.

XXXV. And be it further enacted, That an appeal shall lie to the court of the Governor and Executive Council, from all judgments given in the said Court of King's Bench, in all cases where the matter in controversy shall exceed the sum of one hundred pounds, or shall relate to the taking of any annual or other rent, customary or other duty, fee, or any other such like demand, of a general and public nature, affecting future rights, of what value or amount soever the same may be, upon proper security being given by the appellant that he will effectually prosecute his appeal and answer the condemnation, and also pay such costs and damages as shall be awarded in case the judgment or sentence appealed from shall be affirmed, and that upon the perfecting such security, execution shall be stayed in the original cause.

Security to be given.

Cases of appeal to his Majesty in council.

XXXVI. And be it further enacted by the authority aforesaid, That the judgment of the said court of appeal shall be final, in all cases where the matter in controversy shall not exceed the sum or value of five hundred pounds sterling, but in cases exceeding that amount, as well as in all cases, where the matter in question shall relate to the taking of any annual or other rent, customary or other duty, or fee, or any other such like demand of a general and public nature, affecting future rights, of what value or amount soever the same may be, an appeal may lie to his Majesty, in his Privy Council, upon proper security being given by the appellant that he will effectually prosecute his appeal, and answer the condemnation, and also pay such costs and damages as shall be awarded by his Majesty, in his Privy Council, in case

Security to be given.

the judgment of the said court of governor and executive council, or court of appeals shall be affirmed, and upon the perfecting of such security, execution of the said judgment shall be stayed, until the final determination of such appeal to the King in Council.

Provided always, and be it further enacted, That in time of actual war, and when there may be reason to suspect an invasion of the Province from the King's enemies, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government, by and with the advice and consent of the Executive Council, to issue his proclamation to remove the place of holding the said court, and to appoint and make known such other place, within the limits of the Province, as shall be deemed most safe and convenient for holding the same.

XXXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the persons herein after mentioned, to demand and take the following fees, and no more, for the services respectively set forth.

XXXVIII. Provided always, That it shall and may be lawful for his Majesty's Attorney General to demand and receive his fees in the increased proportion of one third, to the following table, to wit:

		s.	d.			s.	d.
Taking instructions to prosecute or defend, with warrant of attorney,	6	0	Every motion of course,	-	-	5	0
For drawing declaration,	5	0	Every special motion,	-	-	7	6
Copy of the same,	2	6	Preparing brief of facts,	-	-	10	0
Entering common appearance with clerk	1	0	Arguing demurrer,	-	-	10	0
Pleading general issue,	3	0	Fee with brief in matters under £30—40s. above	-	-	-	-
Special plea, replication, or other pleading,	10	0	Every necessary attendance at the office, or on adverse party,	-	-	1	0
Copy of the same,	3	0	Attending to strike special jury,	-	-	7	6
Drawing affidavit,	5	0	Attending taxation of costs,	-	-	5	0
Notice of trial and all other notices,	2	6	<i>Fees to be taken by the Clerk of the King's Bench in Civil Causes:</i> Drawing every postea and judgment, 13 4 Writ of execution, 5 0 Exemplifications and copies of all records, for each sheet containing 72 words, 1 0 Searching records for any one year, 1 0 General search, 2 6 Entering satisfaction on record, 2 6 Writ of execution, possession, restitution, 5 0 Entry of verdict, 2 6 Proclamation calling any party on recognizance, 1 0 Bringing up prisoner by habeas corpus, in civil cause, 12 0 Travelling per mile, 0 6 Executing writ of enquiry, summoning jury, and return of inquisition, 10 0 Attending view per diem, 15 0				
Every subpoena,	1	0					
For sealing, entering and filing every writ or precipe,	2	0					
For entering appearance,	1	0					
Drawing every order or rule of court,	2	0					
Filing every declaration, plea, demurrer, or any pleading or paper,	2	0					
Attending and striking of special jury, with copies to each party,	5	0					
Every recognizance entered in court,	5	0					
Entry of every cause,	2	6					
Drawing the jury,	2	6					
Calling and swearing each jury,	2	0					
Calling Plaintiff on nonsuit,	1	0					
Serving a writ,	2	6					
Arrest,	5	0					
Bail Bond,	5	0					
Poundage on execution,	0	6					
When for a sum exceeding 100l.	0	3					
Service of writ of possession, or restitution,	10	0					

MARSHALL,

CRIER,

SHERIFF,

CHAPTER III.

An ACT to Establish a Court for the Cognizance of Small Causes in each and every District of this Province.

FOR the more convenient administration of justice in small causes, in each District of this Province; Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there be constituted and established, and there is hereby constituted and established, in each and every District, a Court which shall have cognizance in all actions of contract, for sums above forty shillings, not exceeding the sum of fifteen pounds, to be known by the name and style of the District Court, of each respective District, and shall be holden by one or more Judge or Judges, to be appointed by commission, under the great seal of the Province.

II. And for the regular dispatch of business, Be it further Enacted, That there be appointed four periods of sitting, or terms for the said court, in each and every year, which terms shall severally commence on the Monday in the week next but one preceding the week in which the Quarter Sessions are respectively

Provision for removing the Court of King's Bench to another place of holding the same.

Fees.

Increased fees allowed to his Majesty's attorney general.

Preamble.

Establishment and jurisdiction of the District Courts.

Terms, or periods of sitting thereof.

ly holden, in each District, and shall end on the Saturday in the same week, which courts shall be severally holden in the respective town, township or place wherein the court-house for the District is directed to be built, excepting in the Western District, where the said court shall be holden in the town of Detroit.

Course of proceeding therein.

III. And be it further enacted by the authority aforesaid, That the course of proceeding in the said court shall be by summons, issuing in the King's name, returnable on some day in the said term; and bearing teste in the name of the first Judge of the court which may be in the following form :

Form of Summons.

DISTRICT }  
to wit. } GEORGE the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, and so forth, &c.

To A. B. Greeting.

We command you, that you do either in person or by your attorney appear at our District Court to be holden at on the day of to answer the complaint of C. D. in a plea of contract, whereof by you have promised to pay him the sum of £. for (the consideration) and which you refuse to pay him as he says : witness E. F. Judge of the said Court, this day of in the year

Service of such process.

IV. And be it further enacted, That the said process shall be served on the defendant or defendants by a literate person at least eight days before the return thereof, and in case the said defendant or defendants shall not appear in court either in person, or by attorney, on the return of the process, 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 attorney, it shall any may be lawful for the plaintiff to sign judgment, and sue out a writ of inquiry of damages, directed to the sheriff of the District, to be executed on some given day, in the course of the week in which the Quarter Sessions are holden next ensuing, and returnable the first day of the following term.

Appearance by plaintiff in default of defendant.

Writ of enquiry.

Appearance and plea of defendant.

V. 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 he means to defend the suit and to plead the general issue, may be in the following form ; " The said C. D. appears in person or by G. H. 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.

Judgment in default of a plea.

A set off admissible, on due notice.

VI. Provided always, That where there are mutual debts between 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 debt is to be insisted on in evidence, notice be given of the particular sum or debt so intended to be insisted on, and on what account it became due.

On motion, duly supported, the court may grant further time to plead.

VII. 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.

Notice of trial and countermand thereof.

VIII. And be it further Enacted, That four days notice of trial 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 the expiration of the notice.

Provisions in case of not bringing the issue to trial, after having given notice, and no countermand.

IX. Provided always, and be it further enacted, 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 case of a non suit.

Manner, time and place of summoning jurors to try the issues and to execute writs of inquiry.

X. And to the end that the trial of all issues to be joined in the said court, as well as the execution of all writs of inquiry, to be sued out 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 do severally commence to be holden, from whom a jury shall be taken for the trial of each issue, in like manner as directed in all causes to be tried at nisi prius ; and each person sworn for the trial of any issue joined, shall be entitled to receive six pence and no more.

Fee for each juror.

Fee at judgment and execution.

XI. And be it Enacted, That in all cases when the verdict of the jurors shall be for the plaintiff, it shall and may be lawful for the plaintiff or his attorney to sign judgement on the third day of the term next after the giving of the said verdict, and to proceed to sue out execution immediately.

Motion in arrest of judgment, or for a new trial.

XII. Provided always, That when the party defendant shall have any material or just cause to shew why judgment should be arrested, or a new trial had, it shall and may be lawful for him, either in person or by attorney, on the first or second day of the term next ensuing the said verdict, to move the court, on grounds.

grounds to be supported by affidavit, for a rule to shew 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 party plaintiff or his attorney, and on hearing the parties, the said rule shall be made absolute or discharged in the course of the said term.

XIII. 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 and no more, for the services herein-after set forth:

ATTORNEY.					
	s. d.			s. d.	
Instructions to sue or defend,	5 0	Notice,		1 0	Attorneys
Declaration,	4 0	Motion of course,		2 6	
Plea,	2 6	Special motion,		5 0	
Entering appearance by the plaintiff,	2 6	Brief and fee thereon,		10 0	
SHERIFF.					
For every jury sworn,	4 0	Poundage, 2 s. 2 per cent.			Sheriff's
Every execution,	5 0	Mileage, four pence per mile			
CLERK.					
For filing declaration,	2 0	Taking verdict,		2 6	Clerk's
For filing each paper,	1 0	Entering postea and judgment,		2 6	
CRIER.					
		For swearing jury,	15. od.		Crier's
JUDGE.					
On every declaration filed,	2 6	For signing judgment,		10 0	Judge's
Rule of court on all special motions,	5 0				

CHAPTER IV.

An ACT to authorize the Governor or Lieutenant Governor to Licence Practitioners in the Law.

WHEREAS much inconvenience may ensue from the want of persons duly authorized to practise the profession of the law 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 intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 operation and effect of the provisions contained in a certain Act or Ordinance of the late Province of Quebec, passed in the twenty fifth year of his Majesty's reign, intitled, "An Act, concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy collection of his Majesty's Revenues," so far forth as the same regards the regulations, concerning Advocates, Attornies, Solicitors and Notaries be suspended, and the same is hereby suspended, for and during the term of two years from the passing of this Act:

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 authorize by Licence, under his hand and seal, such and so many of his Majesty's liege subjects, not exceeding sixteen in number, as he shall deem, from their probury, education, and condition in life, best qualified to act as Advocates and Attornies, in the conduct of all legal proceedings in this Province; and that upon producing such licence to the proper officer, their names shall be inscribed on a roll for that purpose, to be provided, and to be kept among the records of the Court of King's Bench; and each and every person whose name shall be so inscribed, and no other, shall be holden as duly authorized to receive fees for practising in any of his Majesty's courts within this Province.

III. Provided always, and be it enacted, That in case any person or persons so licenced and enrolled, shall be guilty of any malversation or corrupt practice, and the same shall be proved, by evidence, to the satisfaction of the court of King's Bench, it shall and may be lawful for the said court to order his or their name or names to be struck off the roll.

IV. Provided also, and be it further Enacted, That nothing herein contained shall prevent, or be construed to prevent any person duly qualified according to the provisions in the said Act or Ordinance contained, from being admitted to the exercise of the practice of the law, conformably to the said Act, and that at and after the expiration of the said two years, the said Act or Ordinance shall again be in force, until other or further provision be made for the like purposes.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the secretary of the Governor, Lieutenant Governor, or person administering the government of this Province, to demand and take the sum of forty shillings on the delivery of each and every such licence, and for the clerk of the court of King's Bench, to demand and take the sum of thirteen shillings and four-pence, for inscribing the name of each and every person so licenced upon the roll.

VI. Provided always, and be it Enacted, That the clerk of the court shall, and is hereby required, to inscribe on the said roll, the name of each and every person duly qualified, according to the provisions in the said Act or Ordinance contained, without any gratuity, or fee whatever.

CHAPTER.

Fees

Attorneys

Sheriff's

Clerk's

Crier's

Judge's

Preamble.

Suspension, for two years of part of the Ordinance of Quebec, respecting attorneys, &c.

Persons duly qualified, to be licenced, to a certain number, as advocates and attorneys.

Enrolled.

and authorized to receive fees accordingly.

But may be struck off by the court, on satisfactory evidence of corrupt practice.

Persons admissible by the ordinance, not disqualified by this Act.

Revival of the ordinance.

Fees for each licence and for enrolment.

The names of persons authorized according to the ordinance to be enrolled gratis.



## CHAPTER V.

*An ACT to provide for the accounting for all Fines, Forfeitures and Penalties hitherto reserved to his Majesty, to and for the Uses of this Province.*

Assemble.

**W**HEREAS his Majesty, by his Royal Instructions, hath been graciously pleased to direct that all Laws or Ordinances of this Province, for levying of monies, or imposing of fines, forfeitures and penalties should mention and declare the same to be granted or reserved to his Majesty, his heirs and successors, for the public uses of the said Province, and for the support of the government thereof, as by the said Laws or Ordinances may be directed; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the due application of all monies heretofore granted or reserved, and arising or accruing to his Majesty, for the purposes aforesaid, by any Act or Acts of the Legislature of this Province, heretofore made, shall be accounted for unto his said Majesty, through the commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty shall direct; any thing in any former Act or Ordinance or clause in any Act or Ordinance to the contrary hereof in any wise notwithstanding.

The application of all monies levied for the uses of the Province; and of fines, &c. to be accounted for to his Majesty.

## CHAPTER VI.

*An ACT to amend certain parts of an Act passed in the thirty-third year of the Reign of his present Majesty, intituled, "An ACT to authorize and direct the laying and 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."*

Assemble.

**W**HEREAS the provisions contained in a certain Act passed in the last sessions, intituled, "An Act to authorize and direct the laying and 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," have been found to be not sufficiently comprehensive; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That in addition to the eight classes by the said Act directed to be made out, it shall and may be lawful for the assessors of every parish, township, reputed township or place, to be nominated and appointed for the ensuing year, and they are hereby required to make out a ninth class, containing the names of such inhabitant householders thereof, as the said assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, to the value of four hundred and fifty pounds, and not amounting to five hundred pounds.

A 9th class of inhabitant householders to be added to the former classes.

And also a 10th class.

and a further list to be called the Upper List.

Rate to be paid by each person classed in the 9th class.

Rate to be paid by each person classed in the 10th class.

Rate to be paid by each person included in the Upper class.

The appellation of the excused list to remain, and henceforth called the under list.

Rate to be paid by each person included therein.

II. And further to make out a tenth class, containing the names of such inhabitant householders as the said assessors, to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to the value of five hundred pounds, and not amounting to five hundred and fifty pounds; and further to make out a list of all such inhabitant householders as aforesaid, as the said assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, above the value of five hundred pounds, specifying the particular amount of the value of the real or personal property, goods or effects, of the said persons, according to the best of the knowledge and judgment of them the said assessors, which list shall be known and called by the name of Upper list.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collector of each parish, township, reputed township or place, to be nominated and appointed for the ensuing year, and he is hereby authorized, to demand and receive for the year ensuing the twenty-fifth of March next, of every inhabitant householder, whose name shall be included in the said ninth class, the sum of one pound two shillings and six pence, as his rate or proportion of the district assessment to be levied for the said year.

IV. And also to demand and receive for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such tenth class, the sum of one pound five shillings, as his rate or proportion of the district assessment to be levied for the said year.

V. And also to demand and receive for and during the time aforesaid, of every inhabitant householder, whose name shall be included in the said Upper list, a sum to be calculated at and after the rate of five shillings for every hundred pounds, at which he shall stand assessed in manner aforesaid.

VI. And whereas every inhabitant householder within this Province, possessed of a location or lot of land, by his Majesty's bounty, or otherwise, may by his honest industry, support himself, and at the same time contribute something to the public stock of the district; Be it enacted that the appellation of the excused list, by the said above mentioned act, directed to be given to the list containing the names of the persons therein specified, do cease and determine; and that such list be continued to be made out, and be called the Under List; and that every inhabitant householder within this Province, whose name shall be included in the said Under List, shall for the said year ensuing, contribute and pay the sum of two shillings towards the public stock of the district, to be proportionably diminished, in case it shall not hereafter be found necessary to impose an entire rate according to the provisions in the said Act in that behalf contained.

VII.

ty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That in addition to the above mentioned Act which authorizes and directs that a gaol and court house for the Eastern District, shall be built in manner therein mentioned, in the Town of *New Johnstown* in the Township of *Edwardsburgh*, it shall and may be lawful for the inhabitants of the Eastern District, to erect and build, or cause to be erected and built in the Town of *Cornwall*, a gaol and court house, after the manner and under the rules, regulations and conditions appointed and prescribed, by the above mentioned Act, passed in the thirty-second year of his Majesty's reign as aforesaid.

A gaol and court-house to be erected in the town of Cornwall, in the Eastern District.

II. *Provided always*, That all and every the sum and sums of money that shall or may heretofore have been received and collected under and by virtue of an Act passed in the thirty-third year of the reign of our Lord the King, intituled, "An Act to authorize and direct the laying and 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 intended to be applied to and for the erecting and building of a gaol and court-house in the Town of *New Johnstown*, under and by virtue of the said Act, passed in the thirty-second year of his Majesty's reign as aforesaid, as well as all and every the sum and sums of money that shall and may, by virtue of the above mentioned Act, hereafter to be received and collected (and to be applied as aforesaid) shall and may be equally divided and disposed of, as well for and towards the erecting and building of a new gaol and court house in the said town of *Cornwall*, as in the erecting and building of the said gaol and court-house appointed to be erected and built in the said Town of *New Johnstown* as aforesaid.

Funds for erecting the said gaol and court-house and supporting the future expenditures thereof.

III. *And be it further enacted by the authority aforesaid*, That his Majesty's Justices in their Quarter Sessions assembled, in and for the said Eastern District, shall and may enquire as often as to them shall seem necessary, of and concerning all sums of money that shall and may heretofore have been received and collected, or shall and may hereafter be received and collected, under and by virtue of the aforesaid Act, passed in the thirty-third year of his Majesty's reign, and to be applied as aforesaid, and an equal division and distribution of the same shall make, towards the erecting and building of the said gaols and court houses, in the respective places herein before appointed for the building of the same.

The application and distribution of such funds to be cognizable in quarter sessions.

IV. *And be it further Enacted*, That the Sheriff of the said District shall have the same power and authority to nominate and appoint such person as he shall judge most proper to the office of gaoler and keeper of the gaol and court-house at *Cornwall*, as well as to do all other matters and things necessary to be done respecting the government of the said gaol and court house at *Cornwall*, as he had, by virtue of the said Act, to regulate the gaol and court-house of *New Johnstown*.

The Sheriff to nominate the gaoler, &c.

V. *And be it further enacted by the authority aforesaid*, That all and every the rules, regulations and conditions, respecting the management and government of the gaols in each District, as they are prescribed in the aforesaid Act, passed in the thirty second year of his Majesty's reign, shall extend and be construed to extend to the management and government of the said gaol, as in and by this Act is allowed to be erected and built in the said Town of *Cornwall* in the Eastern District as aforesaid.

The gaol and court house to be under the established rules and regulations.

CHAPTER XI.

*An Act to lay and collect a Duty upon Stills.*

WHEREAS for the better support of the government of this Province, it is expedient to increase the revenues thereof; We your Majesty's most dutiful and loyal subjects, the representatives of the people of the Province of Upper Canada, in assembly met, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the fifth day of April next, there shall be raised, levied, collected and paid yearly and every year, unto his Majesty, his heirs and successors, to and for the uses of this Province, and towards the support of the civil government thereof, of and from all persons having and using a Still or Stills, or hereafter to have and use a Still or Stills, for the purpose of Distilling spirituous liquors for sale, a sum not exceeding one shilling and three pence lawful money of this Province, for every gallon which the body of such Still or Stills shall or may be capable of containing, in manner herein after mentioned.

Preamble.

Duty to be paid for every gallon which a still, in use, is capable of containing.

II. And whereas it is expedient to make provision for the service of the current year, Be it enacted by the authority aforesaid, That the said duties shall begin and be payable for the seven months which will elapse between the fifth day of September, and the fifth day of April next ensuing the passing of this Act, to be paid at and after the rate of seven pence half-penny lawful money as aforesaid, per gallon, in manner herein after mentioned.

Provision for the current year, to determine in April.

III. And in order that the size of the several Stills to be employed for the purposes aforesaid, may be more truly ascertained, and the duties to be imposed thereon more easily collected; Be it enacted by the authority aforesaid, That from and after the fifth day of November next, it shall not be lawful for any person

Method of ascertaining the contents of rateable stills.

person

person to make use of any Still or Stills, for Distilling spirituous liquors for sale, until he shall have obtained a licence for that purpose; and every person desirous of obtaining such a licence, shall, in a written requisition for the same, to be made in manner hereafter mentioned, specify and set forth the number of gallons which the body of the Still or Stills he proposes to use, does or do contain, which specification shall be inserted in the licence to him to be granted; and in case any person shall make use of any Still for the purpose of Distilling spirits, of larger dimensions than that or those specified in his licence or requisition, or shall have in his possession any Still or Stills erected or set up over a furnace or fire place, so as the same may be used for Distilling, capable of containing singly or together a greater number of gallons in the body or bodies thereof, than the number of gallons specified and set forth in his licence or requisition, and he thereof lawfully convicted by confession, or on the oath of one credible witness before any of his Majesty's Justices of the Peace, he shall forfeit and pay for every such offence the sum of ten pounds lawful money as aforesaid, to be levied by distress and sale of the offender's goods and chattels, one half of which said sum of ten pounds, shall be given to the person or persons informing, and the other half paid into the hands of his Majesty's Receiver General, to and for the public uses of this Province; and that the Still or Stills so employed shall be forfeited to his Majesty, and that the party having used the same shall be incapable of obtaining a licence for the purpose of Distilling spirituous liquors for sale, for and during the term of three years.

Penalty for using or having in a situation to be used, Stills of larger dimensions than specified in the licence.

Licences to be issued by the Secretary.

Form of requisition for such licences.

Such requisitions to be filed and copies thereof granted, when required.

Time of applying for licences.

Public notice to be given by the Secretary.

Duty for the ensuing seven months.

Duty for every ensuing year.

Fees.

Stills containing less than 10 gallons not to be licenced to distil spirits for sale.

Penalty.

IV. *And be it further enacted by the authority aforesaid,* That the Secretary of the Province for the time being, shall and may by himself and agents for that purpose to be duly appointed in each and every district of this Province, issue all licences for the purpose above mentioned, upon such requisition as aforesaid, which may be in the following form :

" I A. B. do require a licence for using a still, the body of which is capable of containing \_\_\_\_\_ gallons and no more, (and in case more than one still is intended to be used) and also for another still, the body of which is capable of containing \_\_\_\_\_ gallons and no more, for the year ensuing the fifth day of April next, as witness my hand A. B. this \_\_\_\_\_ day of \_\_\_\_\_

" To the Secretary of the Province of Upper Canada, or his agent for the \_\_\_\_\_ district."

V. *And be it further enacted,* That every such requisition, signed by the party as aforesaid, shall be carefully filed and preserved by the said secretary, or his respective agent duly appointed, (which appointment shall by the said secretary be publicly notified in the Upper Canada Gazette) and the said secretary and each of his said agents, shall, upon application to any of them for that purpose made, grant to every person desiring the same, a true copy of any such requisition filed in his office, on payment of one shilling by the party applying for the same, which copy shall be signed by the said secretary or his agent, and shall be held and taken as lawful evidence of such requisition or licence, for all purposes whatsoever.

VI. *And be it further enacted by the authority aforesaid,* That all persons desirous of obtaining such licence as aforesaid, shall make such application as herein before is set forth, so that they may be supplied with the same, on or before the fifth day of September next ensuing, and to the end that the public may be informed where to apply for such purpose; the secretary of the Province shall, and is hereby required to give notice in the Upper Canada Gazette, or otherwise, at least six weeks next before the said fifth day of September, and hereafter yearly and every year at least one month before the fifth day of April, setting forth at what place and by whom such licences are to be issued in every district in this Province; and also the penalties to be incurred by such persons as shall refuse or neglect to comply with the provisions herein contained, and the said secretary, and his agents in their respective districts, shall upon such requisition as aforesaid, make out and deliver to every person applying for the same, upon payment of the sum of seven pence half-penny per gallon as herein before mentioned a licence for the purpose of distilling spirituous liquors for a period of seven months, which shall expire on the fifth day of April next.

VII. *And be it further enacted by the authority aforesaid,* That all licences to be granted for the purposes aforesaid, after the said fifth day of April next, shall be dated on the sixth day of April in the year in which they are issued, and shall expire on the fifth day of April next ensuing the date thereof, and that it shall and may be lawful for the said secretary or his agents to demand and receive from every person requiring such licence, the sum of one shilling and three pence for every gallon which the body of the still or stills so licenced shall be capable of containing, according to the specification in the said licence contained.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said secretary and each of his agents severally, to demand and take the sum of two shillings and six pence and no more, as his fee upon the issuing of every such licence as aforesaid.

IX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said secretary, or any of his agents, to grant a licence for the working of any still, unless the body thereof be capable of containing at least ten gallons wine measure, and if any person shall use a still for the distilling of spirituous liquors for sale, the body of which is not capable of containing ten gallons, and he thereof lawfully convicted, by confession or by the oath of one credible witness, before any one of his Majesty's Justices of the peace, he shall forfeit and pay for every such offence the sum of ten pounds, one half of which shall be paid to the informer, and the other half into the hands of his Majesty's receiver general, to and for the public uses of this Province, and the support of the government thereof.

VII. And be it further enacted, That the several rates herein directed to be paid, shall be levied, collected, paid and recovered, subject to such provisions, means and penalties, as in and by the said Act above mentioned are recited and contained.

Means of levying the rates, by this Act directed to be paid.

CHAPTER VII.

An ACT for the further Regulation of the Militia of this Province.

FOR the further regulation of the militia of this Province; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That in time of war, when and so often as occasion may require, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this Province, to employ the militia of this Province, either upon land, or upon the lakes, rivers and communications thereof, in such parties or detachments as by him shall be deemed expedient.

Preamble.

Power to employ the militia in time of war, as well by land as by water.

II. And whereas by a certain Act intituled, "An Act for the better regulation of the militia of this Province," it is provided, that it shall and may be lawful for the persons therein mentioned, on certain occasions, to call out detachments of the militia; Be it therefore enacted by the authority aforesaid, That the persons to serve on such detachments, shall be regularly taken from time to time as they shall be required, from a roster or list to regulate the turn of duty, to be first formed by ballot, of each and every person in each respective battalion, regiment or independent company, and that after the same has been formed, when any person shall be enrolled as a militia man in any battalion, regiment or independent company, the name of such man shall be inserted and follow the last person in the said roster, the initial of whose surname corresponds with the initial of the surname of the man so to be inserted; and when any detachment shall be called out for service, the adjutant or officer commanding each battalion, regiment or independent company, shall give notice to the persons upon the turn for duty, and every person receiving such notice shall obey the same, under the like penalties, and subject to the same exemptions, as in the said Act above mentioned are set forth.

Roster for regulating the turn of duty.

Manner of forming the same.

Notice to be given to the persons on the turn for duty.

III. And be it further enacted by the authority aforesaid, That when any detachments are formed and called out for public service, it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this Province, to divide the same into smaller detachments or parties, and appoint them to serve on board vessels, boats or bateaux upon any of the lakes, rivers or communications by water of this Province, with great guns or artillery, as well as with small arms, as occasion may require, and shall and may appoint them to be stationary in any of the creeks or harbors of the said lakes, or in any of the rivers of the Province, and also to train and exercise the same to the use of great guns or artillery, as well by land as by water.

Power to station the militia, in detachments by land or water, and to train them to the use of artillery.

IV. And whereas it may be convenient when a sufficient number of horses can be provided, to form one or more troop or troops of persons to serve as cavalry; Be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, lieutenant governor, or person administering the government of this Province, to form and embody such troop or troops, and to employ the same on such duties as the necessity of the service may require.

And to form, embody, and employ troops of horse.

V. And be it further enacted by the authority aforesaid, That all detachments to be called out and employed as aforesaid, may and shall if need require, be detained on such service for and during the space of six months at one time, and no longer, provided that every such detachment be relieved by the arrival of a fresh detachment, sufficient for the indispensable occasions of the service at such period, for which purpose it shall and may be lawful for the proper officer, one week at least before the expiration of the said period of service, to call together the remaining parts of the said each battalion, regiment or independent company, or so many as may be necessary according to their several terms, to be regulated by the roster as aforesaid, to relieve such detachment.

Period of service of detachments.

Provision.

Measures to be taken to relieve detachments.

VI. Provided always, and be it further enacted by the authority aforesaid, That if such detachments cannot be replaced by an equal number of men of the remaining part of such battalion, regiment or independent company respectively, then and in such case, every such detachment to be relieved as aforesaid, shall ballot or draw lots for such a number of men as may be wanting to make the succeeding detachment, equal to the detachment relieved; and the parties whose names shall be drawn, shall be liable to serve with the said detachment; but in case of a partial relief, they shall be the first to be so relieved either wholly or by ballot, according to the number to be relieved.

When they can only be partially relieved, the persons to remain on service shall be ascertained by ballot.

VII. And whereas by the said Act above mentioned, it is directed, that all persons from the age of sixteen years to fifty, shall be liable to the performance of the several duties therein mentioned and set forth; Be it enacted by the authority aforesaid, That the duties herein required to be performed, be severally and respectively extended to all persons from the age of sixteen years to sixty.

Duties required by this Act shall extend from the age of 16 years to 60.

VIII. Provided always, That no person above the age of fifty years shall be called upon to bear arms, except on the day of the annual meetings, or in time of war or emergency.

Provision for persons above the age of fifty.

IX. Provided also, and it is hereby further Enacted, That each and every of the persons usually called Quakers, Menomists and Tunkers, that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia, in time of peace, but that in time of war or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

And for Quakers, Menomists and Tunkers.

## CHAPTER VIII.

*An ACT to restrain the Custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large.*

Preamble.

WHEREAS the custom of allowing horned cattle, horses, sheep and swine to run at large, has been found occasionally inconvenient and detrimental; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons to permit any horned cattle, horse, sheep or swine to run at large, otherwise than under the regulations and restrictions herein after provided.

Cattle henceforth  
not to run at large,  
but under certain re-  
gulations.

Which regulations  
shall be made in the  
respective town meet-  
ings annually.

Cattle trespassing  
to be empounded, un-  
til the damages done  
and the pound-keep-  
er's fees be paid.

Which fees shall  
be regulated in quar-  
ter sessions.

II. *And be it further Enacted,* That henceforth it shall and may be lawful for the inhabitant householders, or the greater part of them, in every district within this Province, in their annual town meetings lawfully assembled, to ascertain and determine in what manner and at what periods; horned cattle, horses, sheep and swine, or any of them, shall be allowed to run at large, within their respective divisions, or to resolve that the same, or any part thereof, shall be restrained from so doing.

III. *And be it further enacted,* That if any horned cattle, horse, sheep or swine be found running at large in any town, township, reputed township or place, contrary to the regulations of the town meeting thereof; it shall and may be lawful for any of the pound keepers thereof, and on receiving notice, he is hereby required to empound such horned cattle, horse, sheep or swine so trespassing, and to detain the same, until the person or persons who may have sustained any damage by the trespass of the same, shall have received from the owner or owners of such horned cattle, horse, sheep or swine, reasonable compensation, and until the fees of such pound keeper shall have been satisfied, which fees his Majesty's justices of the peace in their general quarter sessions assembled, or the greater part of them, are hereby authorized and required to regulate and ascertain, in and for their respective Districts; any thing in any Act or Ordinance of the late Province of Quebec, or in any Act of the Legislature of this Province to the contrary of the provisions of this Act in any wise notwithstanding.

## CHAPTER IX.

*An ACT to repeal certain parts of an Act passed in the Second Session of the Legislature of this Province, intituled, "An Act to regulate the laying out, amending, and keeping in Repair the Public Highways and Roads within this Province," and to make further Provisions respecting the same.*

Preamble.

WHEREAS by an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to regulate the laying out, amending and keeping in repair the public highways and roads within this Province," It was provided, that it should not be lawful for any owner or occupier of lands adjoining to his Majesty's highway or road, to girdle or cause to be girdled, any tree standing upon such lands within the distance of thirty yards from the side of the said road, and that from and after the first day of September, that will be in the year one thousand seven hundred and ninety-four, if any girdled tree or dead tree shall be found standing within thirty yards of the said road, it shall and may be lawful for any person taking with him a credible witness to give a verbal or written notice to the owner or occupier of the said lands, to cut down or remove such girdled or dead tree or trees, and in case any owner or occupier of the said lands, shall neglect or refuse to cut down or remove any such tree by the space of thirty days, after such notice as aforesaid, he shall forfeit and pay the sum of ten shillings for every day that the said tree or trees shall be suffered to remain uncut or unremoved, after the expiration of such period as aforesaid; which penalty shall be levied and applied in manner and for the purposes therein after mentioned; and whereas such provision is found to be inexpedient; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That such part of the said clause as herein before is mentioned and set forth, shall be, and the same is hereby repealed.

Recital of Act 33  
Geo. 3.

The same repealed  
in as far as recited.

But to revive pro-  
gressively on presen-  
tment of juries and  
order of session there-  
upon.

II. *And be it further Enacted,* That it shall and may be lawful for the magistrates, in quarter sessions assembled, or the greater part of them, upon presentment made by the grand jury then and there attending, that any tract of country along the road side, the limits whereof shall be particularly set forth, is in such a progressive state of cultivation, that the adopting of the provision of the said Act herein before repealed will be no longer inexpedient, by an order in session to declare the same, and that the provision in the said Act contained, shall be renewed and enforced throughout the said tract or portion of country comprehended and specified in the said presentment; and the said provisions shall by virtue of such order of sessions be renewed and enforced accordingly.

## CHAPTER X.

*An ACT to amend certain parts of an Act passed in the thirty second year of His Majesty's Reign, intituled, "An Act for Building a Gaol and Court House in every District throughout this Province, and for altering the Names of the said Districts."*

Preamble.

WHEREAS it is necessary for the ease of the inhabitants of the Eastern District, that two gaols and court-houses should be built therein; Be it therefore enacted by the King's most excellent Maje-

X. And in order to prevent fraud in the matters aforesaid, Be it enacted by the authority aforesaid, That it shall and may be lawful for any of his Majesty's Justices of the peace, upon oath first to be made by any credible person, that such person has good reason to believe that the still or stills employed by any licenced person, does or do contain a greater number of gallons in the body or bodies thereof, than what is specified in his requisition or licence, to grant a search warrant to a peace officer taking with him the party making oath as aforesaid, and any one other person for the purpose of examining the still house or other place, where any still or stills may be set up, and of measuring or gauging the bolies thereof; Provided always, that no such warrant be executed before sun rise, or after sun set.

Search warrant to be granted on affidavit.

XI. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person working any licenced still or stills as aforesaid, to sell or barter any quantity of such distilled liquor less than three gallons, nor shall it be lawful for the secretary of the Province or any of his agents, to grant a licence for the purpose of distilling spirituous liquors to any person or persons, licenced at the same time to retail spirituous liquors, or to grant a licence for retailing spirituous liquors, to any person or persons licenced at the same time to distill spirituous liquors.

Distillers not to retail, nor to be licenced to retail.

XII. And be it further enacted by the authority aforesaid, That all monies which shall be received by the secretary of the Province or his agents, under and by virtue of this Act, for licences, to commence on the fifth day of September next, shall be paid by the said secretary into the hands of the receiver general of this Province, on or before the twentieth day of May and that all monies hereafter to be received by virtue of this Act, for licences, to commence on the sixth day of April, shall be paid in to the said receiver general, on or before the twenty-first day of June next ensuing, and that all monies that may be received by virtue of this Act after the said twenty-first day of June in each and every year successively, be paid in to the receiver general, on or before the fifth day of April next ensuing.

Payment of the monies into the hands of the receiver general.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the receiver general, as treasurer of this Province, to deduct from and out of the several sums of money to him paid by the secretary of the Province, under and by virtue of this Act, the sum of three pounds, for every hundred pounds by him received as aforesaid.

Poundage of the receiver general.

XIV. And be it further enacted by the authority aforesaid, That all the fines, forfeitures and penalties that shall be incurred under this Act, 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.

Accounting of monies.

CHAPTER XII

An ACT for regulating the manner of Licencing Public Houses, and for the more easy convicting of Persons selling Spirituous Liquors without Licence.

WHEREAS the provisions contained in a certain Ordinance of the late Province of Quebec, passed in the twenty-eighth year of his Majesty's reign, intituled, "An Act or Ordinance for the better security of the revenue arising on the retail of wine, brandy, rum, or spirituous liquors, have been found inconvenient; and whereas it is expedient to make other and more easy regulations respecting the granting of licences to houses of public entertainment; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the legislative council and assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act or Ordinance shall be and the same is hereby repealed

Preamble.

Recital of an Ordinance passed 28 Geo. 3.

The same repealed.

II. And be it further enacted by the authority aforesaid, That from and after the twentieth day of March next, no licence shall be granted to any person to keep an inn or public house for the purpose of vending wines, brandy, rum, or other spirituous liquors, unless he shall first have obtained a certificate of his being a proper person to keep an inn or public house from the magistrates of the division wherein he resides or is about to reside, to be granted to him as herein after specified; and all licences which shall be hereafter granted to the contrary hereof, shall be null and void.

Certificates to be obtained by persons, previous to their being licenced.

III. And be it further enacted by the authority aforesaid, That for the said purpose, it shall and may be lawful for the magistrates acting in each and every division of the several districts of this Province, to limit the number of inns and public houses in their several divisions, and to appoint a day of public meeting in each division in either of the two last weeks in the month of March in every year, at a convenient place within their several divisions, by a warrant under their hands and seals, or under the hands and seals of any two of them, at least ten days before such meeting, directed to the high constable or other peace officer, requiring him to give notice in the most public manner of such intended meeting, and then and there to hear and receive applications from all such persons as desire to take out licences for opening inns or public houses within their said several divisions, and the said magistrates shall, upon hearing and receiving any application from any person praying to have a licence granted to him, enquire into the life, character and behaviour of the person so applying, and if it shall appear to the greater part of the justices then and there assembled, that it is expedient to increase the number of inns or public houses, and that the party applying, is a sober, honest and diligent man, and a good subject of our Lord the King, they shall then and there grant a certificate accordingly under the hands and seals of any two of them, which certificate shall enable the party holding the same, to apply for and take out a licence on or before the

The number of inns may be limited by the magistrates.

Meeting of Magistrates, annually in March, in order to determine upon applications for licences

A certificate from the magistrates, so assembled, shall serve as a warrant to obtain a licence,

the said fifth day of April then next ensuing the date of the said certificate, and such certificate shall be a proper and sufficient warrant for the secretary of the Province or his agent, to grant to the said person holding the said certificate, such licence on receiving payment of such duties as are already imposed, or hereafter may be imposed by law on the same.

On payment of duties.

Restrictions in granting licences to persons not licenced of the preceding year.

Provision for the assignees of inn-holders dying or removing.

Recognizance to be entered into on obtaining a certificate.

Fees.

Recognizance to be transmitted to the clerk of the peace and filed.

And registered.

A list of persons under such recognizances to be laid before the ensuing quarter sessions.

Method of proceeding against persons who may have broken the condition of this recognizance.

Recognizances to be forfeited.

Disability of an offender for 3 years.

Monies to be paid into the treasurer's hands within six months.

Names of licenced persons to be advertised.

IV. And be it further enacted by the authority aforesaid, That no certificate, to obtain such licence, shall be granted to any person not licenced the year preceding, unless such person shall produce to the justices at the said meeting, should they require it, a testimonial under the hands of the parson and church or town wardens, or of four reputable and substantial householders and inhabitants of the said division, where-in the said inn or public house is intended to be kept; setting forth, that such person is of good fame, sober life and conversation, and that he has taken the oath of allegiance to our Sovereign Lord the King.

V. Provided nevertheless, That if any licenced person shall die or remove from the inn or public house kept by him, it shall and may be lawful for the person succeeding to the occupancy of such house, to keep on the said inn or public house, during the residue of the term of such licence, on condition that such person shall obtain an assignment endorsed on the back of the licence granted to the person so deceased or removed; which assignment shall be executed in the presence of a magistrate, and shall within thirty days after the death or removal of such person obtain a testimonial as aforesaid, in order to its being produced at the next division meeting; and if such assignment be not executed as aforesaid, and such testimonial obtained and signed within the said thirty days, then and in such case immediately from and after the expiration thereof, such licence shall be null and void; and no licence so assigned shall entitle any person to keep an inn or public house in any other division than that in which it was originally kept by virtue of the said licence, such licence being with regard to all other places, and the same is hereby declared to be, null and void.

VI. And be it further enacted by the authority aforesaid, That every person obtaining such certificate as aforesaid, shall at the same time enter into such recognizance as by a certain Act of the Legislature of this Province, intituled, "An Act to establish a further fund for the payment of the salaries of the officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof," is directed, and that the clerk of every division meeting or other person employed to draw out such recognizance shall at the execution thereof, demand and take from the person acknowledging the same, over and above the fee by law directed to be taken for such recognizance, the further sum of one shilling, to be paid to the clerk of the peace for filing the same, and the clerk of every division meeting, or other person drawing the said recognizance, shall and is hereby required to deliver or transmit the same to the clerk of the peace of the District, in order that the same may be filed, and that the clerk of the peace in each and every District shall file all recognizances that they may have taken, and shall be transmitted or delivered to them in manner aforesaid, to be kept among the records of the District; and the clerks of the peace within their several Districts shall keep a register of all the recognizances that may have been transmitted or delivered to them, and shall deliver or cause to be delivered to the justices of the peace in their quarter sessions assembled, next ensuing the fifth day of April yearly, a list of the names of the persons whose recognizances shall respectively have been filed, and any justice of the peace in any district wherein such licence shall be granted upon complaint or information that such licenced person hath done or committed any act, offence or misdemeanor, whereby in the judgment of the said justice, such recognizance may be forfeited, or the condition thereof broken, may by summons under his hand and seal, require such person so complained of or informed against, to appear at the next quarter sessions of the peace for the said district, then and there to answer the matter of such complaint or information; and also may bind the person or persons who shall make such complaint or information or any other person or persons concerned, in a recognizance to appear at such quarter sessions, and give evidence against the person so complained of, or informed against, and the justices of the peace in their quarter sessions assembled, shall and may have power to direct the jury which shall attend at such sessions, for the trial of traverses, or some other jury of twelve honest and substantial men to be then and there empannelled by the sheriff without fee or reward, to enquire of the misdemeanor charged in the said complaint or information; and if such jury shall find that the person so complained of or informed against, hath done any act, whereby the condition of his recognizance is broken: such act being specified in such complaint or information, it shall and may be lawful for the court at such quarter sessions, to adjudge such person guilty of the breach of such recognizance; which verdict and adjudication shall be final to all intents and purposes; and thereupon the said justices shall order the recognizance entered into by such offender to be cleared into his Majesty's Court of King's Bench, to be levied to his Majesty's use; and that the said offender shall, from and after such adjudication, be utterly disabled to sell any wine, brandy, rum, or spirituous liquors or strong waters for the space of three years; and any licence or licences granted or to be granted to such person during such time, shall be null and void.

VII. And be it further enacted by the authority aforesaid, That the Secretary of the Province or other person appointed to deliver licences to inn keepers or keepers of public houses, shall cause all monies that shall or may be by himself or his agents received for such licences as may have been issued in each and every District, to be paid into the hands of the treasurer of this Province, for the time being, on or before the expiration of six months next succeeding the year when such licences were issued and distributed.

VIII. And be it further enacted by the authority aforesaid, That the Secretary of the Province shall and is hereby required yearly and every year, to cause the names of the several persons who shall have taken out a licence for keeping an inn or public house, to be published in the Upper Canada Gazette, on or before

fore the twenty first day of June, and that the clerk of the peace in each and every District do cause the names of all such persons as shall have entered into such recognizance, to be affixed in two of the most public places in the District for public inspection.

And of those under recognizances.

FORM OF A WARRANT TO A CONSTABLE TO GIVE NOTICE.

To the High Constable or other Peace Officer of this District.

HOMR DISTRICT, } IN pursuance of the Act in such case made and provided, you are hereby re-  
Division, } quired to give notice in the most public manner to all licenced inn keepers or  
keepers of public houses, and also to all persons unlicenced, who do intend to offer themselves to be li-  
cenced at the next general meeting of the said justices, for that purpose, within this division; that they do  
personally appear before the said justices at the on the at hour of the forenoon  
of the same day, to take or renew their licences for the year ensuing; and also to give them notice that  
every person to be licenced, must personally enter into a recognizance of ten pounds before the clerk of  
the peace of the District, together with two sureties in five pounds each, that they will not use or suffer any  
unlawful games, and that they will keep good order and rule within their respective houses; and if he, she  
or they shall be hindered by sickness or other reasonable cause to be allowed by the said justices, that he,  
she or they must procure two sureties to be then and there bound in the like manner in ten pounds each.  
And unto such persons as have not been licenced for the year preceding, you are further to give notice,  
that no licence will be granted to any of them, unless every such person shall also at the same time and  
place, produce a testimonial, should the same be required by the justices, under the hands of the minister  
and church or town wardens, or otherwise of four reputable and substantial householders of the division;  
setting forth, that he is of good fame and sober life and conversation, and as they believe, a good subject  
of our Lord the King, having taken the oath of allegiance; Hereof fail not.

Form of warrant.

GIVEN under our hands this day of in the year of our Lord

A. B. } Justices of the Peace for  
C. D. } the said division.

T H E  
S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

PASSED IN THE FOURTH SESSION OF THE FIRST PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEW-  
ARK, ON THE SIXTH DAY OF JULY, IN THE THIRTY FIFTH YEAR OF THE REIGN OF OUR SOVEREIGN  
LORD GEORGE THE THIRD, AND PROLOGUED ON THE TENTH DAY OF AUGUST FOLLOWING.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

CHAPPE I.

An ACT to regulate the practice of Physic and Surgery.

WHEREAS many inconveniences have arisen to his Majesty's subjects in this Province, from un-  
skilful persons practising physic and surgery therein: Therefore be it enacted by the King's most ex-  
cellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province  
of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the  
Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth  
year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of  
the Province of Quebec, in North America, and to make further provision for the government of the said  
Province," and by the authority of the same, That no person who shall or may have come into this Pro-  
vince since the passing of the above mentioned Act, and before the passing of this Act, nor any person who  
shall or may hereafter come into this Province, shall be permitted to vend, sell, or distribute Medicines  
by retail, or prescribe for sick persons, or practise physic, surgery or midwifery, within the Province, for  
profit, until such person or persons shall be duly examined and approved of, by a board of surgeons who  
shall be constituted and appointed (as herein after mentioned) with full powers to grant licences for the  
practice of physic, surgery and midwifery within the Province, and has received a licence under the hands  
and seals of the president of the said board and such members thereof as may be present at his or their ex-  
amination.

Preamble.

No person (become re-  
sident in this Province  
only since 31 Deco.  
3) to practise physic,  
surgery, &c without  
being duly licenced.

ii. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the  
governor, lieutenant governor, or person administering the government of this Province, by licence un-  
der his hand and seal, to order and appoint the Surgeon of his Majesty's hospital for the time being, togeth

Board for examin-  
ing and licencing  
candidates for the  
practice of physic,  
surgery, &c.  
or



er with the surgeons of his Majesty's regiments doing duty within the Province, and all other surgeons and practitioners resident within the same, authorized to practise physic and surgery by some lawfully constituted power or board in his Majesty's dominions, or any two of them (of which the surgeon of his Majesty's hospital shall be one) from time to time, and as often as occasion may require, to hear and examine all persons that may apply for a licence to practise physic, surgery and midwifery, or either within the said Province; who shall when they have examined and approved of any person so applying as aforesaid, grant him such licence under their hands and seals, for which licence he shall pay the sum of two pounds lawful money and no more.

Fees.

Penalty for practising, physic, surgery, &c. contrary to the provisions of this Act

Manner of recovering the same, and to what uses.

Exceptions as to the persons prohibited from practising physic, surgery, &c. by this Act.

Restriction from taking apprentices, under certain circumstances

Repeal of former Acts or Ordinances in this behalf.

Preamble.

Disqualification from being eligible into the house of assembly.

And from being proposed as a candidate for election.

Penalty for proposing or offering to become a candidate under such disqualification.

III. *And be it further enacted by the authority aforesaid,* That if any person having come into this Province since the passing of the said Act in the thirty-first year of his Majesty's reign, and before the passing of this Act; or shall come into it after the passing of the same, shall vend, sell, or distribute Medicines by retail, or prescribe for sick persons, or practise physic or surgery as aforesaid, until such person shall be duly examined and licensed by two or more members of the board, constituted and appointed as aforesaid; such person shall, for every offence, forfeit and pay the sum of ten pounds, to be recovered in any of his Majesty's courts of this Province, by action of debt, bill, plaint or information, wherein no effoin, privilege, protection or wager of law, shall be allowed, and only one imparlance; a moiety whereof shall be given to the informer, and the other moiety paid into the hands of the receiver general of this Province, to and for the use of his Majesty, his heirs and successors, and to and for the use of this Province and the support of the civil 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.

IV. *Provided always,* That nothing in this Act shall extend, or be construed to extend, to any person who shall have taken a degree in any university in his Majesty's dominions, or to any person, who shall have been, or may hereafter be commissioned or warranted as a surgeon or surgeon's mate in his Majesty's army or navy, or to any person vending, selling or distributing drugs or compound medicines, for which a patent hath been obtained, or to any other who shall or may have been settled and shall or may have practised physic, surgery or midwifery within this Province before the passing of the said Act, in the thirty-first year of his Majesty's reign as aforesaid; provided that such person last above mentioned, do not take an apprentice or person, under pretence of tuition, in any branch of physic or surgery, with an intent that such person shall present himself for examination and approval as aforesaid: hereby repealing all former Acts or ordinances made for the regulation of the practice of physic or surgery within this Province.

## CHAPTER II.

*An ACT to ascertain the Eligibility of persons to be returned to the House of Assembly.*

WHEREAS many natural born subjects of his Majesty, who have sworn allegiance to other states and powers, and been resident in the dominions of the same, have been induced, or may hereafter be induced, by the excellency and lenity of his Majesty's government, to become inhabitants of this Province; and whereas it is inexpedient that such persons should be immediately admitted to all the privileges of British subjects; Therefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, no person or persons of what condition soever, coming from any part, place or country, not being under his Majesty's government at the time of the passing of this Act, and not having been a bona fide subject of the King for and during the term of seven years next preceding the passing thereof, shall be eligible to be proposed, chosen or elected as a representative, or representatives of any county, city, riding, borough or other place, of any description now or hereafter sending a representative or representatives to the House of Assembly of this Province, until such person or persons shall have resided for and during the space of seven years, next ensuing the day of his coming into and settling as a subject in the said Province.

II. *And be it further enacted,* That no person or persons of what condition soever, that shall or may have come into this Province before the passing of this Act, from any part, place or country, not being under his Majesty's government and not having been a bona fide subject of the King, for and during the term of seven years next preceding the passing hereof, shall be eligible to be proposed, chosen or elected as a representative or representatives of any county, city, riding, borough or other place of any description, now or hereafter sending a representative or representatives to the House of Assembly of this Province, until such person or persons, shall have resided in the said Province, for and during the space of seven years next preceding the passing of this Act.

III. *And be it further Enacted,* That if any person or persons of what condition soever, coming from any part, place or country, not being under his Majesty's government at the time of the passing of this Act, and not having been a bona fide subject of the King, for and during the space of seven years preceding the passing thereof, and who shall and may have come into this Province before the passing of this Act and settled as a subject therein, from any part, place or country, not being under his Majesty's government at the time of the passing of this Act, and not having been a bona fide subject of the King for seven years preceding the day of his coming into this Province, with an intention to become a subject of the King, and his settling as such within the same, shall propose or offer himself or themselves as a candidate or candidates to become

become a representative or representatives of any county, city, riding, borough or other place, now or hereafter sending a representative or representatives, until such person or persons shall have resided for and during the term of seven years next ensuing the day of his coming into and settling as a subject in the said Province; and shall be thereof convicted, by the oath of any one credible witness, shall forfeit and pay the sum of one hundred pounds; to be recovered by any person who shall sue for the same, in his Majesty's court of his bench in this Province; by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed, and only one imparlance, one half of which said sum shall be given unto the person suing for the same; and the other half paid into the hands of his Majesty's receiver general, to and for his Majesty, his heirs and successors, for the public uses of the said Province and 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 his Majesty shall direct.

IV. *And be it further enacted*, That if any person or persons of the description aforesaid, coming hereafter to settle in this Province, or being therein settled as aforesaid, before the passing of this Act, shall be chosen or elected a representative or representatives (whether such person or persons shall have proposed or offered him or themselves as a candidate or candidates or not) of any county, city, riding, borough or other place of any description, now or hereafter sending a representative or representatives to the House of Assembly of this Province as aforesaid, and shall presume upon such choice or election to obtrude or present himself or themselves into the said House as a representative or representatives as aforesaid; he or they, shall forfeit and pay the sum of twenty pounds (over and besides the foregoing penalty, if such person or persons shall have incurred the same) for every day that he shall so obtrude or present himself or themselves, to be recovered by any person who shall sue for the same, in his said Majesty's court of his bench; by action of debt, bill, plaint or information, wherein no essoin, privilege, protection or wager of law shall be allowed and only one imparlance; one half of which said sum, shall be given to the person suing for the same, and the other half paid into the hands of his Majesty's receiver general; to and for his Majesty, his heirs and successors, for the public uses of the said Province, and 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.

Penalty for obtruding into the house of assembly under such disqualification.

CHAPTER. III.

*An ACT to ratify, approve and confirm the provisional Agreement entered into by the Commissioners on behalf of this Province, with the Commissioners on behalf of the Province of Lower Canada.*

MOST GRACIOUS SOVEREIGN,

**B**EING at all times desirous of conciliating the affection and friendship of our fellow subjects in Lower Canada, and particularly by an approval of articles of provisional agreement that were made and entered into at Montreal, the eighteenth day of February, in the thirty-fifth year of your Majesty's reign, by the commissioners nominated and appointed on behalf of the Province of Upper Canada, by an Act of the Legislature thereof, passed in the thirty-third year of your Majesty's reign, intituled, "An Act to authorize the lieutenant governor, to nominate and appoint certain commissioners for the purposes hereintentioned," and the commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Legislature thereof, passed in the thirty-fourth year of your Majesty's reign, intituled, "An Act for appointing commissioners to treat with commissioners on behalf of the Province of Upper Canada, for the purposes therein mentioned," in form following:

Preamble.

Approval of the provisional agreement between the commissioners of the Provinces of Upper and Lower Canada.

ART. I. That the Province of Lower Canada, shall be and hereby is made accountable to the Province of Upper Canada, in full of all rights, claims and demands, which the said Province of Upper Canada may have on the Province of Lower Canada; by reason of the duties levied upon wines, in the years one thousand seven hundred and ninety-three, and one thousand seven hundred and ninety-four, under an Act of the Legislature of Lower Canada, passed in the thirty-third year of his Majesty's reign, intituled, "An Act to establish a fund for paying the salaries of the Officers of the Legislative Council and Assembly, and for defraying the contingent expences thereof," in the sum of three hundred and thirty-three pounds four shillings and two pence, currency; which said sum shall be paid into the hands of such person or persons as may be appointed on the part of Upper Canada, to receive the same.

Recital of the articles of the said agreement.

ART. II. That the Legislature of Upper Canada, will not impose any duties whatsoever on any goods, wares or merchandize, imported into Lower Canada, and passing into Upper Canada; but will allow and admit the Legislature of Lower Canada, to impose and levy such reasonable duties on such goods, wares and merchandize aforesaid, as they may judge expedient for the purpose of raising a revenue within the Province of Lower Canada.

ART. III. That of such duties as the Legislature of Lower Canada hath already imposed, or may hereafter impose on goods, wares or merchandize, coming into the Province of Lower Canada; the Province of Upper Canada, shall be entitled to receive annually, and to dispose of one eighth of their net produce, for the use and benefit of the said Province of Upper Canada; the other seven eighths remaining for the use of Lower Canada.

ART. IV. That there shall annually in the month of December, or as soon afterwards as possible, be furnished to the lieutenant governor, or person administering the government of the Province of Upper Canada, for the time being, duplicates of the account of all duties that now are, or hereafter may be imposed by the Legislature of Lower Canada.

ART. V. That this agreement is to continue and be in force until the last day of December, which shall be in the year of our Lord one thousand seven hundred and ninety-six; and no longer.

THEREFORE, May it please your most excellent Majesty, That it may 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That all and every the said articles of provisional agreement herein before particularly mentioned and inserted, and every clause, matter and thing in the said articles contained, shall be, and the said articles are hereby ratified, approved and confirmed.

Ratification thereof.

The provincial treasurer, of this province, to demand and receive, to and for the use thereof, the moneys arising by this Act.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Provincial treasurer of this Province for the time being, (when and as often, as the same may from time to time become due and payable) to ask for, demand and receive, to and for the uses of this Province, of and from all and every the person or persons who now are, or at any time hereafter may be nominated and appointed, on the part and in the behalf of the Province of Lower Canada, for the payment thereof; all and every sum and sums of money which now is, or are become due and payable, or hereafter may become due and payable, from the said Province of Lower Canada to this Province, pursuant and by virtue of this Act, and of the articles of provisional agreement herein before ratified, approved and confirmed; which said Provincial treasurer for the time being, is hereby authorized and empowered by himself or by any person or persons whom he may thereunto duly authorize, to grant sufficient receipts and discharges for the same, which receipts and discharges shall be taken, and held to be binding and obligatory on this Province to all intents and purposes whatsoever: and be a full and sufficient acquittal of, and for all, and every sum and sums of money, which in such receipts and discharges shall respectively, be contained.

#### CHAPTER IV.

*An Act to explain and amend an Act passed in the thirty fourth year of his Majesty's Reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."*

Preamble.

WHEREAS doubts have arisen respecting the jurisdiction of his Majesty's court of his bench in this Province, as far as the same may concern the condemnation of contraband goods; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, all actions of debt, bill, plaint or information, that may be brought upon any seizure of contraband goods, by any Ordinance or Act in force, or to be in force in this Province, for the prevention of smuggling or any clandestine or unlawful commerce or intercourse heretofore, now or hereafter carried on or to be carried on, by and between his Majesty's subjects or people of any other state or country when and where the same may be prohibited, shall be heard and determined in his Majesty's court of his bench; and that it shall and may be lawful upon any action of debt, bill, plaint or information, brought or to be brought upon any seizure before this Act made, or to be hereafter made of any contraband or prohibited goods, now or hereafter made or to be made contraband; for the justices of his Majesty's bench for the time being, to proceed to the hearing and determining thereof, in as full and ample a manner as is now done and practised in his Majesty's court of exchequer in England, and to condemn the same, if it shall be lawful so to do, and to award such damages and costs, as may now or hereafter be given by any ordinance or law now in being or hereafter to be for the regulation of the commerce of this country, any ordinance or law to the contrary hereof in any wise notwithstanding.

Jurisdiction granted to the court of King's bench in actions for goods seized as contraband, and process to be had therein, as in similar cases in his Majesty's court of exchequer in England.

Michaelmas term to commence henceforth in November.

The court of King's bench to be holden for two years at Newark.

II. *And be it further enacted by the authority aforesaid,* That in all times to come, the term of Michaelmas shall commence and be holden on the first Monday in the month of November, yearly and every year, any Act or law to the contrary notwithstanding.

III. *And be it further enacted by the authority aforesaid,* That the Court of his Majesty's Bench shall continue to be had and holden in the town of Newark in the Home district, for and during the space of two years next ensuing the passing of this Act, any Act or Law to the contrary notwithstanding.

#### CHAPTER V.

*An Act for the Public Registering of Deeds, Conveyances, Wills and other Incumbrances which shall be made, or may affect any Lands, Tenements or Hereditaments within this Province.*

Preamble.

WHEREAS the lands now holden within this Province, under the authority of the Crown will be shortly confirmed by grant from his Majesty under the seal of the said Province; and whereas it seems to be a desirable measure to establish a register in each county and riding within the said Province, that when the said lands shall be so confirmed, if any, or any part of the same shall be transferred or alienated by any deed of sale, conveyance, enticement or exchange, or by gift, devise or mortgage, a memorial of such transfer or alienation shall be made for the better securing and more perfect knowledge 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, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign,

reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act there shall be established in each and every county and riding of this Province, wherein it may be deemed for the present necessary, and as often after as occasion may require within others, an office for the enregistering of memorials of all deeds and instruments by which, lands within the same shall or may be transferred, or disposed of, by bargain and sale, enfeoffment, gift, devise, mortgage or exchange, and that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to name the place where such register office shall be kept, and to nominate and appoint a person of sufficient integrity and ability to each and every office that shall or may for the present be established, and as often as occasion may require within the said Province, under the conditions hereinafter mentioned, who shall faithfully cause to be enregistered a memorial of all deeds and other instruments by which lands may be transferred or alienated, that shall or may be presented to him in manner hereinafter mentioned, and because the population of the country may not for the present admit of a separate register to be appointed to each and every office that may be for the present established; it shall any may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, to nominate and appoint one sufficient person as aforesaid to hold and perform the duty or duties of one or more office or offices wheresoever they may be established, and to order and appoint the place or places where such person shall be constantly or occasionally resident.

Register offices to be established.

Appointment of registers.

A register may perform the duties of more than one office.

A memorial of deeds, conveyances and wills affecting any lands, held by grant from the crown under the seal of the Province, may be registered.

Subsequent deeds and conveyances of lands, tenements, &c. comprized in such memorial so registered, to be held fraudulent and void.

Exception.

Notice to be given when the office of register becomes vacant to the governor, &c.

Term limited for filling up such vacancy.

The memorials to be put in writing and brought to the office.

Oaths to be administered and witnesses requisite in registering every memorial.

Particulars to be inserted in every memorial.

II. *And be it further enacted by the authority aforesaid,* That from and after the confirmation of all or any lands to any person or persons by grant from the Crown under the seal of the Province, a memorial of all deeds and conveyances which shall be made and executed, and of all wills and devises in writing made, or to be made and published when the devisor or testator shall die after making and publishing of the same, of or concerning and wherby any lands, tenements or hereditaments in any county or riding of this Province may be any wise affected in law or equity, may at the election of the party or parties concerned be registered in such manner as is herein after directed; and that every deed and conveyance that shall at any time after any memorial is so registered be made and executed of the lands, tenements, or hereditaments, or any part thereof, comprised or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial be registered as by this Act is directed, before the registering of the memorial of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim, and that every devise by will of the lands, tenements or hereditaments or any part thereof mentioned or contained in any memorial registered as aforesaid, that shall be made and published after the registering of such memorial shall be adjudged fraudulent and void against a subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such will be registered in such manner as herein after directed.

III. *And be it enacted by the authority aforesaid,* That when and as often as the said office shall become vacant by the death, forfeiture or surrender of any such register or registers, the justices of the peace for the said county or counties, riding or ridings, if more than one be held by one person, or the district wherein such county or counties, riding or ridings may be assembled at the general quarter sessions of the peace, next after such vacancy shall happen, or the major part of them, shall in open court draw up a memorial of such vacancy, and transmit the same without delay to the Governor, Lieutenant Governor, or Person administering the government of this Province for the time being, praying that a person of sufficient integrity and ability may be appointed to the said office or offices; and the said Governor, Lieutenant Governor, or Person administering the government of this Province for the time being, shall within one month after the said memorial shall be received, appoint a person of sufficient integrity and ability to the said office or offices.

IV. *And be it further enacted by the authority aforesaid,* That all and every memorial or memorials so to be entered and registered, shall be put into writing, and brought to the said office, and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors or administrators, guardians or trustees attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance, which witnesses shall upon his oath before the said register or his deputy, prove the signing and sealing of such memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors or administrators, guardians or trustees, attested by two witnesses, one whereof shall upon his oath before the said register or his deputy, prove the signing and sealing of such memorial, which respective oaths the said register or his deputy are hereby empowered to administer, and shall endorse a certificate thereof on every such memorial, and sign the same.

V. *And be it further enacted by the authority aforesaid,* That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance or will bears date, and the names and additions of all the parties to such deed, conveyance or will, or the devisor or testator of such will, and of all the witnesses to such deed, will or conveyance, and the places of their abode, and shall express or mention the lands, tenements or hereditaments contained in such deed, will or conveyance, and the names of all the townships or parishes within the said county or counties, riding or riding, where any such lands, tenements or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, will or conveyance, in such man-

The deed, conveyance or will shall be produced to the register or his deputy who shall endorse a circumstantial certificate thereon.

Such certificate shall be evidence of registry.

Books of entries to be kept by the registers.

Registers to be sworn.

Oath.

The same oath to be taken by the deputy registers.

Recognizance to be entered into by each register.

The same to be transmitted into the court of King's bench

Limitation of actions upon such recognizances.

Office hours for the dispatch of business in every register office.

Searches.

Fees.

Penalties for neglect of duty or fraudulent practices of registers or their deputies.

ner as the same are expressed or mentioned in such deed, will or conveyance, or to the same effect ; and that every such deed, conveyance and will or probate of the same, of which such memorial is to be registered as aforesaid, shall be produced to the said register, or his deputy, at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance and will or probate thereof, and therein mention the certain day, hour and time on which such memorial is entered and registered, expressing also in what book, page and number the same is entered, and that the said register, or his deputy, shall sign the said certificate when so endorsed, which certificates shall be taken and allowed as evidence of such respective registries in all courts of record whatsoever, and that every page of such register book, and every memorial that shall be entered therein, shall be numbered, and the day of the month and the year and hour or time of the day when every memorial is registered, shall be entered in the margins of the said register books and of the said memorial, and that every such register shall keep an alphabetical calendar of all townships and parishes within the said county or counties, riding or ridings, with reference to the number of every memorial that concerns the lands, tenements or hereditaments in every such township or parish respectively, and of the names of the parties mentioned in such memorial, and the said register shall enter or register the said memorials in the same order that they shall respectively come to his hand.

VI. And be it further enacted by the authority aforesaid, That every such register before he enter upon the execution of the said office, shall be sworn before the justices of the peace for the county or counties, riding or ridings, or district to which such register shall be appointed, or district wherein such register shall reside, or any three or more of them (who are hereby empowered and required to administer such oath) in these words :—

“ You shall truly and faithfully perform and execute the office and duty that is directed and required by an Act of the Legislature of this Province, in registering memorials of deeds, conveyances and wills, within the county or counties of so long as you shall continue in the said office, and that you have not given, or promised directly, or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever, for procuring or obtaining the said office for you—So help you God.”

And that when and as often as the said register shall appoint any deputy to execute the said office, such deputy shall before he enter upon the execution thereof, take the said oath appointed to be taken by the register, before two or more justices of the peace for the said county or counties, riding or ridings, or of the district wherein they may be (who are hereby empowered and required to administer such oath) and that every register at the time of his being sworn into the said office, shall also enter into a recognizance with two or more sufficient sureties, to be approved of by five or more justices of the peace of the said county or counties, riding or ridings, or of the said district, by writing under their hands and seals to be registered at the next general quarter sessions of the peace for the said county, or counties, riding or ridings, or district, of the penalty of one thousand pounds unto his Majesty, his heirs and successors, to be taken by the same justices of the peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office in all things directed and required by this Act ; the same to be transmitted by the same justices of the peace within six months after the date thereof, into the court of his Majesty's bench of the said Province, there to remain amongst the records of the said court

VII. Provided nevertheless, and be it further enacted, That when any register shall die, or surrender his office, and that within the space of one year from and after such death or surrender, no misbehaviour appear to have been committed by such register in the execution of his said office, then and in such case, at the end of the said one year after his death or surrender, the recognizance so entered into by him, shall become void and of no effect to all intents and purposes whatever.

VIII. And be it further enacted by the authority aforesaid, That every such register or his sufficient deputy, shall give due attendance at his office every day in the year (except Sundays and the first week in June and the last week in December, as also the week of the Holy Passion yearly and every year) between the hours of nine in the forenoon and one in the afternoon, for the dispatch of all business belonging to the said office, and that every such register or his deputy, as often as required, shall make searches concerning all memorials that are registered as aforesaid, and give certificates concerning the same under his hand, if required by any person.

IX. And be it further enacted by the authority aforesaid, That every such register shall be allowed for the entry of every such memorial as is by this Act directed, the sum of two shillings and six pence and no more, in case the same doth not exceed one hundred words, but if such memorial shall exceed one hundred words, then after the rate and proportion of one shilling for every hundred words contained in such memorial, over and above the first hundred words, and the like fees for the like number of words contained in every such certificate or copy given out of the said office, and no more, and for every search in the said office one shilling and six pence, and no more.

X And be it further enacted by the authority aforesaid, That if any such register or his deputy shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this Act mentioned, or commit or suffer to be committed any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, that then such register shall forfeit his said office and pay treble damages with full costs of suit to every person or persons that shall be injured thereby ; to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record, wherein no esoin, protection, privilege, or wager of law shall be allowed, nor any more than one impiance.

XI. Provided

XI. *Provided also, and be it further enacted by the authority aforesaid,* That this Act shall not extend to any leases at a rack rent, or to any lease, not exceeding twenty one years, where the actual possession and occupation goeth along with the lease, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Provision relative to leases.

XII. *Provided always, and be it further enacted by the authority aforesaid,* That where there are more writings than one for making and perfecting any conveyance or security which do name, mention or any wise affect or concern the same lands, tenements and hereditaments, it shall be a sufficient memorial and register thereof, if all the said lands, tenements and hereditaments, and the parishes and townships where the same lie be only once named or mentioned in the memorial register and certificate of any one of the deeds or writings made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security, with the names and additions of the parties and witnesses and the places of their abodes be only set down in the memorials registers and certificates of the same, with a reference to the deed or writing whereof the memorial is so registered that contains or expresses the parcels mentioned in all the deeds, and directions how to find the registering the same.

Several writings, relating to one fact, may be comprised in one memorial and registry.

XIII. *And be it further enacted by the authority aforesaid,* That a memorial of any such deeds, conveyances and wills, as shall be made and executed or published in any other place within the said Province, not being within the county or counties, riding or ridings, wherein such lands, tenements or hereditaments lie, shall be entered or registered by the aforesaid register or his deputy, in case an affidavit sworn before one of the judges of the court of King's bench, or commissioner duly authorized to take affidavits, be brought to the said register or his deputy, wherein one of the witnesses to the execution of such deeds, wills and conveyances shall swear he or she saw the same executed, the same shall be a sufficient authority to the said register or his deputy to give the party that brings such deed, conveyance or will and affidavit, a certificate of the registering the same, which certificate signed by the said register or his deputy shall be taken and allowed as evidence of the registry of the same in all courts of record in this Province, any thing in this Act to the contrary thereof contained in any wise notwithstanding.

A memorial may be registered of deeds, conveyances & wills, executed out of the county wherein the lands, &c. lie, on due proof.

XIV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall at any time forge or counterfeit, any such memorial or certificate as are herein before mentioned and directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties, as in and by an Act of the Parliament of Great Britain, made in the fifth year of the reign of Queen Elizabeth, intituled, "An Act against forgers of false deeds and writings," are imposed upon persons for forging or publishing deeds, charters or writings, sealed court rolls or wills, whereby the freehold or inheritance of any person or persons of, in or to, any lands, tenements or hereditaments, shall or may be molested, troubled or charged; and that if any person or persons shall at any time forswear himself before the said register or his deputy, or before any judge or commissioner duly authorized in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties as if the same had been made in any of the courts of record.

Pains and penalties of forgery and perjury

XV. *Provided always, and it is hereby Enacted,* That all memorials of wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective deviser or testatrix dying within this Province, shall be as valid and effectual against subsequent purchasers as if the same had been registered immediately after the death of such respective deviser or testatrix; any thing herein contained to the contrary in any wise notwithstanding. Provided always, that in case the devisee, or person or persons interested in the lands, tenements or hereditaments devised, by any such will as aforesaid, by reason of the contesting such will or other inevitable difficulty, without, his, her, or their willful neglect or default, shall be disabled to exhibit a memorial for the registry thereof within the respective times herein before limited, then and in such case, the registry of the memorial within the space of six months next after his, her or their attainment of such will or a probate thereof or removal of the impediment whereby, he, she or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this Act, herein any thing contained to the contrary thereof in any wise notwithstanding.

Provision for the registry of memorials of wills.

Provision in favor of devisees.

XVI. *And be it further enacted by the authority aforesaid,* That no member of the House of Assembly hereafter to be chosen, during the time that he is such member, shall be capable of being appointed register, or of executing by himself, or any other person the said office, or have, take, or receive any fee or other profit whatsoever, for or in respect thereof, nor shall any register, or his deputy, for the time being, be capable of being hereafter chosen a member to serve in the Assembly of this Province.

No members of the assembly to hold directly or indirectly the office of register.

XVII. *And be it further enacted by the authority aforesaid,* That this Act shall be taken and allowed in all courts within this Province as a public Act; and all judges and justices are hereby required as such, to take notice thereof without special pleading the same.

This Act to be held and taken as a public Act.

SCHEDULE

Of a Bargain and Sale to be Enrolled.

AN Indenture dated \_\_\_\_\_ made between I. A. of \_\_\_\_\_ of the one part, and D. P. of \_\_\_\_\_ of the other part, purporting a deed of Bargain and Sale to be enrolled, of and concerning the same premises mentioned in a lease for a year, bearing date next before the day of the date of the said Indenture of Bargain and Sale, (or as the date is) and made between the said I. A. of the one part, and the said D. P. of the other part; a memorial whereof is registered at the same time herewith, (or as the time is) which Indenture, or Bargain and Sale is witnessed by T. A. of \_\_\_\_\_ and J. W. of \_\_\_\_\_ and is hereby required to be registered by me the said I. A. the grantor in the said deed of Bargain and Sale mentioned, as witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ T. (Signed, &c.) I. A. Of

Forms.

Memorial of a bargain and sale.

- Of a Mortgage for years.*
- Of a mortgage. AN Indenture of Mortgage dated the \_\_\_\_\_ made between W. D. of \_\_\_\_\_ of the one part, and J. W. of \_\_\_\_\_ of the other part, whereby the said W. D. for and in consideration of \_\_\_\_\_ pounds demised unto the said J. W. all that situate and being in \_\_\_\_\_ and called or known by the name of \_\_\_\_\_ now in the tenure to hold unto the said J. W. for the term of \_\_\_\_\_ years: subject nevertheless to a proviso that the same shall be void, on the payment of the sum of \_\_\_\_\_ pounds and lawful interest for the same, on the day of \_\_\_\_\_ in the year of our Lord one thousand seven hundred and \_\_\_\_\_ which said Indenture of Mortgage, is witnessed by \_\_\_\_\_ and is hereby required to be registered pursuant to the said Act of the Legislature of this Province, by me the said W. D. the grantor in the said deed, as witness, &c.  
(Signed, &c.) \_\_\_\_\_ W. D.
- Of an Indorsement.*
- Of an Indorsement. AN Indorsement dated the \_\_\_\_\_ day of \_\_\_\_\_ made from J. E. of \_\_\_\_\_ and W. N. of \_\_\_\_\_ on the back of a mortgaged deed dated the \_\_\_\_\_ and made between the said J. E. of the one part, and the said W. N. of \_\_\_\_\_ the other part, of and concerning all that situate and being in \_\_\_\_\_ now in the tenure or occupation of J. D. which said indorsement is witnessed by J. E. of \_\_\_\_\_ and R. W. of \_\_\_\_\_ and is hereby required to be registered by me the said J. E. the grantor, as witness, &c.  
(Signed, &c.) \_\_\_\_\_ J. E.
- Of a Will.*
- Of a Will. A WILL dated the \_\_\_\_\_ made by J. F. of \_\_\_\_\_ of and concerning all that messuage and tenement in \_\_\_\_\_ late in the tenure and occupation of G. L. (or if the words of the will be general, then say) of and concerning all the lands, tenements or hereditaments, which the said J. F. died possessed of, in the county of \_\_\_\_\_ which said Will is witnessed by J. G. of \_\_\_\_\_ and F. W. of \_\_\_\_\_ and E. T. of \_\_\_\_\_ this memorial is therefore desired to be registered pursuant to the abovesaid Act, by me E. L. one of the devisees in the said Will mentioned, as witness, &c.  
(Signed, &c.) \_\_\_\_\_ E. L.
- A Certificate of Mortgage Money being Paid.*
- Of a Redemption of a Mortgage. To the Register of the County of \_\_\_\_\_ J. W. of \_\_\_\_\_ do hereby certify that W. D. of \_\_\_\_\_ hath paid and satisfied all such sum and sums of money as were due and owing upon a mortgage made by the said W. D. to me, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ and registered at \_\_\_\_\_ of the clock in the forenoon of the \_\_\_\_\_ day of \_\_\_\_\_ following, in full discharge of the same; and I do hereby require an entry of such payment and satisfaction to be made pursuant to the act of the legislature in that case made and provided, as witness my hand this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) \_\_\_\_\_ J. W.
- Of a Certificate of such Redemption. Attested by W. M. of \_\_\_\_\_ J. II. of \_\_\_\_\_ MEMORANDUM that upon the certificate of the within named J. W. dated the \_\_\_\_\_ day of \_\_\_\_\_ proved by the oaths of W. M. of \_\_\_\_\_ and J. H. of \_\_\_\_\_ that all monies due on the within mentioned mortgage is fully paid and satisfied in discharge of the same: this entry in discharge thereof is made pursuant to the said Act of the Legislature this \_\_\_\_\_ day of \_\_\_\_\_ by THOMAS JONES, Register.

T H E  
S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

PASSED IN THE FIRST SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT NEW-ARK, ON THE SIXTEENTH DAY OF MAY, IN THE THIRTY-SIXTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JUNE FOLLOWING.

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

CHAPTER I.

*An ACT for the better Regulation of certain Coins current in this Province.*

Preamble. **F**OR the better regulation of certain coins current 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 gold and silver coins hereinafter mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever

The gold and silver coins herein specified

whatsoever in this Province, at the weights and rates following; that is to say, of gold coins, the British Guinea, weighing five penny weights and six grains Troy, at one pound three shillings and four pence; the Johannes of Portugal, weighing eighteen penny weights Troy, at four pounds; the Moidore of Portugal weighing six penny weights and eighteen grains Troy, at one pound ten shillings; the milled Doubloon, or four pistole piece of Spain, weighing seventeen penny weights Troy, at three pounds and fourteen shillings; the French Louis d'or, coined before the year one thousand seven hundred and ninety-three, weighing five penny weights and four grains Troy, at one pound two shillings and six pence; the French Pistole piece coined before the same period, weighing four penny weights and four grains, at eighteen shillings; the American Eagle piece, weighing eleven penny weights and six grains Troy, at two pounds and ten shillings; and of Silver coins, the British Crown, at five shillings and six pence; the British shilling, at one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence sterling money of Great Britain; the Spanish pistareen at one shilling; the French crown coined before the year one thousand seven hundred and ninety-three, at five shillings and six pence; the French piece of four livres ten sols Tournois, at four shillings and two pence; the French piece of thirty-six sols Tournois, at one shilling and eight pence; the French piece of twenty four sols Tournois, at one shilling and one penny; the American dollar at five shillings, and all the higher and lower denominations of the said gold and silver coins shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, in the same proportions respectively.

shall be deemed a legal tender. Specification, value, and respective weights of such gold coins.

Of such silver coins.

II. *And be it further enacted by the authority aforesaid,* That for every grain which any piece of the aforesaid gold coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of gold by detail, two pence and one farthing currency; and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all payments, two pence and one farthing currency.

Allowance for excess or deficiency in the standard weight of pieces of gold paid by detail.

III. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall colour, gild or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin of coarse gold, or of coarse silver, or of base metal resembling any such foreign coin so declared current, and any person or persons, who shall gild over any piece of silver resembling any such foreign coin so declared current, and any person or persons who shall bring, or cause to be brought into this Province, any forged or counterfeit money like to the foreign gold or silver coin so declared current, knowing the same to be forged or counterfeit, or any coin of coarse gold, or of coarse silver, or of base metal, coloured, gilded, or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such foreign coin, or any piece of gilded silver, resembling any such foreign coin, knowing the same, every such person shall for every such offence, be deemed guilty of felony, and upon conviction thereof, in his Majesty's court of his Bench, shall suffer death, as in cases of felony.

Counterfeiting or falsifying such current coins shall be deemed felony,

or knowingly importing such counterfeit and falsified coins

IV. *And be it further enacted by the authority aforesaid,* That if any person whatsoever, shall after the passing of this Act, utter, or tender in payment to any person or persons, any false or counterfeit money, counterfeited to any of the gold or silver coins of Great Britain, Portugal, the United States of America, Spain or France, as herein before specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending, shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour, in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be guilty of felony without benefit of clergy.

Punishment for uttering or tendering false and counterfeit money knowingly.

A second offence to be deemed felony.

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this Act, import or bring, or cause to be imported or brought into this Province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall, for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges of the court of his Majesty's Bench, or Oyer and Terminer, before whom such person or persons shall be tried and convicted; Provided always, That such imprisonment shall not exceed twelve calendar months.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court, after being found to be false or counterfeit, or in presence of a Justice of the peace, and one moiety shall then belong to his Majesty, his heirs and successors, to be applied to the public uses of this Province, and the support of the civil government thereof, the due application of which shall be accounted for to his Majesty, his heirs and successors, 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 thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized and defaced, and one moiety thereof to belong to his Majesty, and the other to the informer.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this Province, in copper money.

Tender in copper money limited to 1s. at one payment.

VIII. And whereas it would be a great facility in making payments, if gold coins were weighed in bulk, and not in single pieces as heretofore has been customary; Be it therefore enacted by the authority aforesaid, That in every payment exceeding the sum of fifty pounds currency, which shall be made in gold coin after the first day of June, which will be in the year of our Lord, one thousand seven hundred and ninety-seven, where one of the parties making or receiving the same shall require it, such gold shall be weighed

After the first of June, 1797, the gold coins, in payments exceeding 50l. shall be weighed in bulk if either of the parties require it.



In what manner.

At what rate computed.

Suspected pieces of money may be bro- ken, cut or defaced.

By whom the loss arising thereby shall be borne.

Decision of questions arising thereupon

Counterfeit gold or silver coin, produced in a court of justice, how disposed of.

Repeal of ordinance, 17th Geo. 3. for regulating the currency.

in bulk and not in single pieces; that is to say, the gold of Great Britain, Portugal and America together; and that of Spain and France together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of gold coin so weighed, as a compensation for the loss that may accrue by paying away the same in detail; and in all payments so made, the gold coin of Great Britain, Portugal and America, shall be computed at the rate of eighty-nine shillings currency for each ounce Troy, and that of Spain and France, at the rate of eighty seven shillings currency for each ounce Troy therein contained, after such deduction made, and so in proportion for a greater or lesser quantity.

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver, or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented, may cut, break or deface every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money, shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

X. And if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit, it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon, whose opinions, or the majority thereof, shall be final.

XI. *And be it further enacted by the authority aforesaid,* That if any false or counterfeit gold or silver coin shall be produced in any court of justice in this Province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a justice of the peace, and there be delivered to or for the person or persons to whom it belongs.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act the Act or Ordinance made in the seventeenth year of his Majesty's reign, intituled, "An Ordinance for regulating the currency of the Province, be, and the same is hereby repealed.

CHAPTER II.

*An ACT to amend certain parts of an Act, intituled, "An Act for the regulation of Juries," and a certain other Act, intituled, "An Act to Establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."*

Preamble.

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, and before the first day of Trinity term now next ensuing, and before the first day of the respective terms next preceding the time when the issuing of the writs of assize and nisi prius are directed to be issued, according to the form and effect of a certain Act passed in the thirty fourth year of his Majesty's reign, intituled, "An Act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal," and in every year thereafter ensuing, the Sheriffs of the Eastern, Midland and Western Districts, and each respectively, shall cause a pannel of the names of the jurors, not less than thirty-six, nor more than forty eight persons, according to the rules and regulations contained in the said Act, intituled, "An Act for the regulation of juries," to be transmitted into his Majesty's court of his bench, that shall be liable to be summoned for the trial of all causes at the then next ensuing assizes without a venire facias for that purpose.

A pannel of jurors for the trial of issues at the assizes, shall be transmitted, at stated periods into the court of King's Bench, by the Sheriffs of the Eastern, Midland and Western Districts respectively, without any venire facias for that purpose.

The Sheriff of the Home District, to return in like manner, on first day of every term.

II. *And be it further enacted,* That the Sheriff of the Home District on or before the first day of every term, shall cause a pannel of the names of jurors, not less than thirty-six nor more than forty eight, according to the rules and regulations of the said Act, for the regulation of juries, to be transmitted into his said Majesty's court of his bench, of persons that shall be liable to be summoned for the trial of all causes at the sittings during and ensuing each term, without a venire facias for that purpose.

CHAPTER III.

*An ACT to amend an Act intituled, "An Act for regulating the manner of licencing Public Houses, and for the more easy convicting of persons selling spirituous liquors without licence."*

Preamble.

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, if any person or persons shall keep an inn or public house for the purpose of vending wine, brandy, rum or other spirituous liquors; unless he, she, or they shall have previously obtained a licence in manner and form prescribed by an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "an Act for regulating the manner of licencing public houses, and for the more easy convicting of persons selling spirituous liquors without licence," such person or persons shall forfeit and pay the sum of twenty pounds, to be levied upon his, her or their goods, and chattels, upon being

Keepers of inns, &c. to be licenced.

Penalty for selling without licence.

being convicted on the oath of any one credible witness, of his, her, or their having offended against the said Act, in manner and form as is therein mentioned; a moiety whereof shall be given to the informer, and the other moiety 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.

Application thereof.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons not having obtained a licence, and kept an inn or public house, at any time before, and being desirous of keeping an inn or public house, to apply for a licence at any time during the year, to the magistrates of the district in which he resides, in general quarter sessions assembled, and it shall and may be lawful for the said magistrates, to enquire into the character and behaviour of the person applying, and if it shall appear to them expedient to increase the number of inns or public houses, and that the party applying is a sober and honest man, the presiding magistrate shall then and there grant him a certificate under his hand and seal, which certificate shall enable the party so holding the same to take out a licence; and the secretary of the Province or his agent, upon the production of such certificate, shall be, and he is hereby authorized and directed to grant a licence accordingly; the person or persons paying for the same such sum of money as is directed to be paid by all persons receiving a licence to keep an inn or public house in this Province, and entering into a regular recognizance before the clerk of the peace, in manner and form as is prescribed by a certain Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act for regulating the manner of licencing public houses, and for the more easy convicting of persons selling spirituous liquors without licence," any thing in the said Act or in any former Act to the contrary hereof notwithstanding.

Cases in which a licence to keep an inn may be granted in any general quarter sessions, to persons duly qualified.

Manner of granting the same.

CHAPTER IV.

An ACT to amend certain parts of an Act, intituled, "An Act to fix the times and places of holding the Courts of General Quarter Sessions of the Peace, within the several Districts of this Province."

WHEREAS it is expedient to alter the place of holding the court of general quarter sessions of the peace in and for the Western District 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, intituled, "An Act to repeal certain parts of an Act passed in 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 a certain Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to fix the times and places of holding the courts of general quarter sessions of the peace within the several districts of this Province," which directs that the courts of quarter sessions of the peace for the Western district of this Province, shall commence and be holden in the town of Detroit, on such days and times as are therein mentioned; and that a special sessions of the peace shall commence and be holden yearly and in every year, in the town of Michilimackinac, at a certain time therein mentioned, be and the same are hereby repealed accordingly.

Preamble.

Recital of Act 33 George 3.

The same in part repealed.

II. And be it further Enacted, That from and after the passing of this Act, the court of general quarter sessions of the peace for the Western district, shall commence and be holden in the parish of Assumption, in such place as may now be found most convenient to the magistrates of the said district, or the major part of them, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April, until such time as it shall seem expedient to the magistrates, or the major part of the magistrates of the said district, to remove and hold the same nearer to the island, called the Ile of Bois Blanc, being near the entrance of the river Detroit: and when it shall seem expedient to the said magistrates, or the major part of them, to hold the said general quarter sessions nearer to the said island, it shall and may be lawful for them to remove the same, having given due notice of such intended removal, at least three months before the same shall be removed as aforesaid.

Regulations for the times and places of holding in future the courts of quarter sessions for Western district.

And of holding the district court for the same.

III. And whereas by a certain other Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a court for the cognizance of small causes in each and every district of this Province," the district court in and for the Western district, of this Province, is appointed to be holden in the town of Detroit, in the said district, but as it seems not to be any longer expedient to hold the said court in the town of Detroit aforesaid, Be it enacted, that from and after the passing of this Act, the district court in and for the said District, shall be holden at and in the same place where the general quarter sessions may be holden under and by virtue of the authority of this Act.

Alterations in the terms of holding the sessions in the Eastern and Midland districts.

IV. And be it further enacted by the authority aforesaid, That the courts of quarter sessions for the Midland district, and the Eastern district, shall hereafter be held on the fourth Tuesday in the month of January, and the fourth Tuesday in the month of April, instead of the second Tuesday in the month of January, and the second Tuesday in the month of April.

CHAPTER V.

An ACT to repeal certain parts of an Act passed in the thirty third year of his Majesty's reign, intituled, "An Act to encourage the destroying of Wolves and Bears in different parts of this Province."

WHEREAS it is found to be no longer necessary to encourage by a public bounty the destroying of Bears in any part of this Province; 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of a certain Act passed in the thirty third year of his Majesty's reign, intituled, "An Act to encourage the destroying of Wolves and Beas in different parts of this Province," as enacts the payment of any sum or sums of money, for the killing of any Bear or Bears, according to the provisions in the said Act contained, shall cease and determine; and the said Act in so far as it relates to the payment of such sum or sums of money for the killing of such Bear or Bears as aforesaid, shall in that respect be, and is hereby declared to be repealed; any thing therein contained to the contrary hereof notwithstanding.

Recital of Act 33 Geo. 3.

The same in so much as it relates to Beas repealed.

CHAPTER VI.

An ACT to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes herein mentioned.

Preamble.

WHEREAS the time limited by a certain Act passed in the thirty-fifth year of his Majesty's reign, ratifying, approving and confirming the provisional agreement entered into by the commissioners on behalf of this Province, with the commissioners on behalf of the Province of Lower Canada; by virtue of an Act passed in the thirty-third year of his Majesty's reign, for the purposes therein mentioned, will expire on the last day of December next ensuing; And whereas it is expedient, that new arrangements should take place between the said Provinces, respecting the collection of duties or payments of drawbacks to be imposed and allowed on goods passing from one Province into the other, by the Legislature of each Province respectively; and of and concerning any regulations, provisions, matters and things, which might regard the commerce, manufactures, or produce of the said Province.

Address.

MAY IT PLEASE YOUR EXCELLENCY,

WE his Majesty's most dutiful and loyal subjects, the Members of the House of Assembly of the Province of Upper Canada, being anxious to continue the generous intercourse which subsists between this his Majesty's Province, and his Province of Lower Canada; do most earnestly request your Excellency, that for the mutual convenience and benefit of his Majesty's subjects within the said Provinces; and in order to continue the good correspondence between them, it may be enacted; And be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering his Majesty's government in this Province, from time to time by letters patent under the great seal of the Province, to commission, authorize and empower, three able and discreet persons, two of whom shall be a quorum, to treat, consult and agree with the persons to be duly authorized for that purpose; by a power to be granted by an Act of the Legislature of his Majesty's Province of Lower Canada, of, and concerning the establishing such regulations as may regard the collection of duties or payments of drawbacks to be imposed or allowed on goods passing from one Province into the other, by the Legislature of each Province respectively; and of, and concerning any proportions to be received and paid, of any equal duties, already imposed or hereafter to be imposed by the said Legislatures respectively, on any article or commodity passing from one Province into the other; and of, and concerning any regulations, provisions, matters and things, which may regard the commerce, manufactures or produce of the said Province.

Person administering the government authorized to appoint commissioners, establish rules for the collection of duties, &c.

Such Regulations of no force until confirmed.

Duration of this Act.

II. Provided always, and be it Enacted and Declared, That no regulation, provision, matter, or thing so proposed, treated, consulted or agreed, shall have any other force or effect, or be carried any further into execution until the same shall have been confirmed by the Legislature of this Province.

III. And be it further Enacted, That this Act shall continue in force until the first day of August, which will be in the year of our Lord, one thousand seven hundred and ninety eight, and no longer.

CHAPTER VII.

An ACT to amend an Act, intituled, "An Act to authorize and direct the laying and 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."

Preamble.

Recital of Act 33 Geo. III.

WHEREAS by an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to authorize and direct the laying and 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," the magistrates in and for the several districts, were authorized and empowered in their general quarter sessions, in the month of April assembled, or the greater part of them, to cause an estimate to be laid before them; of the sum or sums of money, that might be necessary to defray the charges and expences accruing in their respective districts for the uses and purposes in the said Act mentioned: and whereas it seems necessary to enlarge their powers for the present year; 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 Parli-

ment

ment of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful to and for the magistrates of each and every district, if it shall and may to them seem necessary, in the general quarter sessions, now next ensuing the passing of this Act, assembled, or the greater part of them, to cause an estimate to be laid before them, of the sum or sums of money that may be necessary to defray the charges and expences accruing in their respective districts, for the uses and purposes in the said Act mentioned, for the ensuing year ; and having determined and resolved upon the same, to cause the amount of the sum to be raised to be divided in an exact proportion to the rate with which each class is severally charged, as herein before is provided in a certain Act for that purpose, intituled, " An Act to amend certain parts of an Act passed in the thirty third year of his Majesty's reign, intituled, " An Act to authorize and direct the laying and 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 to declare that the assessment required will be half a rate, a third, fourth, fifth, eighth, or any aliquot part of a rate, if it shall not be deemed necessary, to raise an entire rate, according to the proportions aforesaid, by computing the proportion which the sum proposed to be raised bears to the amount of the sum which shall have been raised by and under the authority of the first above mentioned Act, or which shall have been or which legally may be raised by and under the authority of the Act passed in the thirty fourth year of his Majesty's reign, intituled, " An Act to amend certain parts of an Act, passed in the thirty third year of his Majesty's reign, intituled, " An Act to authorize and direct the laying and 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 to apply the same as in and by the above mentioned Act or Acts, or either of them, shall or may be directed ; any thing in either of the said above mentioned Act or Acts to the contrary hereof, in any wise notwithstanding.

An entire rate, or any aliquot part thereof may be laid and be raised in every district whereof the magistrates in their next general sessions shall deem necessary for immediate exigencies.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

PASSED IN THE SECOND SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK,  
ON THE FIRST DAY OF JUNE, IN THE THIRTY SEVENTH YEAR OF THE REIGN OF OUR SOVEREIGN  
LORD GEORGE THE THIRD, AND PROROGUED ON THE THIRD DAY OF JULY FOLLOWING.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

CHAPTER I.

*An ACT for the better securing the Province against the King's Enemies.*

**W**HIEREAS the laws now in force against alien enemies, may not prove sufficient to secure the tranquility 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, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, no person of whatever name, character or description, being an inhabitant, subject or citizen of, or owing or professing to owe allegiance to any country, kingdom, state or commonwealth, now at war against our sovereign Lord the King, or who shall have been an inhabitant, subject or citizen of, or owing allegiance to any such country, kingdom, state or commonwealth within the space of seven years preceeding the passing of this Act, except as herein after excepted, shall be permitted to enter, remain, reside or dwell in any part of this Province, under the pains and penalties herein after expressed.

Preamble.

Description of persons subject to the provisions of this Act.

**I**I. *And be it further enacted,* That if any person from and after the passing of this Act, of whatever character or description, being an inhabitant, subject or citizen of, or owing or professing to owe allegiance to any country, kingdom, state or commonwealth, now at war against our sovereign Lord the King, or who shall have been an inhabitant, subject or citizen of, or owing allegiance to any such country, kingdom, state or commonwealth, within the space of seven years preceeding the passing of this Act, (except as hereafter excepted) shall enter, remain, reside, dwell or be found in any part of this Province, it shall

Duty of justice respecting such.

shall and may be lawful for any of his Majesty's justices of the peace, to issue his warrant for the apprehension of such person; and upon a due examination of, and finding him to fall within the description, intent and meaning of this Act, to order him to leave the Province within four and twenty hours; and in case he shall be found within the limits of this Province after that time, it shall and may be lawful to and for any person with or without warrant, to seize and carry him before any of his Majesty's justices of the peace, who shall commit him to the common gaol of the district, county or place where he shall be found after the expiration of the time aforesaid, for the space of one month, at the end of which time, he shall be again required and ordered by any of his Majesty's justices of the peace, to leave this Province within the space of twenty four hours; and in case he shall again be found within the limits thereof, at the expiration of that time, he shall upon conviction thereof, before any commisioner of Oyer and Terminer, be deemed and adjudged a felon, and shall suffer death without benefit of clergy.

Exception to persons having licence of residence.

III. *Provided always*, That this Act shall not extend, or be construed to extend to any person having leave, licence or authority from the Governor, Lieutenant Governor, or person administering the government of this Province, under his hand and seal, to enter, remain, reside or dwell in any part of the said Province.

No person to entertain such enemy.

IV. *And be it further Enacted*, That if any person now living and residing, or hereafter living and residing, during the continuance of this Act, within the Province, shall knowingly receive, entertain, protect, countenance, support or encourage any person of whatever name, description or character, being an inhabitant, subject or citizen of, or owing allegiance to or professing to owe allegiance to any country, kingdom, state or commonwealth, or who shall have been an inhabitant, subject or citizen of, or owing allegiance to any country, kingdom, state or commonwealth, within the space of seven years, preceding the passing of this Act, now at war against our sovereign Lord the King, to enter, remain, reside or dwell in any part of this Province, except as before excepted, and shall be duly convicted thereof, in any of his Majesty's courts of record in this Province, by indictment or information, he shall be deemed guilty of an high misdemeanor, and subject to the pains and penalties in all cases of misdemeanor imposed and inflicted.

Penalty thereon.

V. *And be it further enacted*, That it shall and may be lawful to and for any of his Majesty's subjects, having reasonable cause to suspect a person of being an inhabitant, subject or citizen of, or owing or professing to owe allegiance to any country, kingdom, state or commonwealth, or who shall have been an inhabitant, subject or citizen of, or owing allegiance to any country, kingdom, state or commonwealth, within the space of seven years preceding the passing of this Act, now at war against our sovereign Lord the King, peaceably to demand, and he is hereby required to demand, of such person his certificate of permission, leave, licence or authority to enter into, remain, reside or dwell in the place where such person shall then and there be, being in the said Province; and if, upon such demand, the person so suspected shall not produce and shew to the subject demanding the leave, licence or authority that he may have under the hand and seal of the governor, lieutenant governor, or person administering the government, or certificate of permission as aforesaid, he shall forthwith cause his suspicion to be made known upon oath to the nearest magistrate, who shall issue his warrant for the apprehension of the person suspected, to be dealt with as herein before provided.

Subject's authority and duty in the case of suspected persons.

VI. *And be it further enacted*, That this Act shall be openly read in court by the clerk of the peace or his deputy, on the first day of every session to be held in each and every district of this Province during the continuance thereof. And that the said Act, and the provisions therein contained, shall remain, continue, and be in force for and during the space of two years, and no longer.

This Act to be publicly read.

Limitation of this Act.

CHAPTER II.

*An ACT to enable the inhabitants of the Township of York, to assemble for the purpose of choosing and nominating Parish and Town Officers.*

Preamble.

WHEREAS by an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to provide for the nomination and appointment of parish and town officers," the inhabitants of any parish, township, reputed township or place, can only be assembled on the first Monday in the month of March in every year: and whereas it is expedient, that in the township of York, the inhabitants should be immediately assembled for the purposes mentioned in 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the inhabitants of the said Township, shall be called together, as soon after the passing of this Act as convenient, in the same manner and for the same purposes as are directed by the said recited Act, and any two of his Majesty's justices are hereby empowered to appoint one or more constable or constables as they shall think fit, to serve in the said township.

Time for, and purposes of assembling.

CHAPTER III.

*An Act for securing the Titles to Lands in this Province.*

Preamble.

WHEREAS many persons are possessed of lands in this Province under Land Board Certificates, and otherwise, by authority of his Majesty's Government, and now hold, or claim to hold the same, either as the original nominees, or as the heirs, devisees, or assignees of the original nominees thereof,

thereof, of which lands no Grants have as yet issued under the Great Seal of this Province, whereby the legal estate and interest thereof is still vested in his Majesty : for the securing of all such persons in the ownership and possession of such lands, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and appointed by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the government of this Province, at any time during the space of three years from the passing of this Act, to issue such and so many commissions under the Great Seal of this Province, for the Eastern, Midland and Western districts, and also for the county of Lincoln in the Home district, as he shall think proper, to three or more persons, whereof his Majesty's Chief Justice of this Province, or one of the Justices of the Court of King's Bench shall be one ; which commissioners shall have power and authority in their respective districts, to hear and determine all applications that shall or may be made to them by persons holding, or claiming to hold lands as aforesaid, for grants thereof under the Great Seal of this Province, in like manner as the same might be heard and determined by his Majesty's Executive Council.

Governor, &c. to appoint commissioners.

Their authority.

II *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the persons so holding, or claiming to hold as aforesaid, to come before the said Commissioners, either in person or by their agents, constituted and appointed under their hands and seals, and to produce to the said Commissioners, the several documents, vouchers and other evidences on which they severally found their said claims; and the said Commissioners or any two of them, whereof the said Chief Justice, or Justice of the Court of King's Bench shall be one, shall proceed to hear, decide, and report thereon in manner herein after mentioned ; and shall for that purpose have full power and authority to administer such oaths, and also by warrant under their hands, or the hand of one of them, compel the attendance of all such persons ; and also the production of all such books, papers and other evidences as they in their discretion shall think necessary or proper.

How persons claiming, may appear.

The commissioners may compel attendance, and production of papers, &c.

III *And be it further enacted by the authority aforesaid,* That in hearing and deciding on all such claims whether the same be between subject and subject, or between the subject and the Crown, the said Commissioners shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence that they can procure, or that is laid before them, whether the same be such evidence as the law would require in other cases or not ; and in case they, or the major part of them shall be satisfied, that the person or persons so holding, or claiming to hold the said lands as aforesaid, is or are entitled in equity and good conscience to hold the same, either as the original nominee or nominees thereof, or as the heir or heirs, devisee or devisees, or bona fide assignee or assignees of such original nominee or nominees, or by any other derivative title from such original nominee or nominees, the validity of which derivative title shall be judged of in like manner. They the said Commissioners, shall report the same in manner herein after mentioned.

How they shall be guided.

IV. *Provided nevertheless, and be it hereby further enacted by the authority aforesaid,* That the said Commissioners shall not proceed to examine any such claim as aforesaid, unless they shall have caused notice in writing of their intention to proceed upon the business of their said commission, to be fixed up in some conspicuous part of the office of the clerk of the peace, and at three other the most public places of each district respectively, at least one month before they shall begin to act therein ; and also, unless notice of such claim, and of the name of the claimant, and also a description of the lands, in respect of which such claim is made, shall be fixed up in some conspicuous part of the said office, at least fifteen days before the same shall come on to be heard.

To give notice 15 days before the day of examination.

V. *Provided further, and be it hereby enacted by the authority aforesaid,* That it shall and may be lawful to and for all persons interested, or claiming to be interested in such lands as aforesaid, to file caveats in the said office of the clerk of the peace, against the hearing of any such claim or claims as aforesaid, but in their presence, or in the presence of their agents properly constituted under their hands and seals ; and also to attend in person, or by their said agents, when the said claim shall be brought forward, and to be heard against the same ; but such caveat shall not retard the hearing of the said claim or claims, beyond fifteen days from the day on which the same shall have been entered in the office of the said clerk of the peace, unless it shall appear to the said commissioners that the real justice of the case requires that the same shall be deferred, in which case it shall and may be lawful for them to defer the same.

Interested persons may file caveats against such hearing.

Such caveats not to retard beyond 15 days except, &c.

VI. *And be it further enacted by the authority aforesaid,* That the said commissioners shall from time to time transmit to the clerk of the executive council of this Province, a report of all such claims as they shall have examined and decided on, and the person or persons in whose favor they shall have reported, shall be considered as entitled to have a grant or grants under the great seal of this Province, of the lands in respect of which such report shall be made, and the same shall issue to such person or persons, or his or their heir or heirs accordingly.

Commissioners to report to the clerk of the Executive Council, and grants to issue accordingly.

VII. *Provided nevertheless, and be it hereby further enacted by the authority aforesaid,* That it shall and may be lawful to and for any person or persons who shall conceive him or themselves to be aggrieved by the decision of the said Commissioners, to appeal therefrom to his Majesty's Executive Council.

Aggrieved persons may appeal.

VIII. *Provided furthermore,* That no such appeal shall be received by the said Executive Council, unless

Appellant to give notice, &c. and security.

unless the appellant shall give notice to the said commissioners of his intention to appear within three days from the making of such decision; and shall also at the same time give security to the satisfaction of the said Commissioners, that he will prosecute his said appeal with effect, or in default thereof, will pay such costs to the person or persons in whose favor such report shall have been made, as the said Council in its discretion shall award.

In case of mortgage, &c. the commissioners to certify the same.

IX. And be it further enacted by the authority aforesaid, That in case it shall appear to the said Commissioners that the said lands, or any part of them, in respect of which a deed or deeds shall be claimed, are really and bona fide subject to any mortgage or other contract theretofore made, it shall and may be lawful to and for the said Commissioners on application for that purpose by the person or persons entitled to, or interested in such mortgage or other contract, to certify that the said lands, or any part of them, are so subject as aforesaid, and it shall and may be lawful to and for the person or persons so entitled and interested, on producing the certificate of the said Commissioners, to the register of the county or riding in which such lands shall be, to cause the same to be enregistered, and the said register is hereby required and authorized to enregister the same in like manner, and in the same order and priority, and subject to the like rules and restrictions, and such enregistration shall have the like force and effect, as if grants under the great seal had theretofore issued of such lands at the time or times, when such mortgage or mortgages or other contracts were made.

The register to enregister the same.

In what case judgment may be let in.

X. And be it further enacted by the authority aforesaid, That all judgments which would have bound the said lands, or any part of them, in case grants under the great seal had theretofore issued thereof, before such judgments were had, shall be let in to and have the same force and effect upon the said lands, as they would in such case have had, any law to the contrary notwithstanding.

Clerk of the peace, clerk to the commission.

XI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the clerk of the peace, who is hereby authorized and empowered to act as clerk to the said Commission, to demand and receive to and from the several persons who shall apply to him for any of the purposes of this Act, the following Fees:

Fees.

For receiving, fixing up in his office, and setting down for hearing any claim for a grant, and also for making up a report respecting the same,	£. s. d.
For receiving and setting down for hearing and caveat,	0 2 6
For a copy of the order respecting each claim respectively,	0 2 6
For receiving and transmitting to the clerk of the Executive Council any notice of appeal,	0 5 0

CHAPTER IV.

An Act for Regulating the Practice of the Court of King's Bench.

Preamble.

FOR the more easy and convenient administration of justice by the 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of October next, it shall and may be lawful to and for the clerk of the crown and pleas of this Province to have, and he is hereby required to have in each and every district of the same, and also in the town of Newark, in the county of Lincoln, in the Home district, an office in which actions in the said Court of King's Bench may be instituted, and the parties plead to issue, in like manner as is now done in the office of the said clerk, in the district in which the said court is holden; and that for that purpose the said clerk be, and he hereby is authorized and required to supply his deputy in each district, and also in the said town of Newark, from time to time, with blank writs of the said Court, properly signed and sealed, which his said deputy is hereby authorized and required to fill up as occasion may require.

The clerk to keep an office in each district.

Every Monday, except, &c. to be return day

II. And whereas many and great inconveniences have followed from the length of time which by the present practice of the said Court must intervene between the teste and the return of writs; Be it enacted by the authority aforesaid, That from and after the day aforesaid, every Monday in the course of the year, except Easter Monday, and Christmas-day, in case it shall happen on a Monday, shall be a return day for the return of writs issuing out of the said Court of King's Bench, and no other day or days whatsoever be the return day or days for such writs; and that not less than fifteen days shall intervene, between the teste and return of any process issuing out of the said court in any district of this Province.

Time between the teste and return.

Times of holding courts.

III. And be it further enacted by the authority aforesaid, That from and after the day aforesaid, Hilary term shall begin on the first Monday in the month of January, and end on the Saturday of the week ensuing; and that Easter term shall begin on the first Monday of the month of April, and end on the Saturday of the week ensuing; and that Trinity term shall begin on the first Monday of the month of July, and end on the Saturday of the week ensuing; and that Michaelmas term shall begin on the first Monday of the month of November, and end on the Saturday of the week ensuing; and that all commissions of assize and nisi prius do issue, and also that the sittings for the Home district be held in the vacations between Hilary and Easter terms, and between Trinity and Michaelmas terms, any law or usage to the contrary notwithstanding.

Original process, what, &c.

IV. And be it further enacted by the authority aforesaid, That in cases which do not require special bail, the first and original process of the said Court shall be by writ of summons, which may be in the following

FORM:

**FORM :**

**UPPER CANADA, } GEORGE the Third, by the Grace of GOD, of Great Britain, France and Ireland,**  
 DISTRICT, } **King, Defender of the Faith, and so forth :—**

To Wit: } **To the Sheriff of the District,** Greeting :

Form.

**WE** command you that you summon *A. B.* to appear either in person or by his attorney before us in our court of our bench, on the *day of* now next ensuing, to answer the complaint of *C. D.* in a plea of *(as the case may be)* according to the annexed declaration ; and herein fail not at your peril. Witness the honorable *E. F.* Chief Justice of our said Province, (or one of the Justices of our said Court, as the case may be) this *day of* in the *year of our reign.*

And that the plaintiff do cause the defendant to be served with the said writ of summons ; and that the sum of five shillings, and no more, be allowed in costs for serving the same, but that there be no allowance whatever for milages.

How to be served, and fees.

V. And whereas doubts have arisen with respect to the time when judgment may be signed for want of the defendant in any action having duly appeared thereto, Be it therefore enacted by the authority aforesaid, That in all civil suits where the defendant shall not be holden to bail, the ordinary course of proceeding shall be by serving, or causing the defendant or defendants personally to be served with a copy of the process and declaration by some literate person, and if such defendant or defendants shall not appear at the return of the process, or within eight days after such return, in such case it shall and may be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed of the personal service of such process and declaration, which affidavit shall be filed gratis, to enter a common appearance for the defendant or defendants, and to proceed thereon as if such defendant or defendants had entered his, her, or their appearance.

In suits where defendant is not holden to bail, the ordinary course what.

VI. And be it further enacted by the authority aforesaid, That wherever the defendant in any action shall, in term time, plead any dilatory plea, in case such plea shall be of a matter of 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.

Defendant, in term pleading dilatory plea plaintiff may set down such plea for argument.

If filed in vacation, &c. or term, &c.

VII. And be it further enacted by the authority aforesaid, That from and after the day aforesaid, 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 in cases of judgment by default. Damages when and how ascertained.

VIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, every juror shall be allowed the sum of fifteen pence, instead of the sum of one shilling which is now allowed in each cause in which he shall be sworn as such juror, to be paid to him in like manner as the said sum of one shilling is now paid.

Juror's Fees.

**CHAPTER V.**

*An Act for the further regulation of the Militia of this Province.*

**F**OR the further regulation of the Militia of this Province ; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That every Militia man who shall refuse to obey the lawful orders of his superior officer or officers, when employed on Militia duty, or who shall quarrel with, or insult by abusive words or otherwise, any officer or non-commissioned officer, being in the execution of his duty, shall, for every such offence, forfeit and pay a sum of money not exceeding two pounds nor less than five shillings current money of this Province, at the discretion of the justice or justices imposing such fine, and according to the nature of the offence.

Penalties

Penalty for refusing obedience to, or abusing superior officers.

II. And be it further enacted by the authority aforesaid, That every person who now is enrolled in any regiment, battalion, or independent company of Militia, shall, within six months after the passing of this Act, and every person who shall hereafter be enrolled of any regiment, battalion, or independent company of Militia, shall, within six months after such enrollment, provide himself with a good and sufficient musket, fusil, rifle, or gun with at least six rounds of powder and ball, and shall come provided with the same at each and every time when he shall be called out either for the purpose of review, exercise, or actual service ; and in case any person so enrolled shall refuse or neglect so to provide himself, or to come so provided as aforesaid, he shall for each offence be liable to a penalty of twenty shillings, to be levied in manner hereinafter mentioned. Provided always, That when and so often as any Militia man shall make it appear to his captain, or officer commanding the company that it has not been possible for him to procure such musket, fusil, rifle, or gun, it shall and may be lawful for such captain, or officer commanding such

Every person enrolled when and how to equip.

Penalty for neglect.

Excusals



such company, to admit of such excuse, and to certify the same in writing accordingly, in which case such Militia man shall not be liable to pay the said fine of twenty shillings.

Penalty for withdrawing from review, &c.

III. *And be it further enacted by the authority aforesaid,* That no person enrolled in the Militia shall absent or withdraw himself from any place of review or exercise without having first obtained leave of his commanding officer so to do, under the penalty of forty shillings, if a commissioned officer, and ten shillings if a non-commissioned officer or private.

Penalty for serjeant's refusal or neglect to warn.

IV. *And be it further enacted by the authority aforesaid,* That if any serjeant of the Militia when thereunto required by his superior and proper officer, shall neglect or refuse to warn the Militia men of the company to which he belongs, to appear when required by his captain or next commanding officer, he shall, for every such neglect or refusal, forfeit and pay the sum of forty shillings.

Serjeants exempt from serving as constables.

V. *And be it further enacted by the authority aforesaid,* That every serjeant of the Militia duly appointed, shall be exempted from serving as constable for and during such time as he shall hold such appointment of serjeant.

General meeting, when.

VI. *And be it further enacted by the authority aforesaid,* That on the fourth day of June, in each and every year respectively, or in case it shall happen on a Sunday, then on the next day, and oftener if thereunto required, there shall be a general meeting and review of the several battalions of Militia in each and every district of this Province, at which time the captain, or officer commanding each company, shall give to his colonel, or in his absence, to the next senior officer, fair written rolls of their respective companies, which colonels or other commanding officers shall transmit the same to the lieutenant or deputy lieutenant, or in his or their absence, to the Lieutenant Governor or person administering the Government, under the penalty of five pounds for each captain, or other officer as aforesaid, who shall neglect or refuse so to do.

Captains, &c. to make returns.

Penalty for neglect,

VII. *And be it further enacted by the authority aforesaid,* That no Provincial allowance shall be made to the adjutant general of the militia, any law to the contrary notwithstanding.

No allowance to the adjutant general.

Persons disabled how provided for.

VIII. *And be it further enacted by the authority aforesaid,* That if any person be wounded, and shall be disabled upon any invasion, insurrection, or rebellion, he shall be taken care of, and provided for by the public, during the time of such disability.

24th clause of former Act repealed.

IX. *And be it further enacted by the authority aforesaid,* That the twenty-fourth clause of an Act of the Legislature of this Province, intituled, "An Act for the better regulation of the militia in this Province," be, and the same is hereby repealed.

Fines, &c. how to be recovered and applied.

X. *And be it further enacted by the authority aforesaid,* That the fines, forfeitures and penalties by the said Act imposed, or by this Act imposed, shall be sued for and recovered by, and upon the oath of any one credible witness before any two of his Majesty's justices of the peace, and within two months after such conviction and recovery shall be transmitted by the justices before whom such information shall be laid, to the lieutenant, or in case there be no lieutenant, or that he be absent, to the deputy lieutenant of the county where the offence has been committed: and the said lieutenants and deputy lieutenants, respectively, shall, and they are hereby required out of the several sums of money which they shall or may receive for fines, forfeitures, or penalties, or otherwise, by virtue of this Act, or of any other Act of the Legislature of this Province which relates to the Militia, to provide for the regiments in their respective counties or ridings, drums, fifes, colours, banners, regimental books, and for the discharge of other incidental expences; and in case any overplus of such monies shall remain in the hands of any such lieutenant, or deputy lieutenant, after providing such articles as aforesaid, such surplus shall be disposed of in premiums to the persons who shall make the best shot at a target or mark, upon days of training, and in such proportions as at a meeting of the lieutenant, or deputy lieutenant, shall be directed; and each lieutenant, or deputy lieutenant, shall render a certified account thereof in detail, to be transmitted to the Lieutenant Governor, or person administering the Government, as soon after the thirty-first day of December, annually, as practicable.

Militia may be marched to the assistance of Lower Canada.

XI. *And be it further enacted by the authority aforesaid,* That upon pressing and urgent occasions, in the time of war or insurrection, it shall and may be lawful for the Lieutenant Governor, or person administering the Government, to march such part of the Militia of this Province as he shall think proper, to the assistance of the Province of Lower Canada.

#### CHAPTER VI.

Preamble.

*An ACT to extend the Jurisdiction, and regulate the Proceedings of the District Court and Court of Requests.*

Jurisdiction of the court for trial of small causes extended from 15l. to 40l. in actions of debt where the amount is ascertained, &c.

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the jurisdiction of the several courts constituted and appointed under and by virtue of a certain Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a court for the cognizance of small causes in each and every district of this Province," shall be extended from the sum of fifteen, to the sum of forty pounds lawful money of this Province, in such actions of contract only as relate to mere matters of debt, and are brought for the sole purpose of recovering some sum, or sums of money, the amount of which is already liquidated, or ascertained, either by the nature of the transaction itself, or by the act of the parties, and not for any other purpose or intent whatever.

II. *And*

CHAPTER XI.

An Act to increase the Revenue, and to compel the Accounting more regularly for the same to the Treasurer of the Province.

MOST GRACIOUS SOVEREIGN,

WHEREAS the provisions contained in a certain Act of the Parliament of this Province, passed in the thirty-third year of your Majesty's reign, intituled, "An Act to establish a further fund for the payment of the salaries of the officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof; in so far as the same did extend to persons retailing spirituous liquors, or wines, in less quantities than three gallons, but not keeping a house of public entertainment, are expired: We your Majesty's most dutiful and loyal subjects, the representatives of the people of the Province 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the fifth day of August in this present year, and from and after the fifth day of April in every year ensuing, every shop keeper, or other person whatsoever, who shall sell or vend any wine, brandy, rum, or other spirituous liquor, in less quantity at any one time than three gallons, shall be possessed of a licence for that purpose, whether he or she does keep a house of public entertainment, or does not; which licence it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government, by or through the secretary of the Province, or other person or persons whom he shall authorize to issue the same, to grant upon payment of the like rates, duties and fees as by law are now paid by any person licenced to keep a house of public entertainment, for his or her licence so to do; such rates and duties to be collected, paid and applied in like manner and form, and to the same uses as by the herein before recited Act of the Parliament of this Province is directed; and if any person shall at any time after the time or times respectively herein specified and limited, sell or vend any wine, rum, brandy or other spirituous liquor, in less quantity than three gallons, not being possessed as aforesaid, of a licence for that purpose, and shall be thereof convicted in manner and form set forth by a certain Act of the Parliament of this Province, intituled, "An Act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without licence," he or she shall forfeit and pay the sum of twenty pounds; a moiety whereof shall be paid to the informer, and the other 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, 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.

II. And whereas unnecessary delay in accounting to the Provincial Treasurer, for the revenue may be detrimental to the same, Be it therefore enacted by the authority aforesaid, That the secretary of the Province, shall use efficient means of compelling all persons employed by or under him, as his agents or deputies, in receiving and collecting the duties imposed by virtue of this Act, or by virtue of any other act or acts of the parliament of this Province, to transmit to him, from time to time, without delay, all such moneys as they shall so receive and collect; and that the said secretary of the Province, shall pay into the hands of the said Provincial Treasurer, all moneys which he shall from time to time so receive, or otherwise collect as duties imposed by this act, or by any other act or acts of the Parliament of this Province, within one calendar month after he shall have received or collected the same, any act, law, or usage to the contrary notwithstanding.

CHAPTER XII.

An ACT to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes therein mentioned.

WHEREAS from the local situation of this Province it appears to be altogether impracticable to carry into effect that part of the Provincial agreement entered into at Montreal, the twenty-eighth day of January last, between the commissioners in behalf of this Province, and the commissioners of the Province of Lower Canada, which relates to the imposing of duties on articles coming into this Province from the United States of America, and to the taking of measures for enforcing the collection of such duties; and from this circumstance the agreement so entered into as aforesaid may become void and of no effect; and whereas it is expedient that arrangements should take place between this Province and the Province of Lower Canada, respecting the imposing of duties, and allowing of drawbacks on goods passing from one Province into the other, and of and concerning any regulations, provisions, matters and things which might regard the commerce, manufactures or produce of the said 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall

Address.

After, &c. and annually, no person to sell less than three gallons without licence.

Governor to grant licence.

Rates and duties how collected, &c.

Penalty for selling without licence.

Penalty how to be applied.

Secretary to compel agents to account without delay.

Secretary to account to the treasurer within one month.

Preamble.

Governor to appoint three commissioners.

shall and may be lawful for the Governor, Lieutenant Governor, or person administering his Majesty's government in this Province, from time to time by letters patent, under the great seal of the Province, to commission, authorize, and empower, three able and discreet persons, two of whom shall be a quorum, to treat, consult, and agree with the persons to be duly authorized for that purpose by a power to be granted by an Act of the Legislature of his Majesty's Province of Lower Canada, of and concerning the establishing such regulations as may regard the collection of duties, or payment of drawbacks, to be imposed or allowed on goods passing from one Province into the other, by the Legislature of each Province respectively; and of and concerning any proportions to be received and paid of any equal duties already imposed, or hereafter to be imposed, by the said Legislatures respectively, on any article or commodity passing from one Province into the other; and of and concerning any regulations, provisions, matters, and things which may regard the commerce, manufactures, or produce of the said Province.

Their agreement invalid until confirmed by the Legislature.

II. *Provided always, and be it Enacted and Declared,* That no regulation, provision, matter or thing so proposed, treated, consulted, or agreed shall have any other force or effect, or be carried any further into execution, until the same shall have been confirmed by the Legislature of this Province.

CHAPTER XIII.

*An ACT for the better regulating the Practice of the Law.*

Preamble.

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making further provision for the government of the Province of Quebec, in North America, and to make and after the passing of this Act, it shall and may be lawful for the persons now admitted to practise in the law, and practising at the bar of any of his Majesty's courts of this Province, to form themselves into a society, to be called the Law Society of Upper Canada, as well for the establishing of order amongst themselves as for the purpose of securing to the Province and the profession a learned and honorable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the said Province.

Present practitioners incorporated into a law society.

The society to form rules.

II. *And be it further enacted by the authority aforesaid,* That the said society shall, and is hereby authorized to form a body of rules and regulations for its own government, under the inspection of the judges of the Province for the time being, as visitors of the said society, and to appoint the six senior members, or more, of the present practitioners, and the six fee or members or more, for the time being, in all times to come (whereof his Majesty's Attorney General, and Solicitor General, for the time being, shall be, and be considered to be two) as governors or benchers of the said society, and also to appoint a librarian and a treasurer.

Place and time for the first meeting for adopting rules.

III. *And be it further enacted,* That it shall and may be lawful for the said practitioners, or as many as can be called together (whereof his Majesty's Attorney General, and Solicitor General shall be two) to assemble at the town of Newark, in the county of Lincoln on the seventeenth day of July next ensuing the passing of this Act, for the purpose of framing and adopting such Rules and Regulations as may be necessary for the immediate establishment of the said society, and its future welfare; and such Rules and Regulations as shall then and there be adopted, shall be openly read and entered in a book to be for that purpose provided, and having received the approbation of the said judges as visitors as aforesaid, shall be, and be considered to be the constitution of the said society, and binding upon all its members. *Provided* always, That it shall and may be lawful in time to come, to add such other Rules and Regulations, with the approbation of the judges as aforesaid, as may then and there be necessary.

Present practitioners may take one pupil.

IV. *And be it further Enacted,* That it shall and may be lawful to, and for every person now practising at the bar of any of his Majesty's courts, to take one pupil or clerk, for the purpose of instructing him in the knowledge of the laws, any law or ordinance to the contrary notwithstanding.

None but members of the society to practise, except, &c.

V. *And be it further enacted,* That no person other than the present practitioners, and those hereafter mentioned, shall be permitted to practise at the bar of any of his Majesty's courts in this Province, unless such person shall have been previously entered of, and admitted into the said society as a student of the laws, and shall have been standing in the books of the said society, for and during the space of five years, and shall have conformed himself to the rules and regulations of the said society, and shall have been duly called, and admitted to the practice of the law as a barrister, according to the constitutions and establishment thereof. *Provided* always, That it shall and may be lawful for any person having 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, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the judges of the King's Bench, to be admitted to practise in this Province, so as such person shall within one month from such admission, enter himself of the said society, and conform to all the rules and regulations thereof. *Provided* also, That nothing herein before contained shall affect, or be construed to affect any person who shall, or may have been articulated as a clerk before the passing of this Act, with any person practising at the bar in any of the courts of this Province, authorized to take a clerk or clerks, and duly acting as a clerk accordingly; but the time which such person shall have spent as such clerk, shall be considered and taken to be, pro tanto, as a standing in the books of the said society, and as a reasonable and lawful deduction of so much of the said term of five years, so that such person shall likewise conform to the rules and regulations of the said society, in all matters and things thereunto appertaining.

Provision in favor of clerks articulated before the passing of this Act.

II. And be it further enacted by the authority aforesaid, That the said court shall have cognizance of all questions of property in personal chattels, where the value of the thing claimed does not exceed the sum of fifteen pounds; and shall also award damages to the like amount, in all matters of trespass, where the title to land does not come in question, and where future rights will not be bound by the decision of the said court.

May have cognizance of questions of property in personal chattels, and award in matters of trespass to the amount of 15l. except, &c.

III. Provided nevertheless, That nothing herein contained shall be taken, or construed to extend the jurisdiction of the said court to actions in the nature of actions of assault and battery, or false imprisonment, or in any wise to affect the jurisdiction of the Court of King's Bench.

The jurisdiction not to extend to certain actions, nor to affect the jurisdiction of K. B.

IV. 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 court either as attorney, sheriff, clerk, crier, or judge, than is set down for him in the said Act; or any fee for any other business done by him in the said court, other than the business which is prescribed and directed by the said Act, nor shall any such fee be allowed in any bill of costs.

Fees.

V. And be it further enacted by the authority aforesaid, That where judgment shall be by default, no writ of enquiry shall issue to the sheriff; but the amount of the debt shall be ascertained at the same time, and in the same manner as the same would or might have been ascertained in case the defendant had appeared to the declaration, or summons, which are hereby declared to be one and the same, and not several or distinct proceedings in the said court.

No writ of enquiry to issue on judgment by default; amount how to be ascertained.

VI. And be it further enacted by the authority aforesaid, That the sum of two shillings and six pence shall be allowed for the service of the said declaration, or summons: but that no mileage whatever be allowed for the same, either in the said district court, or in the court of requests; and that an affidavit of the service of such process may be made before any of his Majesty's Justices of the peace other than the plaintiff himself, in case he shall be one of such Justices.

Fees for service.

Affidavit of service before whom to be made.

VII. And be it further enacted by the authority aforesaid, That the justices of assize and nisi prius, in their circuits in each and every district of this Province, shall be, and they are hereby authorized and empowered to act as visitors of the said district courts, and also of the several courts of request within the said districts, in like manner as is now done by his Majesty's court of King's bench.

Justices of assize and nisi prius in their circuit may act as visitors.

CHAPTER VII.

An ACT for the more easy Barring of Dower.

FOR the more easy barring of Dower; 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 to and for any person entitled to Dower, by any deed executed either alone or jointly with other persons, to release all her right and title to Dower in the lands, tenements or hereditaments therein mentioned and described; and such release shall be as valid and effectual to bar the person executing the same, of Dower in such lands, tenements, and hereditaments, and every part thereof, as if a fine had been levied thereof, any law or usage to the contrary notwithstanding.

Preamble.

Persons entitled to dower, by deed, jointly or alone, may release their right, and such release to be an effectual bar,

II. Provided nevertheless, That no such release so executed as aforesaid, shall have any force or effect to bar the person so entitled to dower, and executing the same, unless such person shall come before his Majesty's Chief Justice of this Province, or one of the Justices of the Court of King's Bench, or shall appear at some General Quarter Sessions of the Peace for the district, county, or place in which the shall reside, and shall have been examined by such Chief Justice, or Justice, or by the chairman or presiding magistrate of such Quarter Sessions, when not less than three magistrates besides himself shall be present, touching her consent to be barred of dower in the premises in the said deed or writing mentioned; and in case she shall give her consent thereto, and it shall appear to the said Chief Justice, or Justice, or to the said Court, that such consent is free and voluntary, and not the effect of any coercion on the part of her husband, or any other person, it shall and may be lawful to and for the said Chief Justice, or Justice, or to the said Chairman, or other presiding Magistrate, and they are, and each of them respectively, is hereby required to certify the same by indorsement on the said deed, which certificate, in the case of the said court or quarter sessions, may be in the following form:

provided such persons come before, &c. and consent thereto, which shall be certified.

At a General Quarter Sessions for the District of \_\_\_\_\_ held at \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ personally appeared the within named A. B. and being openly examined in the presence of L. M. C. D. E. F. and G. H. (at least four) Esquires, his Majesty's Justices of the Peace in and for the said District, touching her consent thereto, and did appear to this court to give the same freely and voluntarily, without any coercion on the part of her husband, or any other person. S. M. Chairman.

Form of certificate.

And the clerk of the peace shall be entitled to receive the sum of five shillings, and no more, for the said certificate.

Clerk's fees.

III. Provided nevertheless, That nothing in this Act contained shall be taken to bar any person of dower, unless the said certificate shall within six months after the making of the same, be duly registered according to the provision of an Act passed in the thirty-first year of his Majesty's reign, intitled, "An Act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may affect any lands, tenements, or hereditaments within this Province."

Certificate to be registered.

## CHAPTER VIII.

*An Act to supply the want of Enrollment of Deeds of Bargain and Sale.*

Preamble.

**W**HEREAS in certain cases, lands have been intended to have been conveyed by deed of bargain and sale; and whereas such deeds of bargain and sale not having been enrolled in a court of record, are not valid in law; in order therefore to prevent the injury that might hence arise to his Majesty's subjects in this Province, and for the better regulating the conveyance of land in future; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That wherever any lands have been sold, or shall hereafter be sold under deed of bargain and sale, and such deed of bargain and sale hath been, or shall hereafter be duly enregistered in the register office of the county in which such lands are situate, agreeably to the provisions of an Act passed in the thirty-fifth year of his Majesty's reign, intituled, "An Act for the public registering of deeds, conveyances, wills and other incumbrances which shall be made, or may affect any lands, tenements, or hereditaments within this Province," the same shall be, and is hereby declared to be a good and valid conveyance in law.

Deeds of sale to lands sold, or to be sold, that have been, or hereafter shall be enregistered agreeably to the Act of 35th of Geo. 3d. declared valid.

## CHAPTER IX.

*An Act to enlarge the time between the issuing and the opening of Commissions of Assize and Nisi Prius, in and for the Home District, and for altering the time of holding the Sittings for the said District.*

**W**HEREAS by the nineteenth clause of a certain Act passed in the thirty fourth year of his Majesty's reign, intituled, "An Act to establish a superior court of civil and criminal jurisdiction, and to regulate the court of appeal," all suits and actions that arise, and are triable within the Home District, are directed to be tried within term time, or within ten days next after the end of every Easter and Trinity term, respectively; and whereas it is expedient to enlarge the times of issuing and opening the respective commissions for the hearing and trying of such suits and actions, and to alter the time of holding the sittings for the said district, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That all commissions of assize and nisi prius shall be issued after the terms of Hilary and Trinity, respectively, and shall be tested on the last day of each of those terms, and the Chief Justice, or any other Judge of the said Court in his absence, 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, as by law he is authorized to do, so that the same may be in no instance holden sooner than eight days from the end of Hilary and Trinity terms, respectively.

## CHAPTER X.

*An Act for the Regulation of Ferries.*

Preamble.

**W**HEREAS it is necessary for the convenience of his Majesty's subjects, that Ferries should be put under proper regulations 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for his Majesty's Justices of the Peace, in and for the several districts of this Province, in their General Quarter Sessions assembled, and they are hereby authorized and empowered from time to time, to make and ordain such rules and regulations as to them, or to the greater part of them, may appear necessary and proper to be observed and followed at such Ferry or Ferries, by the person or persons attending the same, or having the charge thereof; and also to establish and assess such rates and fees as the person or persons attending such Ferry or Ferries shall and may demand and receive for the passage of persons, cattle, carriages, or wares thereat; a list or table of which rules and regulations, rates and fees shall be set up in some conspicuous place at every such Ferry or Ferries for public inspection; and any person attending, or having charge of a Ferry, who shall be convicted before any one Justice of the Peace, of demanding or receiving any higher or greater rate or fee than such as shall be so established, assessed and allowed, or of any breach of any such rules and regulations so made and ordained as aforesaid, shall for every such offence forfeit and pay the sum of twenty shillings, to be recovered before any one Justice of the Peace, and levied by distress and sale of the offender's goods and chattels; one half of which penalty shall be paid to the informer or informers, and the other half to the treasurer of the district wherein the same may arise, to be applied to the public use of the district.

Quarter Sessions to ordain rules and regulations,

and to assess the rates

Table of regulations and fees to be posted up at the ferry.

Penalty for a ferryman convicted of a breach.

Penalty how to be recovered and disposed of.

CHAPTER

VI. And be it further enacted by the authority aforesaid, That nothing in this Act contained, shall prevent any person, who hath been regularly articled with any person in this Province, duly authorized to take a clerk, and shall have been standing in the books of the society aforesaid, for and during the space of three years, from acting merely as an attorney or solicitor in any of his Majesty's courts of law or equity in this Province.

Further provision.

VII. Provided nevertheless, and be it further enacted, That no person shall be admitted to practise in this Province, who shall not at the time of such admission have attained the full age of twenty one years.

No person but of full age admitted to practise.

VIII. And be it further enacted by the authority aforesaid, That a certain ordinance of the Province of Quebec, passed in the twenty-fifth year of his Majesty's reign, intituled, "An Ordinance concerning advocates, attornies, solicitors, and notaries, and for the more easy collection of his Majesty's revenues," as far as it may relate to barristers, advocates, attornies or solicitors, be, and the same is hereby repealed.

Ordinance of Quebec repealed.

CHAPTER XIV.

An ACT to obviate the Objections that might arise from a Clerical Error in some of his Majesty's Letters Patent of Grant lately issued.

WHEREAS it appears that a clerical error hath crept into a few of the deeds given by our Sovereign Lord the King to some of his subjects, by the insertion of the word "clergyman" instead of the word "clergy" in that part of the letters patent that reserves a proportion of one seventh of the crown lands, for the lands in each of the deeds granted, which error might lead to consequences that it is necessary to obviate; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That wherever the word "clergyman" shall or may occur in any one of his Majesty's letters patent, the same shall be read, taken and understood to be, mean and signify "clergy" and shall have to all intents and purposes the same force and effect, tendency and operation towards establishing, securing and confirming the rights of the protestant clergy of this Province, in such a quantity of the lands of the crown as shall and may amount to, and be in the proportion of one to seven of the lands in any such deed granted, according to the form and effect of an Act passed in the Parliament of Great Britain, in the thirty-first year of his Majesty's reign, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and that every such deed shall be to all intents and purposes as valid and effectual in securing to the subject the lands thereby granted, and to his Majesty all the rights, conditions, reservations, limitations and restrictions, and to the said clergy the rights aforesaid, as if no such clerical error had crept into it, but as if such deed had been perfected in the word "clergy," where the rights of the church are intended to be secured, instead of the word "clergyman" wherever it occurs; any Act, Ordinance or Law to the contrary in any wise notwithstanding.

Preamble.

The word clergy shall be intended to be meant by the word clergyman in certain deeds of grant.

Such deeds to be valid in securing the rights of the crown, of the clergy, and of the subject respectively.

CHAPTER XV.

An Act to authorize the apprehending of Felons, and others, escaping from any of his Majesty's provinces and governments in North America, into this province.

WHEREAS it may happen that felons, and other malefactors, having committed crimes in some of his Majesty's provinces and governments in North America, may escape into this Province, and their offences thereby remain unpunished for want of provision by law for apprehending such offenders in this Province, and transmitting them into the Province in which their offences were committed; for remedy thereof, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, if any person or persons against whom a warrant shall be issued by the Chief Justice of the King's Bench, or any other Magistrate having competent authority in any of his Majesty's Provinces or Governments in North America, respectively, for any felony or other crime of a high nature, shall escape, come into, reside, or be in any part of this Province, it shall and may be lawful for any Justice of the Peace of the District, County, City or Place where such person or persons shall escape, come into, reside or be, to indorse his name on the said warrant (due proof being first made of the hand writing of the magistrate issuing the same) which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all constables of the district, county, city, or place where such warrant shall be so indorsed, to execute the same, by apprehending the person or persons against whom such warrant is granted, and to convey him, her or them into the Province from which such warrant originally was issued, to be dealt with according to law.

Preamble.

Warrants issuing within his Majesty's other governments in North America against felons escaping therefrom may be executed within this Province, being duly indorsed.

11. Provided nevertheless, and be it further enacted by the authority aforesaid, That before any such warrant shall be so indorsed as aforesaid, the person applying for such indorsement shall enter into a recognizance

Security being previously given to...

Indemnify the Province against any expence, and to bring the offender to apprehended to trial.

nizance with sufficient sureties for a sum not less than fifty pounds lawful money of this Province, to indemnify this Province, and every part thereof, against any expence that may arise or accrue from the apprehension of such offender, and also to bring, or cause the said offender to be brought to trial; and the magistrate to whom such application shall be made is hereby authorized to take such recognizance.

CHAPTER XVI.

*An Act for making temporary provision for the Regulation of Trade between this Province and the United States of America by land or by inland Navigation.*

Preamble.

WHEREAS it may be necessary for the complete operation of the Treaty of Amity, Commerce and Navigation, concluded between his Majesty and the United States of America, and signed at London, in the year of our Lord one thousand seven hundred and ninety-four, to repeal such Acts or Ordinances as might be construed to impede the free intercourse between his Majesty's subjects and the citizens of the United States, stipulated by the said Treaty; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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, by and with the advice and consent of his Majesty's Executive Council, by order, or orders, to be from time to time issued and published to suspend the operation of the whole, or any part or parts of any Act or Acts, or Ordinance or Ordinances, that may impede, or may be construed to impede the free intercourse stipulated by the said Treaty between his Majesty's subjects and the citizens of the United States.

Power of suspending any act or ordinance, or parts thereof repugnant to the free intercourse with the United States of America established by the treaty of 1794

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

CHAPTER XVII.

*An Act for the better Division of the County of Prince Edward into Townships.*

Preamble.

WHEREAS the inhabitants of the Townships of Marysburg and Sophiasburg in the County of Prince Edward, experience many difficulties from the uncommon length of the said Townships, Be it enacted by the King's most excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That a Township shall be struck off from the southernmost parts of the Townships of Marysburg and Sophiasburg, in form following:—To commence in Marysburg in the limit between the lots numbers eleven and twelve, south side of the Bay of Quinty, to the eastward of a small bay which leads to the Carrying Place, to the East Lake; then along the said limit, south ten degrees west, the depth of three concessions, more or less, until it intersects the limit between lots numbers twelve and thirteen in the second concession, north of Black River; and then along the limit between the said lots numbers twelve and thirteen, south thirty-two degrees east, to the rear of the first concession from Black River; then south fifty-eight degrees west along the line between the first and second concessions, passing lot number thirty-two to a small creek which empties itself into the East Lake; then south thirty-two degrees east to Lake Ontario; then westerly along the shore of the said lake to the mouth of the West Lake; thence by the nearest line to the limit between lot number one in Ameliasburg, and lot number one in Sophiasburg; then north twenty degrees west, the depth of two concessions; then north seventy degrees east to the north east angle of lot number sixteen in the second concession, nearly; then north fifty-eight and one half degrees east to the north east angle of a lot, numbered thirty nine, in the third concession; then south thirty-one and one half degrees east to the rear of the second concession; then a small distance by the most direct line to the northernmost angle of lot number ten in the second concession; then along the limit between the lots numbers ten and eleven south sixty one degrees east to the small bay first mentioned, then following the shores of the said bay and the Bay of Quinty, according to its different windings and courses, to the place of beginning, which Township shall be under the same regulations and entitled to the same privileges as any other Township in this Province.

The southernmost parts of Marysburg and Sophiasburg to be formed into a distinct township.

Boundary lines thereof.

Regulations and privileges

By whom the name of such township shall be declared.

Such alteration in no wise to affect any existing commission, legal proceeding, or grant of land.

II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant Governor, or person administering the government of this Province, on or before the first day of August next, by a proclamation, to declare the name of such Township.*

III. *Provided always, and it is hereby further enacted, That such alteration of the said Townships shall not impeach, or be construed to impeach the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said Townships, or any of them, or to make void or otherwise affect any grant of land, or other legal proceeding within the limits of the said Townships, any law or usage to the contrary notwithstanding.*

THE STATUTES OF HIS MAJESTY'S PROVINCE OF UPPER-CANADA.

PASSED IN THE THIRD SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK, ON TUESDAY THE FIFTH DAY OF JUNE, IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE FIFTH DAY OF JULY FOLLOWING.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

CHAPTER I.

An Act to ascertain and establish on a permanent footing, the Boundary Lines of the different Townships of this Province.

WHEREAS it is expedient and necessary, to ascertain and establish upon some permanent principle, the boundary lines of the different Townships within this Province, and distinctly to preserve them when so ascertained and established, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points, or off-sets of every township that hath been surveyed, or may hereafter be surveyed; and also, at each end of the several concession lines of such townships. And that lines from the monuments so erected, or to be erected, be taken and considered as the permanent boundary lines of such townships and concessions respectively.

II. And be it further enacted by the authority aforesaid, That the monuments above directed to be placed as aforementioned, shall be placed under the inspection and order of the Surveyor General of this Province.

III. And be it further enacted by the authority aforesaid, That the courses and distances of the said boundary lines so ascertained and established, shall on all occasions be, and be taken to be, the true courses and distances of the boundary lines of the said townships and concessions, whether the same do, or do not, on actual measurement, coincide with the courses and distances in any letters patent of grant, or other instrument in respect of such boundary lines mentioned and expressed.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly and wilfully pull down, deface, alter, or remove any such monument so erected as aforesaid, he, she, or they, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

V. And be it further enacted by the authority aforesaid, That it shall not be necessary for the Surveyor General to proceed to carry the provisions of this Act into execution, until an application for that purpose shall have been made to the Governor, Lieutenant Governor, or Person administering the government, by the Magistrates of any District or County, not being part of a district, in Quarter Sessions assembled, signifying that the erecting of such monuments, and ascertaining such boundaries as aforesaid, is necessary and expedient, for some particular township or townships, within such district or county.

VI. And be it further enacted by the authority aforesaid, That when, and so often, as application shall be made to the Justices of the Peace, in, and for any district, in Quarter Sessions assembled, by thirty freeholders of any township within such district, to have monuments erected conformably to the intention of this Act, it shall and may be lawful for the said Justices, and they are hereby authorized and required to form an estimate of the sum of money which, in their judgment and discretion, shall seem requisite to defray the charges of erecting such monument, and to lay an equal assessment (proportionable thereto) upon each and every acre of land within such township; which assessment they shall cause to be raised and collected by a warrant under the hands and seals of any two or more of them, directed to the collectors of such township, and requiring them to raise and collect the said assessment, in such manner and by such means as in other such cases by law directed and required, and to pay the same when so collected, into the hands of the Treasurer of the district, to answer the charges to be incurred by erecting such monuments.

VII. And be it further enacted by the authority aforesaid, That when any person liable to pay his proportion and rate of such assessment, shall be absent from the township, and shall not have taken means to answer the same to the said collector within one year, from and after the date of the warrant for collecting the same, the land of such absentee shall be held liable and answerable for the payment of such rate, with

Recital.

Monuments to be placed at the corners, &c. of each township and concession.

Lines therefrom to be the permanent boundary lines of such township and concession.

To be under the inspection and order of the surveyor general

Effect of such boundary lines.

Capital felony knowingly or wilfully to pull down, &c. such monuments.

How the surveyor general shall proceed.

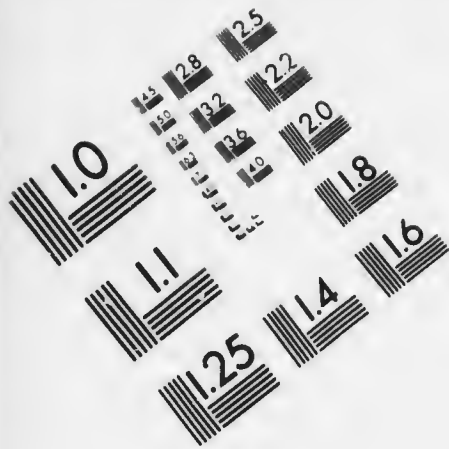
Application to be made to the justices.

Expense how defrayed.

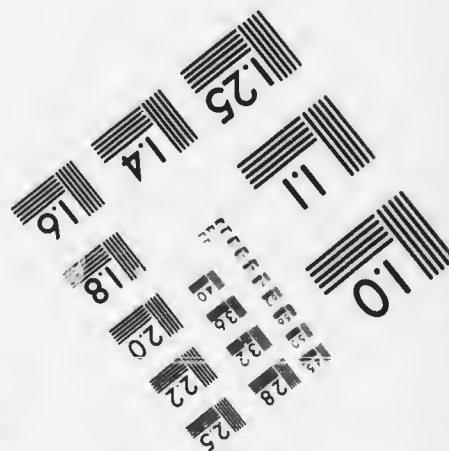
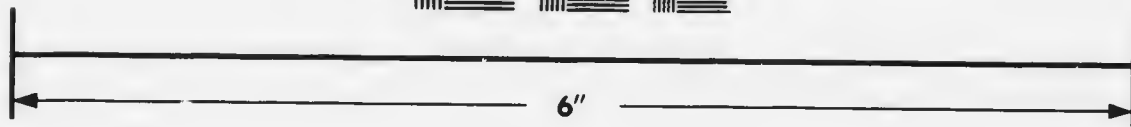
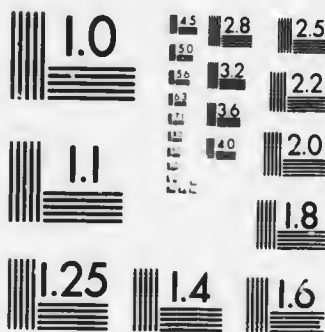
Provision with respect to persons liable, who are not resident in the township







**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

28  
25  
22



with the lawful interest arising thereon; and when the same shall amount to twenty shillings, or upwards, upon each lot of one hundred acres of land, and so in proportion, for any number of acres, more or less, it shall and may be lawful for the Treasurer of the district in which such lands shall lie and be situated, and he is hereby required to give notice of the same for six months in the Upper Canada Gazette, and if after the expiration of that time, the same shall not be paid, it shall and may be lawful for him to sell so much thereof, after publicly advertising the same, as may be necessary to satisfy the said arrears, and the necessary expences incurred by the proceedings, and to receive the monies arising from such sale, to and for the use of his ownship.

## CHAPTER II.

An ACT to repeal an Ordinance passed in the twenty-fifth year of the reign of his present Majesty, intituled, "An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy Collection of his Majesty's Revenues, as far as the same relates to Notaries.

**W**HEREAS the provisions of an Ordinance passed in the twenty-fifth year of the reign of his present Majesty, intituled, "An Ordinance concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy collection of his Majesty's Revenues," have been so far as the same relates to Notaries, found inconvenient and 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the same shall be, and hereby is, so far as it relates to Notaries, repealed.

Ordinances so far as relates to notaries repealed.

## CHAPTER III.

An ACT to repeal part of an Act passed in the thirty-seventh year of the reign of his Majesty, intituled, "An Act to extend the Jurisdiction and regulate the Proceedings of the District Court and Court of Requests," and to make further provision for the same.

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act passed in the thirty seventh year of the reign of his Majesty, intituled, "An Act to extend the jurisdiction and regulate the proceedings of the District Court, and Court of Requests," as enacts that no mileage be allowed for the service of the declaration or summons in the District Court, or Court of Requests, be repealed.

Act taking away mileage for serving process out of District Court repealed.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the clerk of the said District Court, to demand and receive the sum of two shillings and six pence, for each subpoena, and the sum of five shillings for each writ of execution.

Fees.

The four following Acts passed the Legislative Council and House of Assembly in the Thirty-eighth year of George the Third, but the Royal Assent was reserved for the signification of his Majesty's pleasure.

## CHAPTER IV.

An ACT to extend the provisions of an Act passed in the second Session of the First Provincial Parliament of Upper Canada, intituled, "An Act to confirm and make valid certain Marriages, heretofore contracted in the Country now comprized within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same."

[The Royal Assent to this Act, was promulgated by Proclamation, bearing date the twenty ninth day of December, in the year of our Lord one thousand seven hundred and ninety-eight, and thirty-ninth of his Majesty's Reign.]

**W**HEREAS it hath been found expedient to extend the provisions of a certain Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to confirm and make valid certain marriages heretofore contracted in the country now comprized within the Province of Upper Canada, and to provide for the future solemnization of marriage within the same," Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to, and for the minister or clergyman of any congregation or religious community of persons, professing to be members of the Church of Scotland, or Lutherans, or Calvinists, who shall be authorized in manner hereafter directed, to celebrate the ceremony of matrimony, according to the rights of such Church or religious community, between any two persons, neither of whom are under any legal disqualification to contract matrimony, and one of whom shall have been a member of such congregation or religious community, at least six months before the said marriage, any law or usage to the contrary notwithstanding.

Minister of Church of Scotland, &c. authorized to celebrate marriage.

II. Provided

II. *Provided nevertheless, and be it Enacted by the authority aforesaid,* That no person shall be taken, or deemed to be a minister or clergyman of any such congregation or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and forms of such congregation or religious community, and unless he shall have appeared, or come before the justices of the peace assembled in quarter sessions, in the district in which he shall reside, when not less than six magistrates besides the chairman, shall be present, and shall have then with him at least seven respectable persons, members of the congregation or religious community to which he belongs, who shall declare him to be their minister or clergyman; and unless he shall produce proofs of his ordination, constitution, or appointment to that office, and unless he shall then and there take the Oath of Allegiance to his Majesty; when, if it shall appear to the majority of the justices then present, expedient and proper, they are hereby authorized to grant him a certificate under the Seal of the Court, and signed by the Chairman and Clerk of the Peace, (for which the said Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the settled minister or clergyman of such congregation or religious community; which certificate shall be in the following form:—

BE IT REMEMBERED, that at the General Quarter Sessions of the Peace, holden at the Town of \_\_\_\_\_ in the County of \_\_\_\_\_ in and for the \_\_\_\_\_ District, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord before A. B. (and six others) Esquires, and others, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, &c. came C. D. of \_\_\_\_\_ together with E. F. of \_\_\_\_\_ (and six others, whose names and descriptions must be inserted) members of a (Congregation) or (Community) of \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ in the said District. And the said E. F. &c. being duly examined, satisfied the Court that the said C. D. is the settled (Minister) or Clergyman) (of the said Congregation) or (Community) and was regularly ordained, constituted, and appointed thereto.

J. K. Clerk of the Peace. G. H. Chairman.

Minister or Clergyman must have been ordained, and appear before six Magistrates in Quarter Sessions assembled, and take the Oath of Allegiance.

Fee to the clerk.

Form of certificate.

III. *Provided nevertheless,* That no such certificate shall be given by the said Court of Quarter Sessions as aforesaid, unless the person applying for the same shall have given notice in writing, to the Clerk of the Peace, at, or before the General Quarter Sessions immediately preceding that on which he shall apply for such certificate; which notice in writing, the said Clerk of the Peace shall read in open Court, and shall also fix up in some conspicuous part of his office, within eight days after the same shall have been so read: for which service he, the said Clerk of the Peace, shall be entitled to demand and receive the sum of five shillings and no more.

No certificate to be given unless notice shall have been given, &c.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no such minister or clergyman shall, at any time, celebrate the ceremony of Matrimony between any two persons as above described, unless he shall on three several Sundays before he shall celebrate the said ceremony, openly, and with a loud voice in the Church, Chapel, meeting house, or other place of worship of such congregation or religious community, either in some intermediate part of the service, or immediately before it begins, or immediately after it is ended, declare his intention so to do; and shall at each time of making such declaration, also declare the number of times for which he shall have made such declaration respectively; or unless such minister or clergyman, shall have been duly authorized by licence, under the hand and seal of the Governor, Lieutenant Governor, or person administering the government of the Province, to celebrate the said ceremony between the two persons therein named.

No clergyman to celebrate matrimony unless, &c.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to, and for the parties thus married, or either of them, to demand of the said minister, or clergyman, and he is hereby authorized and required to give the same a certificate of such marriage, which may be in the following form, viz.—

Parties may demand certificate.

WHEREAS A. B. of \_\_\_\_\_ and C. D. of \_\_\_\_\_ were desirous of intermarrying with each other, and have applied to me for that purpose, their intention so to do having been regularly proclaimed on three several Sundays, as is directed, or having presented a licence, (as the case may be.) Now these are to certify, that I, E. F. minister of the community of \_\_\_\_\_ at \_\_\_\_\_ have this day married the said A. B. and C. D. together, and they are become legally contracted to each other. As witness my hand at \_\_\_\_\_ this day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

Form thereof.

In presence of G. H. J. K. Which certificate shall, and may be registered by the Clerk of the Peace, in like manner as is directed in the aforesaid Act, passed in the thirty third year of his Majesty's reign, intituled, "An Act to confirm and make valid certain Marriages heretofore contracted in the country now comprized within the Province of Upper Canada, and to provide for the future solemnization of marriage within the same."

Certificate to be registered.

VI. *And be it further enacted by the authority aforesaid,* That all marriages which may have been celebrated since the passing of the said Act of the thirty third year of his Majesty's reign, by any person who shall obtain such certificate as aforesaid, between any two persons, either of whom now is, or then was, a member of any of the said congregations or communities above named, shall be deemed good and valid, any law to the contrary notwithstanding.

All marriages celebrated since the passing 33d Geo. 3d, by such person as, &c. valid.

CHAPTER V.

An ACT for the better Division of this Province.

[The Royal Assent to this Act was promulgated by Proclamation, bearing date January 1, in the year of our Lord 1800, and fortieth of his Majesty's reign.]

FOR the better division 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,

Preamble.

II. *Provided nevertheless, and be it Enacted by the authority aforesaid,* That no person shall be taken, or deemed to be a minister or clergyman of any such congregation or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and forms of such congregation or religious community, and unless he shall have appeared, or come before the justices of the peace assembled in quarter sessions, in the district in which he shall reside, when not less than six magistrates besides the chairman, shall be present, and shall have then with him at least seven respectable persons, members of the congregation or religious community to which he belongs, who shall declare him to be their minister or clergyman; and unless he shall produce proofs of his ordination, constitution, or appointment to that office, and unless he shall then and there take the Oath of Allegiance to his Majesty; when, if it shall appear to the majority of the justices then present, expedient and proper, they are hereby authorized to grant him a certificate under the Seal of the Court, and signed by the Chairman and Clerk of the Peace, (for which the said Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the settled minister or clergyman of such congregation or religious community; which certificate shall be in the following form:—

BE IT REMEMBERED, that at the General Quarter Sessions of the Peace, holden at the Town of \_\_\_\_\_ in the County of \_\_\_\_\_ in and for the District, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord before A. B. (and six others) Esquires, and others, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, &c. came C. D. of \_\_\_\_\_ together with E. F. of \_\_\_\_\_ (and six others, whose names and descriptions must be inserted) members of a (Congregation) or (Community) of \_\_\_\_\_ in the County of \_\_\_\_\_ in the said District. And the said E. F. &c. being duly examined, satisfied the Court that the said C. D. is the settled (Minister) or Clergyman (of the said Congregation) or (Community) and was regularly ordained, constituted, and appointed thereto.

J. K. Clerk of the Peace. G. H. Chairman.

III. *Provided nevertheless,* That no such certificate shall be given by the said Court of Quarter Sessions as afore-said, unless the person applying for the same shall have given notice in writing, to the Clerk of the Peace, at, or before the General Quarter Sessions immediately preceding that on which he shall apply for such certificate; which notice in writing, the said Clerk of the Peace shall read in open Court, and shall also fix up in some conspicuous part of his office, within eight days after the same shall have been so read: for which service he, the said Clerk of the Peace, shall be entitled to demand and receive the sum of five shillings and no more.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That \_\_\_\_\_

Minister or Clergyman must have been ordained, and appear before six Magistrates in Quarter Sessions assembled, and take the Oath of Allegiance.

Fee to the clerk.

Form of certificate.

No certificate to be given unless notice shall have been given, &c.

- da, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the townships of *Lancaster, Charlottenburg and Kenyon*, together with the tract of land claimed by the *St. Regis' Indians*, and such of the islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Glengary*.
- County of Glengary. I. *And be it further enacted by the authority aforesaid*, That the townships of *Cornwall, Osnaburg, Finch and Roxburg*, together with such of the lands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Stormont*.
- County of Stormont. II. *And be it further enacted by the authority aforesaid*, That the townships of *Williamsburg, Maunday Mountain, and Winchester*, with such of the islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, do together, constitute and form the county of *Dundas*.
- County of Dundas. III. *And be it further enacted by the authority aforesaid*, That the townships of *Hawkesbury, Longueil*, with the tract of land in its rear, *Alfred, and Plantagenet*, with such of the islands in the *Ottawa River* as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Prescott*.
- County of Prescott. IV. *And be it further enacted by the authority aforesaid*, That the townships of *Clarence, Cumberland, Gloucester, Osgoode, Russell, and Cambridge*, with such of the islands in the *River Ottawa* as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Russell*.
- County of Russell. V. *And be it further enacted by the authority aforesaid*, That the counties of *Glengary, Stormont, Dundas, Prescott, and Russell*, do constitute and form the *Eastern District*.
- Eastern District. VI. *And be it further enacted by the authority aforesaid*, That the townships of *Edwardsburg, Augusta, Wolford, Oxford on the Rideau, Marlborough, Montague, and Gower*, called *North and South Gower*, together with such of the islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Grenville*.
- County of Grenville. VII. *And be it further enacted by the authority aforesaid*, That the townships of *Elizabeth-Town, Yonge*, (including what was formerly called *Escot*) *Lansdown, Leeds, Crosby, Bajlard, Burgejs, Elmstey, and Kitley*, together with such of the islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, do constitute and form the county of *Leeds*.
- County of Leeds. VIII. *And be it further enacted by the authority aforesaid*, That the township of *Nepean*, with the tract of land to be hereafter laid out into townships, between *Nepean*, and a line drawn north sixteen degrees west from the north west angle of the township of *Crosby*, until it intersects the *Ottawa River*, with such of the islands in the said River as are wholly, or in greater part opposite thereto, shall constitute and form the county of *Carleton*.
- County of Carleton. IX. *And be it further enacted by the authority aforesaid*, That the counties of *Grenville, Leeds, and Carleton*, do constitute and form the district of *Johnstown*.
- District of Johnstown. X. *And be it further enacted by the authority aforesaid*, That *Howe Island*, and so much of the present county of *Ontario* as is wholly, or in greater part opposite to the township of *Pittsburg*, be part of the said township of *Pittsburg*.
- Township of Pittsburg. XI. *And be it further enacted by the authority aforesaid*, That *Wolfe Island and Gage Island*, and so much of the said county of *Ontario* as is wholly, or in greater part opposite to the township of *Kingston*, do constitute and form the township of *Wolfe Island*.
- Township of Wolfe Island. XII. *And be it further enacted by the authority aforesaid*, That the residue of the said county of *Ontario* do constitute and form the township of *Amherst Island*.
- Township of Amherst Island. XIII. *And be it further enacted by the authority aforesaid*, That the townships of *Pittsburg, Kingston, Loughborough, Portland, Hinchinbroke, Bedford, and Wolfe Island*, do constitute and form the county of *Frontenac*.
- County of Frontenac. XIV. *And be it further enacted by the authority aforesaid*, That the townships of *Ernest Town, Fredericksburg, Adolphustown, Richmond, Camden*, (distinguished by being called *Camden East*), *Amherst Island, and Sheffield*, do constitute and form the incorporated counties of *Lenox and Addington*.
- Incorporated Counties of Lenox and Addington. XV. *And be it further enacted by the authority aforesaid*, That the townships of *Sydney, Thurlow*, the tract of land occupied by the *Mohawks, Hungertord, Huntington, and Rawdon*, do constitute and form the county of *Hastings*.
- County of Hastings. XVI. *And be it further enacted by the authority aforesaid*, That the townships of *Ameliaburg, Hallowell, Sophiasburg, and Marysburg*, with such of the islands in the *Bay of Quinte and Lake Ontario*, as are wholly, or in greater part opposite thereto, and such as were not formerly included in the county of *Ontario*, do constitute and form the county of *Prince Edward*.
- County of Prince Edward. XVII. *And be it further enacted by the authority aforesaid*, That the counties of *Frontenac, the incorporated counties of Lenox and Addington, Hastings, and Prince Edward*, with all that tract of country which lies between the district of *Johnstown* and a line drawn north, sixteen degrees west from the north-west angle of the township of *Rawdon*, till it intersects the northern limits of the Province, together with all the islands in the *Ottawa River*, wholly, or in greater part opposite thereto, do constitute and form the *Midland District*.
- Midland District. XVIII. *And be it further enacted by the authority aforesaid*, That the townships of *Murray, Cramahe, Hamdiland, Hamilton, Elswick, Percy, and Seymour*, with the peninsula of *Newcastle*, do constitute and form the county of *Northumberland*.
- County of Northumberland. XIX.

XX. And be it further enacted by the authority aforesaid, That the townships of Hope, Clarke, and Darlington, with all the tract of land hereafter to be laid out into townships, which lies to the southward of the small lakes above the Rice Lake, and the communication between them and between the eastern boundary of the township of Hope, and the western boundary of the township of Darlington, produced north sixteen degrees west, until they intersect either of the said lakes, or the communication between them, shall constitute and form the county of Durham.

County of Durham.

XXI. And be it further enacted by the authority aforesaid, That the townships of Whitby, Pickering, Scarborough, York, including its peninsula, Etobicoke, Markham, Vaughan, King, Whitechurch, Uxbridge, Gwillimbury, and the tract of land hereafter to be laid out into townships, lying between the county of Durham and the Lake Simcoe, do constitute and form the East Riding of the county of York.

East Riding of the County of York.

XXII. And be it further enacted by the authority aforesaid, That the townships of Beverly and Flamborough, the latter divided into Flamborough East and West, so much of the tract of land upon the Grand River in the occupation of the Six Nation Indians, as lies to the northward of Dundas street, and all the land between the said tract and the East Riding of the county of York, with the reserved lands in the rear of the townships of Blenheim and Blantord, do constitute and form the West Riding of the county of York.

West Riding of the County of York.

XXIII. And be it further enacted by the authority aforesaid, That Matchedash, Gloucester, or Penetanguishine, together with Prince William Henry's Island, and all the land lying between the Midland District and a line produced due north from a certain fixed boundary (at the distance of about fifty miles north-west from the outlet of Burlington Bay) till it intersects the northern limits of the Province, do constitute and form the county of Simcoe.

County of Simcoe.

XXIV. And be it further enacted by the authority aforesaid, That the counties of Northumberland, Durham, York, and Simcoe, do constitute and form the Home District.

Home District.

XXV. Provide always, and it is hereby further enacted, That when, and so soon as the said counties of Northumberland and Durham shall make it satisfactorily appear to the Governor, Lieutenant Governor, or person administering the Government of this Province, that there are one thousand souls within the said counties, and that six of the townships therein do hold town-meetings according to law, then the said counties, with all the land in their rear, confined between their extreme boundaries, produced north, sixteen degrees west, until they intersect the northern limits of the Province, shall, and are hereby declared to be a separate district, to be called the District of Newcastle. And the Governor, Lieutenant Governor, or person administering the Government of the Province, is hereby authorized upon such proof as aforesaid, to declare the same by Proclamation any time within one year after the same shall be so established, as to him shall seem most fit.

District of Newcastle, to be eventually declared by Proclamation.

XXVI. And be it further enacted by the authority aforesaid, That so much of the township of Glanford as is now comprehended between the southern boundary of the township of Binbrook, and the boundary of the Six Nations Indians land, be added to the said township of Binbrook, and become part thereof.

Part of the township of Glanford added to the Township of Binbrook.

XXVII. And be it further enacted by the authority aforesaid, That the townships of Clinton, Grimsby, Saltfleet, Barton, Ancaster, Glandford, Binbrook, Gamborough, and Caistor, do constitute and form the First Riding of the county of Lincoln.

First Riding of the County of Lincoln.

XXVIII. And be it further enacted by the authority aforesaid, That the townships of Newark, Grantham and Louth, do constitute and form the second Riding of the county of Lincoln. Provided always, That the town and township of Newark, now generally called West Niagara, be henceforth declared and called the town and township of Niagara respectively.

Second Riding of the County of Lincoln. The town & township of Newark therein, to be called the town and township of Niagara.

XXIX. And be it further enacted by the authority aforesaid, That the townships of Stamford, Thorold and Pelham, do constitute and form the third Riding of the county of Lincoln.

Third Riding of the County of Lincoln.

XXX. And be it further enacted by the authority aforesaid, That the townships of Bertie, Willoughby, Crowland, Humberton, and Wainfleet, do constitute and form the fourth Riding of the county of Lincoln.

Fourth Riding of the County of Lincoln.

XXXI. And be it further enacted by the authority aforesaid, That the tract of land on each side of the Grand River, now in the occupation of the Six Nation Indians, and lying to the southward and south east of Dundas-street, do constitute and form the county of Halton.

County of Halton.

XXXII. And be it further enacted by the authority aforesaid, That the said counties of Lincoln and Halton, with such of the islands of this Province lying in the river Niagara, or Lake Erie, as are wholly or in greater part adjacent thereto, together with the Beach at the Head of Lake Ontario, between the outlet of Burlington Bay and the township of Saltfleet, and together with the promontory between the said Burlington Bay and Coats Paradise, do constitute and form the District of Niagara.

District of Niagara.

XXXIII. And be it further enacted by the authority aforesaid, That the townships of Rainham, Walpole, Woodhouse, Charlotteville, Wallingham, Houghton, Mirdleton, Windham, and Townsend, together with Turkey Point, and Proinson dry of Long Point, do constitute and form the county of Norfolk.

County of Norfolk.

XXXIV. And be it further enacted by the authority aforesaid, That the triangular tract of land heretofore called Townsend Cove, be added to the township of Burford, and to become part thereof.

Addition to the Township of Burford.

XXXV. And be it further enacted by the authority aforesaid, That the townships of Burford, Norwich, Derham, Oxford upon the Thames, Brampton, and Bennetm, do constitute and form the county of Oxford.

County of Oxford.

XXXVI. And be it further enacted by the authority aforesaid, That the townships of London, Westminster, Dorchester, Yarmouth, Southwold, Dunwich, Aldborough, and Delaware, do constitute and form the county of Middlesex.

County of Middlesex.



District of London.

XXXVII. And be it further enacted by the authority aforesaid, That the Counties of Norfolk, Oxford and Middlesex with so much of this Province as lies to the Westward of the Home District, and the District of Niagara, to the Southward of Lake Huron, and between them and a line drawn due north from a fixed boundary (where the easternmost limit of the township of Oxford intersects the River Thames) till it arrives at Lake Huron, do constitute and form the District of London.

County of Kent.

XXXVIII. And be it further enacted by the authority aforesaid, That the townships of Dover, Chatham, Camden, distinguished by being called Camden West, the Moravian tract of land, called Orford, distinguished by Orford North and South, Howard, Harwich, Raleigh, Romney, Tilbury, divided into the east and west, with the township on the river Sinclair, occupied by the Shawney Indians, together with the islands in the Lakes Erie and Sinclair wholly or in greater part opposite thereto, do constitute and form the county of Kent.

County of Essex.

XXXIX. And be it further enacted by the authority aforesaid, That the townships of Rochester, Meisen, Gosfield, Maidstone, Sandwich, Colchester, Malden, and the tracts of land occupied by the Huron and other Indians upon the Strait, together with such of the islands as are in Lakes Erie, Sinclair, or the Straits, do constitute and form the county of Essex.

Western District.

XL. And be it further enacted by the authority aforesaid, That the counties of Essex and Kent, together with so much of this Province as is not included within any other District thereof, do constitute and form the Western District.

Period, &c.

XLI. And be it further enacted by the authority aforesaid, That this act nor any part thereof, shall take effect until from and after the fourteenth day of February next.

CHAPTER VI.

An ACT to amend part of an Act passed in the thirty-fourth year of the reign of his Majesty, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeals," and also to amend and repeal part of an Act passed in the thirty-seventh year of the reign of his Majesty, intituled, "An Act for regulating the Practice of the Court of King's Bench," and to make further provision respecting the same.

The Royal Assent to this Act was promulgated by Proclamation, bearing date January 1, in the year of our Lord 1800, and fourth of his Majesty's reign.

WHEREAS by an Act passed in the thirty-fourth year of the reign of his Majesty, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeals," it is enacted, That no person shall be arrested or holden to bail upon any process issuing out of the Court of King's Bench in a civil suit, unless an affidavit be first made by the plaintiff, that the defendant is justly and truly indebted to him in a sum certain, which together with the account for which it became due, shall be specified, and also that the deponent verily believes, the defendant is about to leave the Province, with an intent to defraud his creditors; and whereas many persons having contracted debts in this Province, have fraudulently left the same before their creditors can have sufficient knowledge of their intention, so as safely to make the affidavit by the said Act required; for remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 order to hold any person to bail in any civil suit in the said Court of King's Bench, it shall be sufficient that the said affidavit (which may be made by the plaintiff, his servant or agent) besides stating the cause of action in the manner in the said Act mentioned, do also state that the deponent is apprehensive that the defendant will leave the Province without paying his debts.

Affidavit for holding to bail.

Ca. ad resp. may be sued out after action brought.

Without, &c.

Condition of the recognizance.

Affidavit on taking out Ca. Sa.

II. And for the more effectual prevention of such fraudulent practices as aforesaid, be it 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 the Province without paying his debts, 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 a 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 appearance made, shall be bail to the action.

III. Provided nevertheless, and be it enacted by the authority aforesaid, That the suing out of such writ shall not be taken or construed in any manner to affect any proceedings theretofore had in the said action; but the same shall continue in like manner as if the said writ had been sued out at the commencement thereof, any law to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the condition of every recognizance of bail to the action shall be such, that the cognizors thereof shall not become liable, unless the defendant shall leave the Province without having paid the debt for which such action shall have been brought.

V. And be it further enacted by the authority aforesaid, That no writ of capias ad satisfaciendum, shall issue in any action now pending, or hereafter to be brought in the said Court, unless an affidavit be first made and filed by the plaintiff, his servant, or agent, in the manner herein before directed, with respect to holding to bail, that he is apprehensive that the defendant will leave the Province without paying his debts, or that he hath reason to believe, that the defendant hath secreted or removed his effects, or hath made some secret and fraudulent conveyance thereof, in order to prevent the same from being taken in execution.

VI. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That nothing herein contained shall be construed or taken in any manner to affect the right of the bail to take and surrender the defendant in discharge of themselves.

VII. *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, at any time before or after final judgment, and before the debt for which such action shall have been brought, is paid or satisfied, shall be apprehensive that the defendant will leave the Province without paying his debts, and that he may leave the same before he can be arrested and holden to bail, or taken in execution as aforesaid, it shall and may be lawful to and for any of his Majesty's justices of the peace, upon oath thereof made before him, by the said plaintiff, his servant, or agent, to issue his warrant, and cause the said defendant to be arrested and detained, until he can be served with the proper process of the said court. *Provided nevertheless,* That the time of such detention shall in no case exceed the space of eight days.

Provisional arrest of debtors by warrant from any justice of the peace.

VIII. *And be it further enacted by the authority aforesaid,* That so much of an Act passed in the thirty-seventh year of the reign of his present Majesty, intituled, "An Act for regulating the practice of the court of King's Bench," as enacts, that the parties may plead to issue in the office of the clerk of the crown and pleas of this Province, in and for the several districts thereof, and also that every Monday in the course of the year, except Easter Monday and Christmas Day, in case it shall happen on a Monday, shall be a return day for the return of writs issuing out of the said court of King's Bench, and also that the plaintiff shall cause the defendant to be served with the writ of summons, and that no mileage shall be allowed for the same, shall be, and the same is hereby repealed.

Recital 37 Geo. 3d, chap. 4.

Repeal thereof in respect to pleading in the District offices; the return of Writs out of term; and mileage.

IX. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That the said office of the clerk of the crown and pleas shall be an office for issuing the original process of the said court; and also for issuing writs of *capias ad satisfaciendum*.

But original process and writs of *capias* to issue still out of the District offices.

CHAPTER VII.

An ACT to alter the method of performing Statute Duty on the Highways and Roads within this Province. [The Royal Assent to this Act was promulgated by Proclamation, bearing date January 1, in the year of our Lord 1800, and fortieth of his Majesty's Reign.]

WHEREAS by an Act passed in the thirty-third year of his Majesty's reign, it is enacted, that the Highways and Roads in and through every parish, township, or reputed township, shall be cleared, repaired and maintained by the inhabitants thereof; and whereas it is expedient that the proportions of labour to be performed under the said Statute should be altered; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of March next, so much of the aforementioned Act as enacts that every person being a householder, or freeholder, shall be obliged to work on the roads for and during any space of time not exceeding twelve days, shall be, and the same is hereby repealed.

Preamble. Recital 33d Geo. 3. chap. 4.

Repeal of so much thereof as respects the extent of yearly statute labour on the highways.

Rates of yearly statute labour in future thereon.

II. *And be it further enacted by the authority aforesaid,* That from and after the day aforesaid, every inhabitant householder included, or inserted in or upon the assessment roll of any parish, township, reputed township or place, shall (in proportion to the estimate of his real and personal property thereon) be taken, rated and held liable to work on the highways and roads in each and every year, as follows: that is to say, if his property be rated at not more than one hundred pounds, then his proportion of labour on the highways shall not exceed six days; if at more than one hundred pounds and not more than two hundred pounds, eight days; if at more than two hundred and not more than three hundred pounds, ten days; if at more than three hundred pounds, twelve days.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

PASSED IN THE FOURTH SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK,  
ON WEDNESDAY THE TWELFTH DAY OF JUNE, IN THE THIRTY-NINTH YEAR OF THE REIGN OF OUR SOVE-  
REIGN LORD GEORGE THE THIRD, AND PROLOGUED ON THE TWENTY NINTH DAY OF THE SAME MONTH.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

CHAPTER I.

*An ACT to revive and continue an Act, passed in the first Session of this present Parliament, intituled, "An Act for the better securing the Province against the King's Enemies."*

**W**HEREAS an Act passed in the first Session of this present Parliament, intituled, "An Act for the better securing of the Province against the King's enemies," hath now expired, and whereas it is expedient that the same should be revived and continued for some time longer; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act shall be, and the same is hereby revived and continued, for and during the space of two years, and from thence to the end of the then next Session of Parliament.

Act revived and continued for two years, &c.

CHAPTER II.

*An ACT to continue an Act, intituled, "An Act for securing the Titles to Lands in this Province."*

**W**HEREAS an Act passed in the thirty seventh year of the reign of his present Majesty, intituled, "An Act for securing the titles to lands in this Province," will expire on the first day of June next; and whereas many of the inhabitants of this Province have not yet been, nor will be able to participate in the benefits of the said Act before the time limited for the expiration thereof: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act be, and it hereby is continued for and during the further term of two years, and from thence to the end of the then next Session of the Provincial Parliament.

Act continued for two years, &c.

CHAPTER III.

*An ACT to provide for the Education and Support of Orphan Children.*

**W**HEREAS it is expedient to provide for the education and support of orphan children, or children who may be deserted by their parents; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That when the father and mother of any infant child shall die, or shall abandon their infant child or children, it shall and may be lawful for the Town Wardens of any Township where such child or children shall be, by and with the approbation and consent of two of his Majesty's Justices of the Peace, to bind the said child or children as apprentices, until he, she, or they, shall have attained the age of twenty one years in the case of males, and eighteen in the case of females; and an indenture to this effect, under their hands and seals, and counter-signed by two Justices of the Peace, shall be good and valid in law.

Town Wardens, with approbation of two justices, may bind orphan or abandoned infant children.

The like power given to the mother, when the father abandons his infant children.

II. *And be it further enacted by the authority aforesaid,* That when the father of any infant child or children, shall abandon and leave such infant child or children with the mother, it shall and may be lawful for the mother in such case, by and with the approbation of two of his Majesty's Justices of the Peace, to bind such child, or children, as apprentices, until he, she, or they shall have attained the age of twenty-one years in the case of males, and eighteen in the case of females; and an indenture to that effect, under her hand and seal, and counter-signed by two Justices, shall be good and valid in law.

III.

III. *Provided always, and be it further enacted by the authority aforesaid,* That when the relations of any orphan, or abandoned infant child, or children, are able and willing to support and bring them up; then, and in such case, it shall not be in the power of the Town Wardens to apprentice such child or children.

Exception.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no infant child, or children, having attained the age of fourteen years, shall be liable to be apprenticed as aforesaid, unless he, she or they consent thereto.

Further-exception.

CHAPTER IV.

*An ACT to enable Persons holding the Office of Register, to be Elected Members of the House of Assembly.*

WHEREAS by the sixteenth clause of an Act passed in the thirty-fifth year of his Majesty's reign, intituled, "An Act for the public registering of deeds, conveyances, wills, and other incumbrances which shall be made, or may affect any lands, tenements, or hereditaments within this Province," it is declared and enacted, that "no Member of the House of Assembly thereafter to be chosen, during the time that he is such Member, shall be capable of being appointed Register, or of executing by himself, or any other person, the said office, or have, take, or receive any fee or other profit whatsoever, for, or in respect thereof; nor shall any Register or his Deputy for the time being, be capable of being thereafter chosen a Member to serve in the Assembly of this Province;" Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said sixteenth clause of the said above recited Act, shall be, and the same is hereby repealed!

16th clause of 35th Geo 3d repealed.

Any Member of the Assembly accepting the Office of Register his seat to be vacated.

But no bar to his re-election.

II. *Provided always, and be it further enacted by the authority aforesaid,* That if any Member of the Assembly shall, at any time hereafter, accept the Office of Register of any county or riding, his seat therein shall be, and is hereby declared to be vacated thereupon.

*Provided also nevertheless,* That such appointment shall be no bar or obstruction to the re-election into the Assembly, of the person so accepting and holding the same.

CHAPTER V.

*An ACT to ratify, approve and confirm the Provisional Agreement made and entered into by Commissioners on the part of this Province, and Commissioners on the part of the Province of Lower Canada.*

WHEREAS by articles of provisional agreement, made and entered into at Montreal, on the twentieth 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, intituled, "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, intituled, "An Act for appointing Commissioners on behalf of this Province, to treat further with Commissioners on behalf of the Province of Upper Canada," for the purposes therein mentioned, it was agreed in manner and form following, that is to say:

Recital of the Provisional Agreement made in 1797.

I. That the Legislature of Upper Canada will not impose any duties whatever on any goods, wares, or merchandizes, imported or brought into Lower Canada, and passing into Upper Canada; nor on any article the growth, produce, or manufacture of Lower Canada, passing into Upper Canada: but will allow and admit the Legislature of Lower Canada to impose and levy such reasonable duties on such goods, wares, and merchandizes, and such articles aforesaid, as they may judge expedient, for the purpose of raising a revenue within the Province of Lower Canada.

II. In consideration of the Legislature of Upper Canada relinquishing the imposition of duties as aforesaid, the Legislature of Lower Canada will allow a just proportion of the duties imposed by them, to be paid to Upper Canada; and in order to ascertain such proportion, a fit and proper person shall be appointed, at the joint and equal expence of both Provinces, to reside at Coteau du Lac, as inspector, for the purpose of demanding and receiving accounts of articles subject to duties contained in boats, canoes, and carriages passing by that place.

III. That it shall be enacted by the Legislature of Lower Canada, that the said inspector shall have authority to stop at Coteau du Lac, before passing the locks upwards, all boats and canoes, until that there shall be delivered to him a written account, signed by the person or persons who shall have furnished the lading of any such boat or canoe, or brigade thereof, or who shall have dispatched, or who shall accompany the same, specifying the quantities of such articles subject to duties in Lower Canada, as are contained in such boat or canoe, or brigade thereof; and if the said inspector shall have reason to believe that any such account is false, (whether the same be of such articles passing from Lower Canada, or coming from Upper Canada) he shall have authority at any time within three months after the same shall have been received, (either by himself, or any other person that he may see fit to appoint by letter, for that purpose) to require such account to be verified on oath before a justice of the peace, by the person or persons who signed such account; and every person when so required, who shall refuse to verify on oath any such account by him signed, shall for every such offence, forfeit and pay the sum of ten pounds, with costs of suit.

IV. That all carriages passing Coteau du Lac upwards, shall stop at the office of the inspector, under the penalty of ten shillings on every driver thereof, who shall refuse, or neglect so to stop; and if not provided with a written account, signed as aforesaid, of the articles subject to duties, contained in such carriage or carriages, or not being able to give a verbal account of such articles, to the satisfaction of the inspector, he, the said inspector, shall have authority to search and examine the loadings thereof, in order to ascertain the same. Provided always, that no account shall be necessary to be given of any articles subject to duty, being *bona fide* for the use of the driver or passengers in any such carriage, during his or their journey.

V. That the said inspector shall enter into a book, to be by him provided and kept for the purpose, all such accounts as he shall or may be furnished with, as before prescribed, together with such as he shall take from actual examinations, in cases where carriages shall not be provided therewith, and therefrom twice in every year, that is to say, on the thirtieth day of June, and on the thirty first day of December, he shall make up and certify upon oath before a justice of the peace, two general accounts of the quantities of all such articles so passing Coteau du Lac, upwards, on which duties shall have been imposed by the Legislature of Lower Canada, and shall transmit one of such certified general accounts to the Governor, Lieutenant Governor, or person administering the government of Lower Canada, and the other thereof to the Governor, Lieutenant Governor or person administering the government of Upper Canada.

VI. That the Legislature of Upper Canada shall 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 are, or shall be imposed and levied on similar articles when brought from the United States into Lower Canada, and that the Legislature of Upper Canada shall take the most effectual measures that their local situation will admit of, for enforcing the collection of such duties.

VII. That every boat, canoe, or carriage, coming from Upper Canada into Lower Canada, upon, or along the River Saint Lawrence, if containing articles subject to duties at the port of Quebec, or within the Province of Lower Canada, shall stop at Coteau du Lac, until that there shall be delivered to the said inspector, an account thereof in the manner and form before prescribed, for such articles passing upwards; and the conductor, or person, or persons having charge of any such boat or canoe, or brigade thereof, having on board any such articles from Upper Canada, (knowing the same) who shall refuse, or neglect so to stop, and to notify the same to the said inspector, shall forfeit and pay the sum of forty shillings; and the driver of any carriage loaded in whole, or in part, with any such articles from Upper Canada, who shall refuse, or neglect to stop at the office of the said inspector for delivery of such accounts, or for examination and search, if not provided therewith, shall forfeit and pay the sum of ten shillings, with costs of suit, in each of the said cases.

VIII. That the said inspector shall also enter in the book before mentioned, the accounts of such articles subject to duties, as shall be brought from Upper Canada, and twice in every year, at the periods before mentioned, shall make out, certify on oath, and transmit as before directed, two general accounts of the quantities thereof, and the amount of duties on the same, being deducted from the amount of duties on the quantities contained in the aforesaid general accounts of such articles passing from Lower into Upper Canada by Coteau du Lac, the residue shall (after deducting therefrom the charges of levying and collecting in Lower Canada the duties composing such residue) be the amount which Upper Canada shall be entitled to receive as their proportion of duties imposed, levied, and collected in Lower Canada.

IX. That the Legislature of Lower Canada, will not impose any duties upon any article passing from Upper Canada into Lower Canada, and that they shall take immediate steps for carrying into effect the regulations stipulated in these articles.

X. That the penalties herein mentioned, shall be recovered and applied in such manner and form as shall be prescribed by the Legislature of each Province.

XI. That this Agreement shall continue, and be in force for four years, and no longer, to be reckoned from the first day of March next; and that the aforesaid inspector to reside at Coteau du Lac under this Agreement, shall, for the first two years, be appointed by the Governor, Lieutenant Governor, or Person administering the Government of Lower Canada; and for the remaining two years, by the Governor, Lieutenant Governor, or Person administering the Government of Upper Canada.

AND WHEREAS by other articles of Provisional Agreement made and entered into at Montreal, on the eleventh day of February, now last past, by Commissioners on the part of the said Province of Lower Canada, appointed by an Act of the Provincial Parliament thereof, passed in the thirty-eighth year of his Majesty's reign intitled, "an Act to repeal an Act passed in the thirty-sixth year of the reign of his present Majesty, and for appointing other Commissioners on behalf of this Province, to treat with Commissioners on the behalf of the Province of Upper Canada, for the purposes therein mentioned," and Commissioners on the part of Upper Canada, appointed under the authority of an Act of the Provincial Parliament thereof, passed in the thirty-seventh year of his Majesty's reign, intitled, an Act to authorize the Lieutenant Governor to nominate and appoint certain Commissioners for the purposes therein mentioned," it was further agreed in manner and form following, that is to say—

I. That the Legislature of Upper Canada may ratify the aforesaid Provisional Agreements with a condition suspending the operation and execution of the sixth article thereof, so long as the Government of the United States of America do not lay duties on goods, wares and merchandizes passing from the Province of Upper Canada into the territories of the said States.

II. That the Legislature of the Province of Lower Canada will allow, and pay to the Province of Upper Canada, such just proportion of the duties imposed and levied by the Legislature of Lower Canada, as the aforesaid Province of Upper Canada would have had a right to claim if the aforesaid Articles of Agreement had been ratified and confirmed by the Legislature of the Province of Upper Canada.

III. That this agreement shall continue and be in force until the first day of March, one thousand eight hundred and one, and no longer.

*Therefore may it please your most Excellent Majesty,*

That it may 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said two Provisional Agreements are hereby severally approved, ratified and confirmed

*Provided nevertheless,* That the operation and execution of the sixth Article of the said first above mentioned Provisional Agreement shall be, and the same is hereby suspended, so long as the government of the United States of America shall not lay duties on goods, wares, and merchandizes passing from this Province into the territories of the said States, and no longer

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Provincial Treasurer of this Province, for the time being, (when, and as often as the same may, from time to time become due and payable) to ask for, demand and receive, to and for the uses of this Province, of and from all and every the person or persons who now are, or at any time hereafter may be nominated and appointed on the part, and in behalf of the Province of Lower Canada, for the payment thereof, all and every sum and sums of money which now is, or are become due and payable, or hereafter may become due and payable from the said Province of Lower Canada to this Province, pursuant and by virtue of this Act, and of the Articles of Provisional Agreement herein before ratified, approved, and confirmed; which said Provincial Treasurer for the time being, is hereby authorized and empowered by himself, or by any person or persons whom he may thereunto duly authorize, to grant sufficient receipts and discharges for the same; which said receipts and discharges shall be taken, and held to be binding and obligatory on this Province, to all intents and purposes whatsoever, and to be a full and sufficient acquittal of, and from all and every sum and sums of money which in such receipts and discharges shall respectively be contained.

Confirmation of both Agreements.

Provincial Treasurer authorized to receive the monies which may become due to this Province under this Act.

Provincial Treasurer's receipts binding on this Province.

T H E  
S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

PASSED IN THE FIRST SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK, ON MONDAY THE SECOND DAY OF JUNE, IN THE FORTIETH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE FOURTH DAY OF JULY FOLLOWING.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

CHAPTER I.

*An Act for the further introduction of the Criminal Law of England into this Province, and for the more effectual Punishment of certain Offenders.*

**W**HEREAS the Criminal Law of England was by an Act of the Parliament of Great Britain, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, introduced and established as the Criminal Law of this Province: And whereas divers amendments and improvements have since been made in the same by the mother country, which it is expedient to introduce and adopt in this Province; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority

Recital.

The Criminal Law of England introduced as it stood on the 17th day of Sept. 1792.

Saving of ordinances made since the 14th Geo. 3.

When any person is convicted of any felony for which he is liable to be burnt in the hand, the Court may, instead of such burning, impose on him a moderate fine, or except in case of Manslaughter, order him to be whipped.

This Act not to abridge the powers vested in the said Courts of imprisoning offenders.

Banishment substituted for transportation.

Provisions in case of return from banishment or being found at large in the Province before the period is expired.

Not to restrain the power of his Majesty to pardon.

authority of the same, That the Criminal Law of England, as it stood on the seventeenth day of September, in the year of our Lord one thousand seven hundred and ninety-two, shall be, and the same is hereby declared to be the Criminal Law of this Province.

II. *Provided nevertheless*, That nothing herein contained shall be taken or construed to vary, repeal, or in any manner to affect any Ordinance of the late Province of Quebec, which may have been made since the said fourteenth year of his Majesty's reign.

III. And whereas the punishment of burning in the hand, when any person is convicted of felony within the Benefit of Clergy, is often disregarded and ineffectual, and sometimes may fix a lasting mark of disgrace and infamy on offenders, who might otherwise become good subjects and profitable members of the community; Be it therefore enacted by the authority aforesaid, That from and after the passing of this Act, when any person shall be lawfully convicted of any felony within the Benefit of Clergy, for which he or she is liable by law to be burned or marked in the hand, it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, instead of such burning or marking, to impose upon such offender such a moderate pecuniary fine as to the Court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning or marking, in any of the cases aforesaid, except in the case of manslaughter, to order and adjudge, that such offender shall be once, or oftener, but not more than three times, either publicly or privately whipped; such private whipping to be inflicted in the presence of not less than two persons besides the offender and the officer who inflicts the same; and in case of female offenders, in the presence of females only; and such fine or whipping so imposed or inflicted instead of such burning or marking, shall have the like effects and consequences to the party on whom the same, or either shall be so imposed or inflicted, with respect to the discharge from the same or other felonies, or any restitution to his or her estates, capacities and credits, as if he or she had been burned or marked as aforesaid.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall abridge, or deprive any Court of the powers now vested in it by law, of detaining and keeping in prison, for any time not exceeding one year, or of committing to the house of correction, or public work-house, to be kept to hard labor, for any time not exceeding one year, or of committing to the house of correction, for any time not less than six months, or exceeding two years, any such offender as aforesaid; but that such offender may, if such Court shall think fit, after such burning or marking, or after such whipping or fine as shall by virtue of this present Act be inflicted or imposed instead thereof, be so detained or committed, and with such accumulated punishment, in case of escape from such house of correction or work-house, as if this Act had never been made.

V. And whereas so much of the said criminal law of England, as relates to the transportation of certain offenders to places beyond the seas, is either inapplicable to this Province, or cannot be carried into execution without great and manifest inconvenience, Be it enacted by the authority aforesaid, That when any person shall be convicted of any crime, for which he or she, shall be liable by law to be transported, the Court before which such person shall be so convicted, or any court holden for the same place, with the like authority, instead of the sentence of transportation, shall order and adjudge, that such person be banished from this Province, for and during the same number of years, or term for which he, or she would be liable by law to be transported, and do remove him, or herself therefrom within a space of time to be then fixed and declared by the court, and which shall, in no instance be less than two days nor more than eight, including the day on which such sentence of banishment shall be passed.

VI. *And be it further enacted by the authority aforesaid*, That if any person on whom such sentence of banishment shall have been passed as aforesaid, or to whom his Majesty, his heirs or successors, shall hereafter be graciously pleased to extend the Royal Mercy upon condition of his, or her, leaving the Province for any term of years, or for life, shall be found at large in any part thereof without some lawful cause, after the time within which he, or she, shall have been so banished, or shall have so consented to leave the Province, and before the expiration of the term for which he, or she, shall have been so banished, or shall have so consented to leave the same, every such offender being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of Clergy; and such offender may be tried either before Justices of Assize, Oyer and Terminer or Gaol Delivery, for the district, county, or place where such offender shall be apprehended and taken, or where he, or she, may have received such sentence of banishment; and the Clerk of the Crown, Clerk of the Peace or other officer, having the custody of the records where such sentence of banishment shall have been pronounced, or the Register of the Province in the case of such conditional pardon as shall at the request of any person on his Majesty's behalf, and without fee or reward, make out and give a certificate in writing, signed by him the said Clerk of the Crown, Clerk of the Peace or other officer, or by the said Register, respectively, containing the effect and substance, omitting the formal part of every indictment and conviction of such offender, and of the sentence of banishment, or of such conditional pardon respectively, to the Justices of Assize, Oyer and Terminer and Gaol Delivery, where such offender shall be indicted, which certificate shall be sufficient proof of such conviction and sentence of banishment, or of such conditional pardon respectively.

VII. *Provided nevertheless*, That nothing herein contained shall be construed in any manner to restrain, or prevent his Majesty, his heirs or successors, to grant an absolute and unconditional pardon to such offender, and to allow of his, or her return to this Province.

## CHAPTER II.

*An Act for the Regulation of Special Juries.*

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of March next, no person shall be returned by the Sheriff to serve on any Special Jury, who shall not be assessed, and pay assessments on the sum of three hundred pounds, or upwards.

## CHAPTER III.

*An Act for the more equal Representation of the Commons of this Province in Parliament, and for the better defining the Qualification of Electors.*

FOR the better representation of the Commons of this Province in Parliament, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the end of the present Parliament, the representation of the Commons of this Province in the House of Assembly, shall be in manner and form following, that is to say:—

The Counties of Glengary and Prescott, shall be together represented by two Members.

The Counties of Stormont and Russell, shall together be represented by one Member.

The Counties of Dundas, Grenville, Leeds, Frontenac, and Prince Edward, be each represented by one Member.

The incorporated Counties of Lenox and Addington, be together represented by one Member.

The Counties of Hastings and Northumberland, be together represented by one Member.

The County of Durham, the East Riding of the County of York, and the County of Simcoe be together represented by one Member.

The West Riding of the County of York, the first Riding of the County of Lincoln, and the County of Haldimand, be together represented by two Members.

The second, third and fourth Ridings of the County of Lincoln, be together represented by two Members.

The Counties of Oxford, Middlesex, and Norfolk, shall together be represented by one Member.

The County of Kent, shall be represented by one Member.

The County of Essex, shall be represented by two Members.

II And be it further enacted by the authority aforesaid, That no person shall be considered as qualified to vote, or shall vote at the ensuing election for a Member to represent the Commons of this Province in Provincial Parliament, who shall have sworn allegiance to any foreign state; or have been a stated resident in the dominions of the same, unless such person shall have been previously and bona fide resident in this Province, or in some other of the dominions of his Majesty, for, and during the term of four years then next preceding, and shall have taken the oath of allegiance to his Majesty; and that on any future election, no such person or persons shall vote as aforesaid, until he, or they shall have been previously and bona fide resident in this Province or in some other of his Majesty's dominions, for, and during the term of seven years next preceding, and shall have taken the oath of allegiance to his Majesty.

## CHAPTER IV.

*An Act for the summary Conviction of Persons selling Spirituous Liquor by Retail without Licence.*

FOR the summary conviction of persons selling spirituous liquor by retail without licence, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That if any person or persons shall, directly, or indirectly, sell any wine, brandy, rum, or other spirituous liquor by retail without licence for that purpose previously obtained, such person or persons having, if resident in the district in which the offence shall have been committed, been summoned to appear before any three or more of his Majesty's Justices of the Peace, who are hereby authorized and empowered to hear and determine the matter, and being lawfully convicted thereof, by the oath of one credible witness, shall forfeit and pay the sum of twenty pounds of lawful money of this Province, to be levied with costs of suit, by distress and sale of the goods and chattels of such offender or offenders, one half of which penalty shall be paid to the person or persons informing, and the other half into the hands of his Majesty's Receiver General, to and for the public uses of this Province; and in default of the said offender or offenders, having goods and chattels, from which the said penalty may be raised, it shall and may be law-  
ful

Representation.

Qualification of Electors.

Manner of conviction when offender resides in the District.



ful for the said Justices to commit him, her, or them to the gaol of the district in which the offence shall have been committed, for and during the space of three calendar months.

Manner of conviction when offender does not reside within the District.

II. *And be it further enacted by the authority aforesaid,* That if any such offender or offenders, be not usually resident within the district in which the offence shall have been committed, it shall, and may be lawful to, and for any one of his Majesty's Justices of the Peace, in and for the district in which the offence shall have been committed, upon information upon oath made before him, to issue his warrant for apprehending such offender or offenders, and to oblige him, her, or them, to enter into recognizances with one or more sufficient sureties for his, her, or their appearance at such time and place as shall be appointed for the hearing of the said complaint, or in default thereof, to commit him, her, or them for safe custody to the common gaol of the district, until the said complaint shall have been finally heard and determined.

No shop-keeper to sell less than one quart of wine, brandy, &c.

III. *And be it further enacted by the authority aforesaid,* That from and after the fifth day of April now next ensuing, it shall not be lawful to or for any shop-keeper licenced to sell wine, brandy, rum, and other spirituous liquors by retail, to sell or vend the same, in any less quantity, or by any smaller measure than one quart; and if any shop-keeper or shop-keepers shall from and after the said fifth day of April, sell, or vend any wine, brandy, rum, or other spirituous liquors, in less quantity, or by smaller measure than one quart, he, she, or they shall, for such offence, forfeit and pay the sum of twenty pounds, to be levied in manner and form herein before mentioned, and the monies arising therefrom, shall be divided and applied in like manner and to the same uses as herein before is directed.

Limitation of prescription.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no information or complaint, shall be received under this Act, if more than six calendar months have elapsed since the time of the offence committed.

#### CHAPTER V.

*An Act to Revive and Continue an Act intituled, "An Act to Provide for the Appointment of Returning Officers for the several Counties within this Province."*

WHEREAS an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to provide for the appointment of Returning Officers for the several Counties within this Province," was limited to be and continue in force for, and during the space of seven years; and whereas the time limited in the said Act is now expired, and it being necessary that the same should be revived and continued, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act of the thirty-third year of his Majesty's reign, and every part thereof, and every clause, matter and thing therein contained, are by the present Act revived and continued for, and during the space of eight years, and no longer.

#### CHAPTER VI.

*An Act for making a Temporary Provision for the Regulation of Trade between this Province and the United States of America, by Land or by Inland Navigation.*

WHEREAS it may be expedient to carry into effect that part of the Treaty of Amity, Commerce and Navigation, concluded between his Majesty and the United States of America, and signed at London in the year of our Lord one thousand seven hundred and ninety-four, which authorizes the levying and collecting the same duties upon articles imported into this Province from the United States of America by land or inland navigation, as the same would be liable to if imported by the port of Quebec, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of his Majesty's Executive Council, by order, or orders to be from time to time issued, and published, to establish such ports of entry, and to make such other regulations for the purposes aforesaid, and for carrying on the trade by land or inland navigation, between the people and territories of his Majesty in this Province, and the people and territories of the United States of America, as may be necessary, in order to carry such parts of the said Treaty into effect, and all, and every such orders and regulations shall have the same force, effect and validity, as if the same were herein particularly repeated and enacted; any law, statute, custom, or usage to the contrary notwithstanding.

Governor in Council may establish ports of entry, and make regulations for carrying on the trade between this Province and the United States.

II. *And be it further enacted by the authority aforesaid,* That this Act shall be in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and one, and from thence to the end of the next session of the Provincial Parliament, and no longer.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

PASSED IN THE SECOND SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK,  
ON THE TWENTY-EIGHTH DAY OF MAY, IN THE FORTY-FIRST YEAR OF THE REIGN OF OUR SOVEREIGN LORD  
GEORGE THE THIRD, AND PROROGUED ON THE NINTH DAY OF JULY FOLLOWING.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

*The Acts of this Session received the Royal Assent on the Ninth day of July 1801.*

CHAPTER I.

An ACT to continue an Act passed in the thirty seventh year of his Majesty's reign, intituled, "An Act for the better securing the Province against the King's Enemies."

WHEREAS an Act of the Provincial Parliament, passed in the thirty-seventh year of his Majesty's reign, and revived and continued by an Act passed in the thirty-ninth year of the same reign, intituled, "An Act for the better securing this Province against the King's Enemies," will expire at the end of the present session, and whereas it is expedient that the same should continue for some time longer, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act shall be, and is hereby continued for and during the space of two years, and from thence to the end of the then next session of Parliament.

CHAPTER II.

An ACT for the further Regulation of the Militia of this Province, and for the more effectual Punishment of Offenders against the Militia Laws.

WHEREAS in many instances the fines, forfeitures and penalties imposed by the several Acts of the Legislature of this Province, for the regulation of the Militia, cannot be recovered by reason that the offenders have not wherewithal to answer the conviction, or that they conceal their goods and effects to evade the seizure thereof; whereby the intention of those Laws is frustrated for remedy thereof, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That when any person shall have been convicted of any offence against any of those laws, which offence is not now punishable by imprisonment, and shall refuse to pay the fine, forfeiture or penalty imposed on such offender, it shall and may be lawful to and for the justice or justices before whom such person shall have been convicted to commit such offender to the common Gaol of the District, until he shall pay and satisfy such fine, forfeiture or penalty, together with the reasonable charges attending such conviction.

Preamble

Offenders against the Militia Laws: refusing to pay the fine may be imprisoned.

Provided nevertheless, That no person or persons so committed shall in any case be detained in custody, longer than the space of one calendar month.

II. And be it further enacted by the authority aforesaid, That no persons who have been discharged from his Majesty's service as non-commissioned officers shall be obliged to serve in any station in the Militia of this Province inferior to that which they held in his Majesty's service, unless having been non-commissioned officers in the said Militia, they may have been reduced according to law.

Of non-commissioned officers discharged from the King's service.

III. And be it further enacted, That the exemption extended to the several persons stated in the twenty first clause of an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act for the better regulation of the Militia of this Province," shall extend to all Militia Officers having served under and by virtue of a Commission from any of his Majesty's Governors or Lieutenant Governors in America.

Further exemption from serving in the Militia.

CHAPTER III.

An ACT to empower the Commissioners of the Peace for the Midland District, in their Court of General Quarter Sessions, assembled, to establish and regulate a Market in and for the Town of Kingston in the said District.

WHEREAS it is expedient for the convenience of the inhabitants of the Midland District, that a Market should be established at Kingston in said District, and that the times and place for holding such Market should be ascertained, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of the Peace in the Midland District in their Court of General Quarter Sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the Town of Kingston as a Market, where butchers meat, butter, eggs, poultry, fish, and vegetables shall be exposed to sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market erected at Kingston.

Orders and regulations.

Fines for offences.

Publication of rules, orders, and regulations.

Mode of levying and application of fines.

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

III. *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 District, and at the doors of the Church and Court House of the said Town of Kingston, and that such orders, rules and regulations shall not be in force until three weeks after such publication.

IV. *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 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 of the sum so levied shall go to the informer, the other 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.

CHAPTER IV.

A BILL to ratify and confirm certain Provisional Articles of Agreement entered into by the respective Commissioners of this Province and Lower Canada, at Quebec, on the second day of February, one thousand eight hundred and one, relative to duties, and for carrying the same into effect, and also to continue an Act passed in the thirty-ninth year of his Majesty's reign.

MOST GRACIOUS SOVEREIGN,

WHEREAS articles of Provisional Agreement were made and entered into at Quebec on the second day of February in the forty-first year of your Majesty's reign, by the Commissioners nominated and appointed on behalf of the Province of Upper Canada by his Excellency Peter Hunter Esquire, Lieutenant Governor of the said Province, by commission bearing date the twenty third day of July, in the fortieth year of your Majesty's reign, in pursuance of, and under the authority of an Act passed in the thirty-sixth year of your Majesty's reign, intituled, "An Act to authorize the Lieutenant Governor to nominate and appoint Commissioners for the purposes therein mentioned," and the Commissioners nominated and appointed on behalf of the Province of Lower Canada, by an Act of the Provincial Parliament thereof, passed in the fortieth year of your Majesty's reign, intituled, "An Act for appointing Commissioners to treat with Commissioners appointed, or to be appointed by the Province of Upper Canada, for the purposes therein mentioned," which articles are as follows:

Provisional agreement recited.

ARTICLE I. The said Commissioners having met and communicated to each other their respective powers and authorities, and having taken into consideration, and maturely deliberated upon the objects of their appointment, have unanimously agreed, that as an agreement entered into on the twenty-eighth day of January, one thousand seven hundred and ninety seven, and another agreement entered into on the eleventh day of February, one thousand seven hundred and ninety eight, between the Commissioners of Upper and Lower Canada, for the purposes therein mentioned, will both expire and be at an end on the first day of March of this present year, which agreement of the twenty-eighth day of January, one thousand seven hundred and ninety-seven, it is at present expedient to continue.

ARTICLE II. It is therefore agreed by and between the before mentioned Commissioners on the part of Lower Canada, and the before mentioned Commissioners on the part of Upper Canada, that the before mentioned agreement of the twenty-eighth day of January, one thousand seven hundred and ninety seven be, and the same is hereby continued, and all and every article and stipulation shall be, and is hereby declared to be binding and obligatory on the respective Legislatures of Upper and Lower Canada, as if the same had been inserted verbatim in this agreement.

ARTICLE

ARTICLE III. It is also agreed between the Commissioners aforesaid, that as the Province of Upper Canada is not entitled to a return of duties on goods passing into Upper Canada by the Coteau du Lac, the property of persons residing in Lower Canada, and trading the same without the limits of Upper Canada, but as the amount of such return of duties is not at present an object of importance, and is in a great measure compensated by the drawbacks which ought to be allowed to Upper Canada upon goods passing into that Province by the Ottawa River, the property of persons residing in the same:

ARTICLE IV. It is therefore further agreed, that for the term of this agreement, the Province of Lower Canada and the Province of Upper Canada, do respectively relinquish any claim to the said return of duties and drawbacks.

ARTICLE V. And it being ascertained and known, that the States of America have proceeded to levy the duties upon articles passing from Upper Canada into their territories, which by Treaty with Great Britain they are authorized to do; The Commissioners of Upper Canada do stipulate expressly that the sixth article of the agreement hereby continued shall be carried into effect with all possible diligence.

ARTICLE VI. And finally, this agreement shall commence on the first day of March now next ensuing, and shall be binding and continue in full force and effect until the first day of March, which will be in the year of our Lord one thousand eight hundred and five, and no longer.

May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That all and every part of the provisional agreement herein before particularly mentioned, and every clause thereof be ratified, approved, and confirmed, and the said provisional agreement and every clause thereof is ratified, approved, and confirmed accordingly.

And confirmed,

II. And whereas an Act was passed in the thirty-ninth year of your Majesty's reign, intituled, "An Act to ratify, approve, and confirm the provisional agreement made and entered into by Commissioners on the part of this Province and Commissioners on the part of the Province of Lower Canada," which Act was at an end on the first day of March, in the year of our Lord one thousand eight hundred and one.

39th Geo. III. chap. 5, revived and continued.

And whereas it is expedient and necessary to renew and continue the said Act (except so much of the same as relates to the suspending the operation of the sixth article of the therein recited provisional agreement), Be it therefore enacted by the authority aforesaid, That all and every clause (excepting as is herein before mentioned), obligation, penalty, fine, matter and thing in the said Act contained, be renewed, continued, and enacted, and the same is hereby renewed, continued, and enacted accordingly, and all and every clause, obligation, penalty, fine, matter and thing therein contained (except as is herein before mentioned), shall have the same effect, force and validity, for and during the term of this Act, as if the same were herein particularly repeated and set forth.

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

Provincial Treasurer.

IV. And be it further enacted by the authority aforesaid, That this Act shall have force and effect from the first day of March, one thousand eight hundred and one, and shall continue to be in force to the first day of March, one thousand eight hundred and five, and no longer.

Continuance of this Act.

CHAPTER V.

An ACT for granting to his Majesty, his Heirs and Successors, to and for the uses of this Province, the like Duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places.

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 Province, have freely and voluntarily resolved to give and grant to your Majesty, your heirs and successors, the several duties herein after mentioned, and in such manner and form as herein after expressed. And therefore 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act there shall be raised, levied, collected and paid in to the hands of the Receiver General, as Treasurer of this Province, to and for the use of your Majesty, your heirs and successors, and to and for the uses of this Province, the like duties on all goods and merchandize that may be imported or brought into this Province from any part, port, or place, of or belong-

Preamble.

Like duties to be levied on goods and merchandize imported into this Province from the United

ARTICLE III. It is also agreed between the Commissioners aforesaid, that as the Province of Upper Canada is not entitled to a return of duties on goods passing into Upper Canada by the Coteau du Lac, the property of persons residing in Lower Canada, and trading the same without the limits of Upper Canada, but as the amount of such return of duties is not at present an object of importance, and is in a great measure compensated by the drawbacks which ought to be allowed to Upper Canada upon goods passing into that Province by the Ottawa River, the property of persons residing in the same :

ARTICLE IV. It is therefore further agreed, that for the term of this agreement, the Province of Lower Canada and the Province of Upper Canada, do respectively relinquish any claim to the said return of duties and drawbacks.

ARTICLE V. And it being ascertained and known, that the States of America have proceeded to levy the duties upon articles passing from Upper Canada into their territories, which by Treaty with Great Britain they are authorized to do ; The Commissioners of Upper Canada do stipulate expressly that the sixth article of the agreement hereby continued shall be carried into effect with all possible diligence.

ARTICLE VI. And finally, this agreement shall commence on the first day of March now next ensuing, and shall be binding and continue in full force and effect until the first day of March, which will be in the year of our Lord one thousand eight hundred and five, and no longer.

May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That all and every part of the provisional agreement herein before made,

And confirmed.

States of America, as are now levied on goods or merchandize in the Province of Lower Canada for the use of this Province.

Ports of entry and clearance.

Governor, &c. to appoint Collectors.

Their duties. To report all entries, and account.

Collectors may appoint deputies.

Allowance to Collectors.

Security to be given by them.

Terms of intercourse between this Province and the United States.

Peltries.

Indians.

Ferriage.

Goods in transitu.

Entry of vessels, boats, &c.

Attendance of collectors.

Manner of proceeding on arrival of vessels, boats, &c.

ing to the citizens of the United States of America, as are now levied and collected under and by virtue of any Act of the Parliament of Great Britain, or levied and collected in the Province of Lower Canada, to and for the use and benefit of this Province, under and by virtue of any provisional agreement in force between the Provinces of Upper Canada and Lower Canada, and under and by virtue of any Act or Acts passed in the said Province on Lower Canada, imposing a duty on goods and merchandize brought into that Province from Great Britain, or parts beyond the seas.

II. *And be it further enacted by the authority aforesaid,* That for the better collecting the said duties, the ports of Cornwall, Johnstown, Newcastle, York, Kingston, Niagara, Queenston, Fort Erie Passage, Turkey Point, Amherstburgh and Sandwich, shall be, and they are hereby declared to be ports of entry and clearance for all goods and merchandize brought into this Province (not being goods entirely prohibited) and for the payment of all duties liable to be paid on all goods and merchandize brought into this Province as aforesaid, which payments shall be made at the respective ports, or some or one of them, in such manner and wise as the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, shall for the better collecting of the same, order and direct: And that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, under his hand and seal at arms, to nominate and appoint one or more collector or collectors at the said ports of entry and clearance, which said collector or collectors, or his or their deputy or deputies, shall make his or their report to the said Governor, Lieutenant Governor, or person administering the Government, of all entries made at his or their respective port or ports, and account to the Receiver General of the said Province for all duties and seizures levied, paid and made under and by virtue of any Act or Acts of the Parliament of Great Britain, or under and by authority of this Act, at or before the expiration of every six months.

III. *And be it enacted by the authority aforesaid,* That the said collectors shall, and they are hereby authorized to appoint one or more deputy or deputies in their several districts, for the better carrying into effect the provisions of this Act.

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 the said Province, by and with the advice and consent of the said Executive Council, to allow to each collector fifty pounds per centum on the amount of duties so collected, until the same amount to one hundred pounds per annum and no more, and the said collector or collectors shall give security by two sureties in five hundred pounds each, and himself in one thousand pounds, for the due performance of his office.

V. *And be it further enacted by the authority aforesaid,* That all goods and merchandize, whose importation into this Province is not, or shall not be entirely prohibited, may freely, for the purposes of commerce, be carried, brought and imported into the same from the said United States in manner aforesaid, by his Majesty's subjects and by the Citizens of the said States, upon the payment of the several and respective duties due and payable by his Majesty's subjects on the importation of the like goods and merchandize from Great Britain or other parts beyond the seas. Provided always, That nothing in this Act shall extend, or be construed to extend, to permit or allow any such goods or merchandize to be unladen at any place or places, or at any other times or hours than is or are herein after mentioned or allowed.

VI. *And be it enacted by the authority aforesaid,* That no duty of entry shall be payable or levied or demanded by any collector or deputy on any peltries brought by land or inland navigation into this Province, and that Indians passing or repassing with their proper goods and effects of whatever nature, shall not be liable to pay for such goods and effects any impost or duty whatever, unless the same shall be goods in bales or other packages unusual among Indians for their necessary use, which shall not be considered as goods belonging bona fide to Indians, or as goods entitled to the foregoing exemption from duties and imposts; that no higher or other tolls or rates of ferriage than what are or shall be payable by his Majesty's subjects, shall be demanded by any person or persons of the citizens of the United States of America, and that no duties under and by virtue of this Act shall be payable on any goods which shall be merely carried over any of the portages, or carrying places within this Province, for the purpose of being immediately reloaded and carried to some other place or places. Provided nevertheless, that the last mentioned exemption from duty shall extend only to such goods as are carried in the usual and direct road across such portages or carrying places, and are not attempted to be in any manner sold or exchanged during their passage across the same.

VII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful to make entry of any vessel, boat, raft or carriage, or of any cargo or load, or of any goods wares or merchandize imported into this Province from the said United States, except at the ports of entry aforesaid. And that the collector or collectors, deputy or deputies of and for the said ports, shall attend every day except Sundays, Christmas-Day and Good Friday, at a certain place to be named for each port, for the discharge of the duties of their respective offices, between the hours of nine and twelve of the clock in the forenoon, and three and six of the clock in the afternoon, from the first day of May to the first day of October, and from ten to three from the first day of October to the last day of April.

VIII. *And be it further enacted by the authority aforesaid,* That all vessels, boats, rafts and carriages of what kind or nature soever containing goods, wares or merchandize, passing by or into the said ports or either of them, shall be reported to the collector or his deputy, and be subject to visitation and search by the collector or his deputy established at any of the said ports, and that upon the arrival of any vessel, boat, raft or carriage from any port or place in the said United States at any of the ports aforesaid, the matter

or other person duly authorized, having the charge or command of such vessel, boat, raft, or carriage, shall forthwith repair to the place so to be named as aforesaid at each of the said ports, and shall there report to the collector or his deputy, the arrival of the said vessel, boat, raft, or carriage, together with the burthen, cargo or load of such vessel, boat, raft or carriage, whether in packages or stowed loose, of the particular marks and numbers of each package, and the place or places, person or persons to and for which or whom they are respectively consigned or intended: and the said master or person having the charge or the command of any such vessel, boat, raft, or carriage, shall further declare that no part of the cargo or load of such vessel, boat, raft, or carriage, since the departure of such vessel, boat raft or carriage, from the port or place in the said United States, from which the said vessel, boat, raft, or carriage, shall have sailed or departed has been landed or unloaded, or otherwise removed, except as he shall then specify, together with the cause, time, place, and manner, which said reports and declarations respectively shall be made in writing, signed by the party making the same, and shall be attested by his oath, or affirmation if one of the persons called Quakers, which the said collector or his deputy is hereby authorized and required to administer: and if the said master or person having the charge or command of any such vessel, boat, raft or carriage, shall neglect or omit to make the said reports and declaration or either of them, or to attest the same or either of them, on oath or affirmation aforesaid, as the case may require, he shall for every such offence forfeit and pay a sum not less than five pounds, nor more than two hundred and fifty pounds.

IX. *And be it further enacted by the authority aforesaid,* That in all cases where any duties are or shall be by law imposed and payable on any goods, wares or merchandize imported from the said United States, so entered at any of the ports aforesaid, the collector or deputy of the port where the same shall be entered, shall make an estimate of the amount of such duties, and the amount of the said duties according to the said estimate having been first paid or secured to be paid, pursuant to the provisions herein after contained, the said collector or his deputy shall give a certificate thereof, and grant a permit to land or unload the said goods, wares or merchandize whereof such entry shall have been so made, and then, and not otherwise, it shall be lawful to land or unload the said goods or proceed therewith.

Collector to make estimate and give certificate and permit.

X. *And be it further enacted by the authority aforesaid,* That when any person or persons shall have occasion to remove by land or water from any port of entry aforesaid, to any other port or place within this Province, any goods, wares or merchandize liable to pay duty, duly imported into any port aforesaid from the United States of America, on which the duties imposed by law shall have been paid or secured to be paid, the collector or deputy of any such port upon requisition in writing for that purpose made and signed by such person or persons, and to such collector or deputy delivered, specifying the particular goods, wares and merchandize to be removed, and the number of packages in which the same are contained, with their marks and numbers, shall, and he is hereby required to give a protection in writing signed by him the said collector or deputy, specifying the particular goods, wares and merchandize to be removed, the number of the packages containing such goods, wares and merchandize, with the marks and numbers, and certifying that such goods, wares and merchandize have been duly entered in that port or harbour, and that the duties thereon have been paid or secured to be paid: And the collector or deputy giving such protection, shall limit therein the time within which such goods, wares or merchandize shall be removed from such port, and also the time within which the said protection shall be in force.

How to act, when goods from the United States are removed from the port of entry, after duties paid or secured.

XI. *And be it further enacted by the authority aforesaid,* That any goods, wares, or merchandize imported, or brought in or upon any vessel, boat, raft, or carriage, from any port or place in the said United States, shall not be unladen or delivered from such vessel, boat, raft, or carriage, at any port or harbour but in open day, that is to say, between the rising and setting of the Sun, except by special licence for that purpose from the Collector or deputy of the port or harbour: And if any goods, wares, or merchandize shall be unladen or delivered contrary to the directions aforesaid, or either of them, the matter or person having the command or charge of such vessel, boat, raft, or carriage, and every other person who shall knowingly be concerned, or aiding therein, or in removing or otherwise securing the said goods, wares, or merchandize, shall forfeit and pay a sum not less than five pounds, nor exceeding fifty pounds for each offence, and all such goods, wares and merchandize so unladen or delivered, shall become forfeited, and may be seized by the said Collector or his deputy: And where the value, according to the highest market price of the same, shall amount to twenty pounds, the vessel, boat, raft, or carriage, with the tackle, apparel, furniture, cattle, harness, and horse or horses thereto respectively belonging, shall also become forfeited, and shall and may be seized by the said Collector or deputy, subject nevertheless to condemnation by due course of law.

Goods to be unladen in open day without special licence to contrary.

Penalty.

XII. *And be it further enacted by the authority aforesaid,* That no goods, wares or merchandize liable to pay duty, imported or brought into this Province in or upon any vessel, boat, raft, or carriage, from any port or place in the United States of America, in or upon any vessel, boat, raft or carriage, requiring to be weighed, gauged, taled, or meted, in order to ascertain the duties thereon, shall be removed from any wharf, or place upon which the same may be landed, put, or delivered, before the same shall have been weighed, gauged, taled or meted, by, or under the direction of the Collector or deputy, which he is hereby directed and required to perform with all convenient speed: And if any such goods, wares or merchandize shall be removed from such wharf or place, before the same shall have been so weighed, gauged, taled or meted, the same shall be forfeited, and may be seized by such Collector or deputy, subject nevertheless to condemnation by due course of law.

No goods liable's duty shall be removed from the place of landing until weighed, gauged, taled, or meted.

Penalty.

XIII. *And be it further enacted by the authority aforesaid,* That before the unloading of any goods, wares or merchandize imported, or brought into this Province from the said United States, on which any rates

Duties how paid or secured before unloading the goods.

rates or duties are by law imposed, the said rates and duties shall be paid or secured to be paid to his Majesty, his heirs and successors, in like manner as the same are now raised, levied, collected and recovered under and by virtue of any Act of the British Legislature, relating to the customs and trade of his Majesty's Colonies in America, and under and by virtue of any Act of the Provincial Parliament of the Province of Lower Canada.

On suspicion of fraud, examination of goods, in what manner to be made.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector or deputy of any port or harbour aforesaid, after entry made of any goods, wares or merchandize, on suspicion of fraud, to open and examine in the presence of two or more reputable persons, any package or packages thereof, and if upon examination they shall be found to agree with the entries, the said Collector or deputy shall cause the same to be repacked and delivered to the said owner or claimant forthwith, and the expence of such examination shall be paid by the said Collector or deputy; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares and merchandize contained in such package or packages shall be forfeited; subject nevertheless to condemnation according to due course of law. Provided always, That the said forfeiture shall not be incurred if it shall be made appear to the satisfaction of the said Collector or deputy, or of the Court in which a prosecution for the forfeiture shall be had, that such difference proceeded from mistake or accident, and not from an intention to defraud the revenue.

Forfeitures where goods not entered according to directions of this Act.

XV. *And be it enacted by the authority aforesaid,* That all goods, wares or merchandize which shall be imported or brought by land or by inland navigation into this Province from the said United States, and which shall not be entered according to the directions of this Act, at the port or harbour where any goods, wares or merchandize shall arrive or be brought, shall be forfeited, together with the vessel, boat, raft or carriage in or upon which the same shall be found, or shall have been imported, and the tackle, apparel, furniture, cattle, horse or horses and harness thereunto respectively belonging. And the Collector or deputy of the said port or harbour, and all other Collectors and deputies, or other person or persons by them for that purpose especially appointed, shall have full power and authority to enter into and upon any vessel, boat, raft or carriage, in which he or they shall have reason to suspect any goods, wares or merchandizes not entered as aforesaid to be concealed, and therein to search for, seize and secure any such goods, wares or merchandize: and if he or they shall have cause to suspect that any such goods, wares or merchandize are concealed in any particular dwelling house, store, building or other place, they or either of them shall upon application upon oath to any Justice of the Peace, be entitled to a warrant to enter, taking with them a peace officer, such store or other place (in the day time only) and there to search for such goods, wares or merchandize, and if any shall be found, to seize and secure the same for trial; and if any person or persons shall conceal, or shall buy any goods, wares or merchandize, knowing them to be liable to seizure by this Act, such person or persons on conviction thereof, shall forfeit and pay double the value of the goods, wares or merchandize so concealed, purchased or exchanged.

Directions for collectors or their deputies to search for goods suspected not to be entered.

XVI. *And be it enacted by the authority aforesaid,* That all goods, wares and merchandize whereof the importation is not, and shall not be entirely prohibited, may freely, for the purposes of commerce, be carried and exported free and exempt of all duties whatsoever from and out of this Province into the said United States, as well by his Majesty's subjects as by the citizens of the said United States.

Penalty for buying goods liable to seizure.

Goods not prohibited to be exported duty free to the United States.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all collectors and deputies whatsoever to seize and secure any vessel, boat, raft, or carriage, goods, wares or merchandize which shall be liable to seizure by virtue of this Act, as well without as within their respective districts, within this Province, and all goods, wares and merchandize which shall be seized by virtue of this Act, shall remain in the custody of the person seizing the same, until such proceedings shall be had, as by law are required, to ascertain whether the same have been forfeited or not: And all penalties and forfeitures enacted by this Act, shall be recovered and declared in his Majesty's Court of King's Bench in this Province, in the same manner and form, and upon the same evidence and by the same rules and regulations, as any penalties and forfeitures incurred for any offences against the laws relating to the customs and trade of his Majesty's Colonies in America, may now be recovered and declared forfeited in such Courts respectively. And in all cases of condemnation or of penalties and forfeiture incurred by virtue of this Act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be divided as follows, one half to his Majesty, and the other half to the person seizing the same.

Collectors and their deputies may seize as well without as within their respective districts.

Method of recovering penalties and forfeitures.

XVIII. *And be it further enacted by the authority aforesaid,* That all vessels, boats, rafts or carriages which shall be seized in pursuance and by virtue of this Act, or of any Act or Acts of the Parliament of Great Britain, and which shall be condemned in his Majesty's Court of King's Bench, shall be sold by public auction to the best bidder by the collector or deputy of the port or harbour where the same shall be seized, and at the place where such vessels, boats, rafts, or carriages shall be seized.

Division of the penalties and forfeitures.

Mode of sale of all vessels, boats, &c. seized and condemned.

XIX. *And be it enacted by the authority aforesaid,* That if any collector or deputy, or other person executing or aiding in the seizure of any vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel or furniture, goods, wares or merchandize, or other thing whatsoever, shall be sued or prosecuted for any thing done in virtue of the powers of this Act; or by virtue of a warrant granted to any Justice of the Peace, pursuant to law, such officer or other person may plead the general issue and give this Act and the special matter in evidence; and if in such suit the plaintiff shall be non-suited or judgment pass against him, the defendant shall recover double costs, and in case any information shall be commenced and brought to trial on account of the seizure of any vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other things whatsoever, as forfeited

Provisions in case of actions or prosecution for things done under this Act.



seized by this Act, wherein a judgment shall be given for the claimant, and it shall appear to the Court before whom the same shall be tried, that there was a probable cause of seizure, the Court shall certify on the record that there was a probable cause for seizing the same, and in such case the defendant shall not be entitled to any costs whatsoever, nor shall the persons who seized be liable to any action or prosecution on account of such seizure: And in case any action or prosecution shall be commenced and brought to trial against any person whatsoever on account of the seizing any such vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares or merchandize, or other thing, where no information shall be commenced or brought to trial to condemn the same, and a judgment shall be given upon such action or prosecution against the defendant or defendants, if the Court, before whom such action or prosecution may be brought, shall certify in like manner as aforesaid, that there was a probable cause for such seizure, then the plaintiff, besides the vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other thing or things so seized, or the value thereof, shall not be entitled to above one shilling damages, nor to any costs of suit, nor shall the defendant in any such action or prosecution be fined above one shilling; Provided always, and be it enacted by the authority aforesaid, That all and every such goods, wares or merchandize, vessel, boat, raft, or carriage, horse or horses, cattle, harness, tackle, apparel, or furniture, which shall be so seized and condemned, shall be advertised for sale on a day certain, not less than fifteen days after such condemnation.

When seizures to be advertised for sale.

XX. And be it further enacted by the authority aforesaid, That the Collectors and deputies of the said ports and harbours shall cause to be affixed and kept in some public and conspicuous place in their offices, a list table of the fees to be taken and received by the said Collectors and deputies, which fees shall be as follows:—

Table of fees to be affixed in the Collector's office.

For every report of the arrival of and permit to unload any vessel, boat or batteau under five tons burthen—One shilling and three pence.

Ditto of any vessel, &c. of five tons or upwards, and not exceeding fifty tons—Two shillings and six pence.

Ditto of any vessel, &c. exceeding fifty tons—Ten shillings.

Ditto of any waggon, cart, sleigh, or other carriage—Four pence.

For every entry of goods imported by water communication—One shilling and three-pence.

For ditto ditto by any waggon, cart, sleigh, or other conveyance—Six-pence.

For every certificate of goods having paid duty and protection—Six-pence.

For every bond for payment of duties—Two shillings and six-pence.

XXI. And be it further enacted by the authority aforesaid, That if any Collector or deputy at any port or harbour shall demand or receive any greater or other fee, compensation or reward for executing any duty or service required of him by law, he shall forfeit and pay the sum of fifty pounds for each offence, recoverable in his Majesty's Court of King's Bench, to the use of the party grieved.

Penalties for taking more than legal fees.

XXII. And be it further enacted by the authority aforesaid, That the Collectors and their precincts shall be as follows:—

A Collector at Cornwall for the Eastern District.

At Johnstown for the District of Johnstown.

At Kingllon for the Midland District.

At Newcastle for the Counties of Northumberland and Durham.

At York for the remainder of the Home District.

At Niagara for the first, second and third Ridings of the County of Lincoln.

At Fort Erie for the remainder of the District of Niagara and County of Haldimand.

At Turkey Point for the District of London.

At Sandwich for the Western District.

Names of the places where Collectors are to be appointed, and their respective districts.

CHAPTER VI.

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.

WHEREAS doubts have arisen with respect to the authority under which the Courts of General Quarter Sessions of the Peace, the District Courts, the Surrogate Courts and the Courts of requests have been erected and are now holden in the several Districts of this Province, and also the authority under which Commissions of the Peace, Commissions of Assize and Nisi Prius, Commissions of Oyer and Terminer, Commissions to Sheriffs and other persons concerned in the administration of Justice, have been issued in and for the said Districts respectively, for removal of such doubts, Be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, And it is hereby declared and enacted, that the authority under which the said Courts and Commissions have been erected, holden and issued, and also all matters and things done by or by virtue of the same are so far as relates to the authority under which the same have been so erected, holden, issued and done, good and valid to all intents and purposes whatsoever, and that the provisions of all the Acts of the Legislature of this Province

Preamble.

Confirmation of Courts, Commissions &c.

seized by this Act, wherein a judgment shall be given for the claimant, and it shall appear to the Court before whom the same shall be tried, that there was a probable cause of seizure, the Court shall certify on the record that there was a probable cause for seizing the same, and in such case the defendant shall not be entitled to any costs whatsoever, nor shall the persons who seized be liable to any action or prosecution on account of such seizure: And in case any action or prosecution shall be commenced and brought to trial against any person whatsoever on account of the seizing any such vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares or merchandize, or other thing, where no information shall be commenced or brought to trial to condemn the same, and a judgment shall be given upon such action or prosecution against the defendant or defendants, if the Court, before whom such action or prosecution may be brought, shall certify in like manner as aforesaid, that there was a probable cause for such seizure, then the plaintiff, besides the vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other thing or things so seized, or the value thereof, shall not be entitled to above one shilling damages, nor to any costs of suit, nor shall the defendant in any such action or prosecution be fined above one shilling; Provided always, and be it enacted by the authority aforesaid, That all and every such goods, wares or merchandize, vessel, boat, raft, or carriage, horse or horses, cattle, harness, tackle, apparel, or furniture, which shall be so seized and condemned, shall be advertised for sale on a day certain, not less than fifteen days after such condemnation.

XX. *And be it further enacted by the authority aforesaid,* That the Collectors and deputies of the said ports and harbours shall cause to be affixed and kept in some public and conspicuous place in their offices, a fair table of the fees to be taken and received by the said Collectors and deputies, which fees shall be as follows:—

For every report of the arrival of and permit to unload any vessel, boat or batteau under five tons burthen—One shilling and three pence.

Ditto of any vessel, &c. of five tons or upwards, and not exceeding fifty tons—Two shillings and six pence.

Ditto of any vessel, &c. exceeding fifty tons—Ten shillings.

Ditto of any waggon, cart, sleigh, or other carriage—Four pence.

For every entry of goods imported by water communication—One shilling and three-pence.

For ditto ditto by any waggon, cart, sleigh, or other conveyance—Six-pence.

For every certificate of goods having paid duty and protection—Six-pence.

For every bond for payment of duties—Two shillings and six-pence.

XXI. *And be it further enacted by the authority aforesaid,* That if any Collector or deputy at any port or harbour shall demand or receive any greater or other fee, compensation or reward for executing any duty or service required of him by law, he shall forfeit and pay the sum of fifty pounds for each offence, recoverable in his Majesty's Court of King's Bench, to the use of the party grieved.

XXII. *And be it further enacted by the authority aforesaid,* That the Collectors and their precincts shall be as follows:—

A Collector at Cornwall for the Eastern District.

At Johnstown for the District of Johnstown.

At Kinsale for the District of Kinsale.

When seizures to be advertised for sale.

Table of fees to be affixed in the Collector's office.

Penalties for taking more than legal fees.

Names of the places where Collectors are to be appointed, and their precincts.

vince respecting the said Courts and Commissions, or any of them, are hereby declared to extend and be in force (except as herein after mentioned) in each and every the said Districts respectively.

Times of holding Quarter Sessions.

II. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace in and for the Western District, the District of Niagara, and the Home District respectively, shall be holden in the towns of Sandwich, Niagara and York, on the second Tuesday in the months of January, April, July and October.

And that the said Courts of General Quarter Sessions of the Peace in and for the District of London, shall be holden in the town of Charlotteville, on the second Tuesday in the months of March, June, September and December.

And that the said Courts of General Quarter Sessions of the Peace in and for the Midland District, shall be holden in the town of Adolphus Town on the fourth Tuesday in the month of January, and on the second Tuesday in the month of July, and in the town of Kingston on the fourth Tuesday in the month of April, and on the second Tuesday in the month of October.

And that the Courts of General Quarter Sessions of the Peace in and for the District of Johnstown shall be holden in the town of Johnstown on the third Tuesday in the months of February and May, and on the second Tuesday in the months of August and November.

And that the Courts of General Quarter Sessions of the Peace in and for the Eastern District, shall be holden in the town of Cornwall on the fourth Tuesday of the months of January and April, and on the second Tuesday of the months of July and October.

Provision respecting the districts of London and Johnstown.

III. *And be it further enacted by the authority aforesaid,* That the duties which are required by law to be done and executed by any person or persons, at or before the April Sessions, shall be done and executed at or before the June Sessions, in the District of London, and at or before the May Sessions in the District of Johnstown.

CHAPTER VII.

*An Act to authorize the Governor, Lieutenant Governor, or Person administering the Government to appoint Inspectors of Flour, Pot and Pearl Ashes within this Province.*

Preamble.

WHEREAS it would be for the mutual advantage of buyers and sellers of Flour, Pot and Pearl Ashes, and tend to establish the credit of those articles in foreign markets, if means were adopted for the ascertaining the quality of those articles when offered for sale 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government for the time being, to appoint one or more persons in every district of this Province, at such place or places as he shall deem proper, as Inspector or Inspectors, of Flour, Pot and Pearl Ashes, and the said Inspector or Inspectors, before he or they shall enter upon the execution of such office, shall take the following oath:

Appointment in every district, of Inspectors of flour, pot and pearl ashes

Oath to be taken by Inspectors.

II. I do sincerely swear, that I will faithfully and impartially, and according to the best of my skill and understanding, execute the office and duty of an Inspector or Examiner of Flour, or Pot and Pearl Ashes (as the case may be) according to the true intent and meaning of an Act of this Province, intituled, "An Act to authorize the Governor, Lieutenant Governor, or person administering the Government, to appoint Inspectors of Flour, Pot and Pearl Ashes within this Province."—So help me God.

Method of examining flour, pot and pearl ashes, and marking the casks in which they are contained.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, having Flour, Pot or Pearl Ashes for sale, to call upon the Inspector to examine the same, who is hereby authorized and required to examine such Flour, by boring the head of the cask, and piercing through the Flour, with the usual instrument, in order to prove whether it be honestly and truly packed, and to judge of its quality; and the said Inspector shall declare the quality of the same, by marking it as superfine, fine, or middling, and if unsound or soured, he shall also mark the same on the head of each cask, and in the case of Pot and Pearl Ashes, the Inspector is hereby authorized and required to unpack the cask or casks in which it is contained, and to repack the same, and he shall declare the quality thereof, by marking each cask as first, second or third sort, or merely salts, as the case may be.

Fees allowed to the Inspectors.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Inspector to ask and receive of and from the person calling upon him to search and examine Flour, Pot and Pearl Ashes as aforesaid, for every barrel of Flour, three pence, and for every cask of Pot and Pearl Ashes, one shilling.

CHAPTER VIII.

*An Act to prevent the sale of Spirituous Liquors and Strong Waters in the Tract occupied by the Moravian Indians on the River Thames, in the Western District.*

Preamble.

WHEREAS it is necessary for the comfort of the Moravian Indians inhabiting that certain tract of land on each side of the River Thames, called the Township of Orford, and for the better regulation of the said Indians, that no rum, or spirituous liquors should be sold within that Township; 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

bled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons whatsoever, to sell or barter any rum, brandy, whisky, or other spirituous liquors, or strong waters, within the said tract, so occupied by the said Indians.

No person to sell or barter rum, &c. within the tract occupied by the Moravian Indians. Penalty.

II. And be it further enacted by the authority aforesaid, That if any person shall be convicted of selling, or bartering any rum, brandy, whisky, or other spirituous liquors, or strong waters, within the aforesaid tract, he shall be convicted after the same manner, and be subject to the same pains, penalties, and fines as persons selling spirituous liquors without licence are now convicted and fined according to law.

CHAPTER IX.

An Act the better to adapt the Establishment of the Court of King's Bench to the present situation of this Province.

WHEREAS experience has shewn, that under the present circumstances of this Province, the benefits intended to arise to the administration of justice, by the establishment of the Court of King's Bench, have not been, and cannot be obtained, unless some expedient be adopted to make the said Court more accessible: For remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 office which the Clerk of the Crown and Pleas now hath in each District be, and the same is hereby declared to be an office from which all original process may issue, and in which actions may be instituted, and all necessary proceedings had before final judgment, in the same manner as the same may now be done in the principal office of the said Clerk.

Preamble.

Office of the Clerk of the Crown and Pleas in each District

II 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 proceeding 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.

Mode of proceeding out of the Home District.

III. And be it further enacted by the authority aforesaid, That before final judgment, the record of 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.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Court, to make such general rules and regulations as to it shall seem expedient and necessary for the carrying the provisions of this Act into effect, according to the true intent and spirit thereof

Court to make rules and regulations.

V. Provided nevertheless, and be it further enacted by the authority aforesaid, That this Act shall not take effect, until the first day of November next.

Commencement of this Act.

CHAPTER X.

An Act to regulate the Statute Labour to be done upon the Roads in the tract occupied by the Huron Indians in the County of Essex, in the Western District.

WHEREAS it is necessary that the road which passes through the tract occupied by the Huron Indians, in the County of Essex, should be kept in good repair, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the King's high road, which leads through the said tract, between the township of Malden, and the township of Sandwich, be kept in good and sufficient repair, by the inhabitants of the said townships, that is to say, the southern half of the said road by each and every person living within and inhabiting the township of Malden; and the northern half of the said road, by each and every person living within and inhabiting the township of Sandwich.

Preamble.

Road between Sandwich and Malden.

II. And be it further enacted by the authority aforesaid, That the bridge which has been erected over the River aux Canards, shall be, and is hereby directed to be kept in good and sufficient repair, by the inhabitants of the aforesaid Township generally.

Bridge over the River aux Canards.

III. And be it further enacted by the authority aforesaid, That if any person as aforesaid, shall refuse to work upon the said road, or towards the repair of the said bridge, after he shall have been warned by to do, according to law; it shall and may be lawful for any one Magistrate to issue his warrant to bring such offender before him, and to inflict such punishment as may now be inflicted upon any defaulter, for neglect or refusal to work upon any other his Majesty's highways in this Province;

Penalty for refusing to work on the road or bridge.

IV. And be it further enacted by the authority aforesaid, That the statute labour here directed, is not to extend beyond the quota of statute labour as now regulated by law, but is to be a part thereof

Labour to be done.

## CHAPTER XI.

*An Act to prevent the Acts of the Legislature from taking effect from a time prior to the passing thereof.*

**W**HEREAS every Act of the Legislature of this Province in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the session in which such Act is passed: And whereas the same is liable to produce great and manifest injustice: For remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 Secretary of this Province shall indorse on every Act of the Legislature of this Province which shall pass during the present, and every future session thereof, immediately after the title of such Act, the day, month and year, when the same shall have passed and received the Royal Assent, and such indorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

## CHAPTER XII.

*An Act for granting to his Majesty a certain sum of Money, out of the Provincial Fund, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly (including the Commissioners to Lower Canada) and to defray the Contingent Expences thereof; and further to appropriate the Supplies and provide for the payment of the same hereafter.*

MOST GRACIOUS SOVEREIGN,

Appropriation of  
Provincial Funds.

**W**E your Majesty's most dutiful and loyal subjects the Commons of Upper Canada in Parliament assembled, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof, as well as to defray the payment of the Commissioners to Lower Canada, have resolved to give and grant unto your Majesty, out of the rates and duties already raised, levied and collected, and hereafter to be raised, levied or collected, the sum hereafter mentioned, and 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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 purposes of paying the salaries of the officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof, and to and for the uses of this Province, there be granted to his Majesty the sum of two thousand two hundred and fifty-five pounds five shillings, to be issued out of the Provincial Fund in the Receiver General's hands to the uses hereafter expressed, and defray the following expences, that is to say,

For Services rendered previous to the present session of Parliament as follows:

- The Clerk of the Legislative Council, one hundred and forty-five pounds.
- The Usher of the Black Rod, fifty pounds.
- The Master in Chancery attending the Legislative Council, fifty pounds.
- The Chaplain of the Legislative Council, thirty pounds.
- The Door Keeper of the Legislative Council, twenty pounds.
- The Speaker of the House of Assembly, two hundred pounds.
- The late Clerk of the House of Assembly for two years salary due, three hundred pounds.
- The Serjeant at Arms, fifty pounds.
- To the same, for the contingent expences of the House of Assembly, five pounds fifteen shillings.
- The Chaplain of the House of Assembly, thirty pounds.
- The Door Keeper of the House of Assembly, twenty pounds.
- Printing the heads of a Bill relative to the carrying place at Niagara, four pounds ten shillings.
- The two Commissioners to Lower Canada, one hundred pounds, each two hundred pounds.

For the Services of the present Session, as follows:

- The Clerk of the Legislative Council, one hundred and twenty-five pounds.
- The Usher of the Black Rod, fifty pounds.
- The Master in Chancery attending the Legislative Council, fifty pounds.
- The Chaplain of the Legislative Council, fifty pounds.
- The Door Keeper of the Legislative Council, twenty pounds.
- The Speaker of the House of Assembly, two hundred pounds.
- The Clerk of the House of Assembly, one hundred and twenty-five pounds.
- The Serjeant at Arms, fifty pounds.
- The Chaplain of the House of Assembly, fifty pounds.
- The Door Keeper of the House of Assembly, twenty pounds.
- The copying Clerks, a sum not exceeding fifty pounds.

For printing the Acts and Journals of the present Session, a sum not exceeding three hundred pounds.  
For Furniture for the House of Assembly, and other contingent expences, pursuant to an Address, 6cl.

Two thousand two hundred and fifty-five pounds five shillings.

II. *And be it further enacted*, That there be granted annually to his Majesty, out of the rates and duties aforesaid, to be issued out of the Provincial Treasury from such monies as may from time to time come into the Receiver General's hands, the sum of one thousand and ninety pounds, to and for the uses hereafter expressed, and to defray the following expences, that is to say, seven hundred and forty pounds for the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, as recited in the detail for the service of the present Session, and three hundred and fifty pounds for the payment of Copying Clerks, and the printing of the Laws and Journals.

Future application.

III. *And be it further enacted*, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall, for the purposes herein set forth, be from time to time issued by his Excellency the Governor, Lieutenant Governor, or person administering the government of this Province for the time being, and not otherwise; and the said Receiver General shall account to his Majesty for the same, through the Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty shall direct.

Mode of payment.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

PASSED IN THE THIRD SESSION OF THE THIRD PROVINCIAL PARLIAMENT OF UPPER-CANADA, MET AT YORK, ON THE TWENTY-FIFTH DAY OF MAY, IN THE FORTY-SECOND YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE SEVENTH DAY OF JULY FOLLOWING.

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

*The Acts of this Session received the Royal Assent on the seventh day of July 1802.*

CHAPTER I.

*An Act the better to ascertain and secure the Titles to Lands in this Province.*

**W**HEREAS a certain Act of this Province passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for securing Titles to Lands in this Province," and which Act has been since extended by a certain other Act intituled, "An Act to continue an Act intituled, "An Act for securing the Titles to Lands in this Province," will very shortly expire; and whereas it is judged expedient to make further provision for the ascertaining the validity of certain claims to Lands in cases in which his Majesty's letters patent have not as yet been made out, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That at any time during the space of two years from and after the expiration of the before mentioned Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the Government of this Province, to issue such and so many Commissions under the Great Seal of this Province, for each and every district within the said Province, in such manner and form, and to be directed to such and so many persons as he shall judge proper, of whom his Majesty's Chief Justice of this Province, or one of the Justices of the Court of King's Bench shall be one, which said Commissioners, or any three of them, in cases in which his Majesty's letters patent have not as yet been made out, shall, by and under the authority of such Commission or Commissions, have power to hear and determine in manner hereinafter specified, all claims to lands, or to a lien or liens upon lands in this Province, in which the claim or title of the original nominee or nominees shall be found to have accrued or exilled, prior to the passing of this Act, and respecting which lands no report has been made under the said former Acts, whether such claims shall be set up by the original nominee or nominees thereof, or by persons claiming absolute title under such nominee or nominees, or as mortgage creditors of, or under such nominee or nominees; Provided the original nominee or nominees founded his, her or their claim or claims under the authority of General Haldimand's certificates, Lieutenant Governor Hamilton's certificates, the Surveyor General's Department, Land Board certificates, Magistrates recommendations, Treasury Tickets for Canada Bounty, and Orders in Council, or any other authority in any wise derived from his Majesty.

Preamble.

Commissions to issue.

Judges to be Commissioners.

II.

How claims to be brought forward,

And approved.

Commissioners may summon witnesses, &c.

Report to be final,

Addressed to the Governor, &c. in Council.

In what cases Commissioners may stay report,

And order rehearing,

And award costs.

Notice of the sitting of the Commissioners,

And of claims.

How Commissioners shall proceed when there are two or more adverse claims.

II. *And be it enacted by the authority aforesaid,* That it shall and may be lawful to and for all and every person or persons setting up such claims as aforesaid, either in person, or by agent duly authorized, to come before and produce to such Commissioners, or any three of them, whereof the said Chief Justice, or some one of the said Justices of the said Court of King's Bench, shall be one, all such documents and evidences as he, she or they may be in possession of, for the purpose of satisfying such Commissioners as aforesaid, of the validity of such claim or claims as he, she or they shall or may set up to any such lands as aforesaid, for which purpose such Commissioners, or any one of them, are and is hereby authorized and empowered to administer such oath or oaths either to the party or parties claiming, or to the witness or witnesses appearing in support of such claim or claims, whether the same be between subject and subject, or between the subject and the crown, as shall be judged proper and expedient; and also by summons under the signature of any one of the said Commissioners, to require the attendance of all such persons whose evidence may be judged necessary to ascertain the validity of any such claim or claims, or to explain the subject matter thereof, and in such summons also to order the production of all such books, papers and documents as shall be in the custody or power of any such person or persons, whose attendance shall be so required by such summons, in such manner as such Commissioner or Commissioners signing such summons shall deem expedient; which summons all and every person and persons to whom the same shall be directed, is and are hereby required to yield obedience to upon being duly served therewith. Provided always nevertheless, and it is hereby declared, That the said Commissioners asking under such authority as aforesaid, are hereby authorized and empowered to receive such written or oral testimony as may be produced to them, whether the same be or be not consistent with the rules of evidence laid down or established by the laws of England, and to give and allow such force and effect to such testimony as justice in each respective case shall in their judgment require.

III. *And be it further enacted by the authority aforesaid,* That after the said commissioners shall in virtue of such commission or commissions, have examined such claim or claims as aforesaid, they shall be at liberty either to reject such claim or claims, or to allow the same, as in their judgment, justice and the equity and good conscience of the case may require, without any regard to legal forms or solemnities whatsoever, and to report on the same accordingly, which report shall be final and conclusive, and shall be addressed to the Governor, Lieutenant Governor, or person administering the Government of this Province in Council; and from thenceforth, the Governor, Lieutenant Governor or person administering the Government of the Province, shall be at liberty, and he is hereby empowered and authorized to issue his Majesty's Letters Patent for the lands specified in such report, to the party or parties, his, her or their heirs and assigns, in favour of whom such report shall have been made in manner aforesaid. Provided always nevertheless, that in case the said Commissioners, or either of them shall, during their sitting, or within fifteen days after they shall have signed said report, and before his Majesty's Letters Patent shall have been issued in pursuance thereof, by representation from any person or persons claiming to be interested therein, be satisfied, or have reason to believe that the report so far as concerns any particular lot or lots of land, has been obtained by surprize, or has been made erroneously, or that another person can shew a preferable claim to such lot or lots of land, and that justice requires that such report should be staid, so far as concerns such lot or lots of land; that then it shall and may be lawful to and for the said Commissioners, or any other Commissioners who may sit in execution of the said Commission, or any subsequent Commission, to rehear such claim, or to let in new claims to such particular lot or lots of land, and upon such rehearing, such Commissioners shall be at liberty to report on the claims to be thereupon heard, as if no report had before been made, and such Commissioners shall also be at liberty, if they shall judge it expedient to justice, to order any of the parties, at whose instance such rehearing was obtained, to pay such sum or sums of money to the party or parties in favor of whom a report shall have been first made, as they shall see just, to be recovered in like manner as the costs and expences of witnesses are by this Act directed and authorized to be recovered.

IV. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That the said Commissioners shall not proceed to examine any such claim as aforesaid, unless they shall have caused notice in writing of their intention to proceed upon the business of the said Commission, to be fixed up in some conspicuous part of the office of the Clerk of the Peace, and at three other the most public places of each district respectively, at least one month before they shall begin to act therein; and also unless a notice specifying such claim or claims, and the name or names of the claimant or claimants, together with the number of the lot or lots, and of the concession or concessions, with the name and names of the township and townships, district and districts, in which the lands so claimed respectively lie or are situated, shall have been fixed up in some conspicuous part of the said office of the Clerk of the Peace at least fifteen days before the same shall come on to be heard.

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

VI. *And be it further enacted by the authority aforesaid,* That in all cases in which any claim or claims shall or may be set up before the said Commissioners under any mortgage, or security made, or by writing agreed

agreed to be made by such original nominee or nominees as aforesaid, or by any person or persons claim- ing under such nominee or nominees, the said Commissioners acting under such authority as aforesaid, are, if they shall be satisfied that such claim is well founded, hereby authorized and empowered to report in favour of such mortgage or mortgages, agreement or agreements, which report respecting such mortgages or agreements, the Register of each County or Riding, in which such lands shall be respectively situate, shall, and they are hereby required upon the production of the certificate of the said Commissioners, specifying their allowance of the said mortgage or agreement, to enregister, or cause the same to be enregistered in the respective offices, and after such mortgages or agreements shall have been so enregistered accordingly, such registration shall have the same force and effect upon the said lands, as the registration would have had, if the party had been seized of the legal estate in such lands.

How Mortgages, &c. may be brought forward, and registration obtained.

VII. And be it further enacted by the authority aforesaid, That in case any person or persons who shall appear before the said Commissioners to give evidence respecting any such claim or claims as aforesaid, shall wilfully or corruptly forswear him, her, or themselves, in the giving such evidence, he, she, and they shall incur the like pains and penalties as would have been incurred upon a conviction for wilful and corrupt perjury in any evidence given in his Majesty's Court of King's Bench in this Province, in any cause there depending.

Penalty of false swearing.

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

Witnesses expences to be paid.

IX. 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, from time to time during the existence of this Act, by warrant under his hand, to order and direct the Treasurer of the said Province to pay to and for the use of the said Commissioners acting in the execution of the said Commissions respectively, such reasonable sum or sums of money, as will indemnify the said Commissioners respectively against expences to be by them incurred during the sitting of, and in the execution of the said Commission.

Expence of executing the Commissions to be defrayed from the Provincial Treasury.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Clerk of the Peace in each and every District, who is hereby authorized and empowered to act as Clerk of the said Commission, to demand and receive of and from the several persons who shall apply to him for any of the purposes of this Act, the following fees:—

Clerk's Fees.

For receiving, fixing up in his office, and setting down for hearing any claim for a grant, and also for making up a report respecting the same, the sum of five shillings.

For receiving and setting down for hearing any caveat, three shillings and nine-pence.

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

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

XI. And be it enacted by the authority aforesaid, That this Act shall be in force for the space of two years from the day of the passing thereof, and no longer.

CHAPTER II.

An ACT to provide for the Administration of Justice in the District of Newcastle.

WHEREAS the Counties of Northumberland and Durham, with all the lands in their rear confined between their extreme boundaries, produced North sixteen degrees West, until they intersect the Northern limits of this Province, under and by virtue of a certain Act of Parliament, intituled, "An Act for the better division of this Province," passed in the second Session of the second Parliament thereof, (to which the Royal Assent was promulgated by Proclamation bearing date the first day of January, in the fortieth year of his Majesty's reign) are declared to be a separate District of this Province, to be called the District of Newcastle; And whereas it is expedient that the said District of Newcastle should possess and enjoy all and every jurisdiction, privilege and advantage now possessed and enjoyed by the other districts 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery and of the Peace, Courts of General and Quarter Sessions of the Peace, District Court, Surrogate Court, Court of Requests, and every Court and Jurisdiction whatsoever held, or to be held, possessed and enjoyed in and by the other Districts of this Province, shall from henceforth, with the like powers and authorities, be held, possessed and enjoyed in, and by the said District of Newcastle; and that all and every jurisdiction, regulation

Preamble.

Courts, &c. held in the other Districts to be held in this District.



Courts of Oyer and Terminer, &c. postponed till 1803.

Proviso.

Gaol and Court-house to be erected.

Provision until Gaol and Court-house are erected.

Jurisdictions, &c. of the Home District to cease.

Present Magistrates, &c. residing within this District to continue.

But not to have any authority out of it.

Application of Assessments and Rates.

Preamble.

regulation, rule, privilege, exemption, matter or thing which hath, or have been enacted, provided and declared, or shall be hereafter enacted, provided and declared by any Act or Acts of the Parliament of this Province, made or to be made, touching and concerning the said other Districts, shall be, and are hereby extended to that District, unless otherwise provided for and declared by this Act; and that Courts of Oyer and Terminer, Assize, Nisi Prius and Gaol Delivery, shall first be held, (unless under special Commission) in and for the said District of Newcastle, during the Circuit of the Judges of his Majesty's Court of King's Bench through this Province, in the year of our Lord one thousand eight hundred and three. Provided nevertheless, that if any cause of action hath arisen, or shall arise, and any action thereupon hath been or shall be commenced, or any indictable offence hath been or shall be committed within the said District of Newcastle, which said action or indictable offence by due course of law might have been brought to issue and trial, if the said District of Newcastle had not been erected and constituted, at the next Assizes to be holden in and for the Home District, it shall and may be lawful as heretofore, then and there to try the said Actions and indictments, any thing herein contained to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That a Gaol and Court House for the said District of Newcastle, shall be erected and built in some fit and convenient place within the town of Newcastle, in such manner, and under the same rules, regulations and directions as in that respect are made and provided in and by a certain Act passed in the thirty-second year of his Majesty's reign, intituled, "An Act for building a Gaol and Court House in every District throughout this Province, and for altering the names of the said Districts," and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited Act contained, shall, under the same penalties as therein are contained in all cases, and in respect to all persons, extend and be extended to the District of Newcastle aforesaid.

III. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That until such time as the said Gaol and Court House in and for the District of Newcastle aforesaid, shall have been erected and built, whether out of the fund produced by the District assessments and rates, or otherwise, that it shall and may be lawful for the majority of his Majesty's Justices of the Peace, residing within the District of Newcastle, to appoint some place therein for the holding of the Courts of General and of Quarter Sessions of the Peace, and of all the other Courts, held at a place certain in the said other Districts of this Province.

IV. And whereas the said Counties of Northumberland and Durham, with the said other lands now constituting the District of Newcastle, did heretofore belong to and constitute a part of the Home District of this Province, were subject to the jurisdictions, powers and authorities of that District, *Be it therefore further enacted by the authority aforesaid,* That no jurisdiction, power or authority of what nature or kind soever to the said Home District at this time belonging and appertaining, shall extend or be construed to extend to the said District of Newcastle. Provided nevertheless, that nothing herein contained shall affect, change, or in any wise invalidate the jurisdictions, commissions, powers and authorities which heretofore were established, possessed and exercised in that part of the said Province, which before the erecting and constituting the said District of Newcastle, formed and constituted the Home District, and that all Acts, matters and things which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers and authorities within that District, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting of the said District of Newcastle as aforesaid, and all acts, matters and things which shall be lawfully done, under and by virtue of the same, in that part of the Province which now forms and constitutes the Home District, so far as respects the validity of the authority under which the same have issued and are constituted since the said District of Newcastle hath been so erected and constituted, shall be held to be valid and good in Law to all intents and purposes whatsoever.

V. *And be it further enacted by the authority aforesaid,* That his Majesty's Justices of the Peace, and other persons bearing lawful authority, residing within the said District of Newcastle, shall hold, enjoy and exercise, the like authority, power and jurisdiction within that District, at the times and in the manner which they heretofore held, enjoyed and exercised within the Home District, before the erecting, constituting and declaring of the said District of Newcastle, or which is held, enjoyed and exercised by his Majesty's Justices of the Peace and other persons bearing lawful authority in the other Districts of this Province, provided that the authority, power and jurisdiction, heretofore exercised by his Majesty's Justices of the Peace and other persons bearing lawful authority residing within the said District of Newcastle, shall not in any wise be exercised or continued within that part of this Province now constituting the Home District, but the same within that District shall from henceforth cease and determine.

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

CHAP. III.

An ACT to declare and ascertain the Rates which the Receiver General shall take and retain to his own use, out of the Monies passing through his hands, which are subject to the disposition of the Parliament of this Province.

MOST GRACIOUS SOVEREIGN;

WHEREAS doubts have arisen respecting the rates which by law the Receiver General is allowed to take and retain to and for his own use and benefit, out of the monies at the disposition of the Parliament of this Province, passing through his hands; And whereas it is expedient that such doubts should be removed

removed, We, therefore, your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Parliament assembled, do most humbly beseech your Majesty that it may be declared and enacted, and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of all and every the sum and sums of money at the disposition of the Parliament of this Province, which at any time or times heretofore have been received, paid out and accounted for by his Majesty's Receiver General, or at any time or times hereafter shall or may be received, paid out and accounted for by his Majesty's said Receiver General for the time being, it shall and may be lawful to and for him the said Receiver General to take and retain to and for his own use, benefit and emolument, the following rates and allowances, that is to say, for every hundred pounds of such monies as aforesaid, collected within this Province, and by him the said Receiver General received, paid out and accounted for as aforesaid, three pounds, and so in proportion for any greater or lesser sum or sums of such monies, and no more; and for every hundred pounds of such monies as aforesaid, answered by and issuing out of the Province of Lower Canada, in lieu of, and as a compensation for such drawbacks as this Province is entitled to claim and have for certain duties imposed by certain Acts of the Parliament of that Province upon goods, wares and merchandizes coming into this Province, three pounds and ten shillings, and so in proportion for any greater or lesser sum or sums of such monies as aforesaid, and no more.

Poundage to the Receiver General.

II. *Provided always, and be it further declared and enacted by the authority aforesaid,* That nothing herein contained shall extend or be construed to extend to enable the said Receiver General under any other appellation, title, pretence or colour whatsoever, to take or retain to his own use, benefit or emolument, any additional or other rate or rates, allowance or allowances, out of the monies and for the services herein before mentioned, other than such as herein before are specified, mentioned and contained, any law, usage or custom to the contrary in any wise notwithstanding.

The Receiver General not to take any additional allowance.

CHAP. IV.

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.

WHEREAS it is expedient that further provision be made for the better collecting and for prevention of the evading of the payment of certain duties imposed on goods and merchandize brought into this Province from the United States of America, under and by virtue of a certain Act of Parliament passed in the forty-first year of his Majesty's reign, intituled, "An Act for granting to his Majesty, his heirs and successors, to and for the uses of this Province, the like duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council & Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of the said Province, by and with the advice and consent of the Executive Council thereof, from time to time as occasion shall require, and as to him shall seem meet, to declare and appoint by Proclamation or otherwise, one or more additional Port or Ports of Entry and Clearance, place or places (other than Ports) of Entry and Clearance for all goods and merchandize not being entirely prohibited, and for the payment of all duties liable to be paid on all goods and merchandize brought into this Province from the United States of America, imposed and established by virtue of the above mentioned Act of Parliament passed in the forty-first year of his Majesty's reign, and according to the directions of the same, and that it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, under his hand and seal at arms, to nominate and appoint one or more Collector or Collectors at the said additional Ports of Entry and Clearance, and at the place or places (other than ports) of Entry and Clearance, in like manner as he is now by law authorized to nominate and appoint one or more Collector or Collectors at the respective Ports of Entry and Clearance particularly specified in the said last mentioned Act.

Preamble.

Governor, &c. in Council to declare additional Ports of Entry.

Governor, &c. to appoint Collectors.

II. *And be it further enacted by the authority aforesaid,* That all and every the powers, directions, rules, emoluments, clauses, matters and things which in and by the said Act passed in the forty-first year of his Majesty's reign were enacted, provided and established, respecting the Collector or Collectors at the respective Ports of Entry and Clearance therein mentioned, shall be, and are hereby extended to such Collector or Collectors as shall be nominated and appointed in manner as aforesaid by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, at the said additional Port or Ports of Entry and Clearance, or place or places other than Ports of Entry and Clearance, under and by virtue of this Act.

Collectors so appointed to have the same powers, &c. as other Collectors.

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

CHAP.

C H A P. V.

An ACT for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor, in pursuance of two several Addresses of the Commons House of Assembly.

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS in pursuance of an Address of your Commons House of Assembly to PETER HUNTER, Esquire, Lieutenant Governor of your Province of Upper Canada, bearing date on the sixth day of July, in the forty-first year of your Majesty's reign, the sum of seven hundred and fifty pounds has been issued and advanced by your Majesty through your Lieutenant Governor, to the Commissioners nominated and appointed by him your Lieutenant Governor aforesaid, for carrying into effect the intention of your Majesty's said Commons to encourage and promote the culture and exportation of Hemp; And whereas in pursuance of a certain other Address of your said Commons House of Assembly to your Majesty's Lieutenant Governor aforesaid, bearing the same date as the former, the further sum of eighty-four pounds and eight pence, has been issued and advanced by your Majesty through your Lieutenant Governor aforesaid, to the Clerks of the two Houses of Parliament, as well in satisfaction of certain disbursements of monies made by them the said Clerks in answering and discharging of certain contingent expenses attending the last Session of Parliament, as to enable them the said Clerks to provide a supply of Stationary for the future purposes of the Parliament; May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, and collected under the authority of any Act or Acts thereof, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of eight hundred and thirty-four pounds and eight pence, to make good the aforesaid two sums of money which have so as aforesaid been issued and advanced by his Majesty through his said Lieutenant Governor, in pursuance of the aforesaid two Addresses.

Obj. of Ed. to be issued from the Provincial Treasury to make good the like sum paid in pursuance of Addresses of the Assembly.

How to be accounted for.

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 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.

T H E

S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

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

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

C H A P. I.

[The Royal Assent to this Act, was promulgated by Proclamation bearing date the fourth day of January, in the year of our Lord one thousand eight hundred and three, and forty-third of his Majesty's reign.]

An ACT to allow time for the Sale of Lands and Tenements by the Sheriff.

WHEREAS it is expedient, in the present circumstances of this Province, that some time should elapse, after the issuing of Process of Execution against Lands and Tenements, before the Sheriff proceeds to expose the same to sale; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the end of this present Session of Parliament, Goods and Chattels, Lands and Tenements, shall not be included in the same Writ of Execution, nor shall any such.

Process issue against the Lands and Tenements until the return of the Process against the Goods and Chattels.

And be it further enacted by the authority aforesaid, That the Writ against the Lands and Tenements shall not be made returnable in less than twelve months from the teste thereof, nor shall the Sheriff expose the same to sale, within less than twelve months from the day on which the Writ shall have been delivered to him.

C H A P. II.

An ACT to Explain and Amend an Act, passed in the Forty first year of his Majesty's Reign, intituled, "An Act for Granting to his Majesty, his heirs and successors, to and for the uses of this Province, the like Duties on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places, and to provide more effectually for the Collection and Payment of Duties on Goods and Merchandize coming from the United States of America into this Province," and also to establish a Fund for the erection and repairing of Light Houses.

[Passed, March 5, 1803.]

WHEREAS the laws at present in force, for the securing the due Collection and payment of the Duties on Goods, Wares and Merchandize brought into this Province from the United States of America, have been found inadequate to the purposes for which they were intended, it is therefore become expedient to amend such laws, and to provide additional remedies, and security against the evasion of such duties; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, whenever any ship or vessel, from whatever port or place she may have sailed, containing Goods, Wares or Merchandize, shall arrive at any port or ports of entry or clearance in this Province, the cargo or load whereof is intended to pass by such port or ports without breaking bulk there; in order to pass to some other port or ports of entry in this Province, and there to break bulk; or, in order to pass through the Province, without breaking bulk, into some part or parts of the United States, the Master, or other person having the charge or command of such ship or vessel, or the Agent or Agents, for the proprietor or proprietors of such cargo or load, or the consignee or consignees thereof, shall forthwith, upon arrival at any port or ports of entry or clearance as aforesaid, make a report and declaration thereof to the Collector or his Deputy, stationed at such port or ports of entry, which report and declaration shall state the particulars specified and directed to be contained in the report and declaration which Masters and Commanders are required to make, by an Act passed in the forty-first year of his Majesty's reign, intituled, "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 Merchandizes brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places," and which report and declaration, shall be verified upon oath or affirmation, in like manner and under the like pains and penalties, as in and by the said Act of this Province is directed; and in case such Master or Commander shall not intend to break bulk within this Province, then such declaration shall so state, and shall also state to what place in the said United States it is intended that such cargo or load shall be transported or conveyed, and in cases in which it is intended that such cargo or load shall pass to some other port or ports of entry and clearance in this Province, and then break bulk, such declaration shall state the particular port or ports, place or places of entry or clearance at which it is intended such bulk shall be broken; and as well in those cases, in which it shall be declared, it is intended to break bulk at some other port or ports of entry and clearance in this Province, as in cases in which such declaration shall state that it is intended to pass into, and transport and convey such cargo and load into some part or parts of the United States, without breaking bulk in this Province, the said Master or Commander, or the Agent or Agents of the Proprietor or Proprietors of such cargo or loads, or the Consignee or Consignees thereof, shall, and he and they is and are hereby required to enter into Bond, in a penalty of double the amount of the Duties with which such cargo or load would, if for consumption in this Province, be charged or chargeable, which Bond shall be conditioned not to break bulk, or suffer bulk to be broken, till the arrival of the ship or vessel, at the port or place at which such declaration shall state that such bulk is intended to be broken, and conditioned also for producing the permit herein after mentioned, at every port of entry or clearance at which she shall arrive, or through which she shall pass, till she shall arrive at her ultimate port or place of destination.

Preamble.

The Master, or other person having the command, or the Agent for the Proprietor, or the Consignee to report.

What the declaration shall contain.

In what cases Bond shall be entered into. Condition of Bond Permit to be granted.

In what cases Goods, &c. to be forfeited.

II And be it further enacted by the authority aforesaid; That after such Bonds shall have been so given as aforesaid, it shall and may be lawful to and for the said Collector or his Deputy, who has taken such Bond, to give and grant to the Master, Owner or Commander of such vessel, boat, raft or carriage, a Permit to proceed upon his voyage, by virtue of which such Master, Owner or Commander, shall and may, and he is hereby authorized to prosecute his voyage with the said cargo and loading, and to pass unmolested to the next port or place of entry or clearance, where he shall be entitled, in case the condition of the said Bond shall no have been broken, and his voyage shall not be completed, upon presentation of such Permit as shall have been obtained under the authority herein before specified, to demand and receive

ceive another Permit, and in like manner shall continue to apply for and receive Permits at every place or port of entry or clearance, till he shall arrive at his ultimate destination, any thing in the said recited Act of this Province, or any other law or usage to the contrary notwithstanding. But in case any Master, Owner or Commander shall, after having given such Bond as aforesaid, land or attempt to land, or cause or permit to be landed, any such goods, wares or merchandize as aforesaid, before the arrival of the vessel, boat, raft or other carriage, at the port or place of entry and clearance stated or mentioned in the said declaration, to be given under the direction of the said recited Act of this Province and this Act, then, and in such case, the said goods, wares and merchandize shall be liable to seizure and condemnation, in like manner as if no entry had ever been thereof made, by the Master, Owner or Commander of the vessel, boat, raft or other carriage containing the same: Provided always nevertheless, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Master, Owner or Commander of any vessel, boat, raft, or other carriage, from breaking bulk at any port or place of entry or clearance, at which he may arrive, or from landing or unloading part of his cargo, and proceeding further with the remaining part thereof, provided such Master, Owner or Commander shall first pay or secure to be paid in manner by this Act and the said recited Act of this Province required, the duties on such part of such cargo so to be landed, and procure or obtain the necessary Permit and Certificate for landing or permitting the same to be landed, from the Collector of the said port or place of entry or clearance, or his Deputy, and provided the said Master, Owner or Commander, shall in all respects comply with, and act in conformity with the requisitions of the said recited Act of this Province and this Act. Provided also nevertheless, That the words ship or vessel herein before contained, shall not be construed to extend to any batteau, boat, raft, or other craft or carriage, employed for the transport of any goods or merchandize from Lower Canada to this Province, or which shall be only employed in the inland trade of the country and shall not have arrived from the United States of America, nor shall this Act extend to compel or oblige the Master, Commander or Owner of any ship or vessel bound from any port or place in this Province to Queenston direct, to make any such report or declaration as aforesaid, at the port of Niagara, unless such ship or vessel shall cast anchor at the said port of Niagara, and remain there at anchor for the space of two hours, or attempt to land any part of her cargo, or break bulk there. And provided also, That whenever any ship or vessel passing the port of Niagara on her way to Queenston, shall come to an anchor in the intermediate distance between the said ports she shall not unlade or break bulk, until the Master or Commander of such ship or vessel shall have reported as aforesaid, to the Collector of the port or place of entry then nearest to where such ship or vessel shall then be.

III. *And be it further enacted by the authority aforesaid,* That each and every Collector to be appointed under the authority of the said recited Act of this Province, or any other Act now in force in this Province, or to be appointed under any other Act hereafter to be passed, shall, and he is hereby required, from and after the passing of this Act, to render to the Inspector General of this Province, four times in every year, a just, true and faithful account of all duties which have accrued due at the port or place, ports or places of entry and clearance, at which such Collector or his Deputy, or Deputies shall be stationed, the first of which accounts shall be delivered in immediately after the passing of this Act, and shall comprise all duties which shall have accrued due since the last account rendered up to the Thirty-first day of December, now last past inclusive, and the next account shall be delivered in, on or before the Twentieth day of May next, and shall comprise all duties which shall have accrued due between the first day of January, and the thirty-first day of March in this present year, both days inclusive, and so it shall continue on or before the expiration of forty days next after every succeeding three months, to render a like account to the said Inspector General, which accounts shall severally comprise a faithful statement of all duties paid or secured, or which shall have accrued due within the periods following (that is to say) between the first day of January and the last day of March, the first day of April and the last day of June, the first day of July and the last day of September, and the first day of October and the last day of December, and that the first and last days in each of such several periods of three months, shall be included in such several accounts, and immediately after such accounts shall have been so respectively rendered, passed and approved by the said Inspector General, such Collector shall, and he is hereby required to pay the full amount of all the duties which shall be stated in such accounts to have come to his hands, to his Majesty's Receiver General of this Province for the time being, and in case the said Collector shall neglect or refuse to render his said accounts, or to pay in such duties, in manner herein before required, such Collector so neglecting or refusing, shall not be at liberty to retain any part of the per centage allowed to the said Collector, in and by the said recited Act of this Province, but shall, and he is hereby required to pay in the full amount of all the duties by him received, or to be received for the three months, for which such Collector shall neglect or refuse to render such account, or pay in such monies as hereby required, without any deduction on account of such per centage, or on any other account whatsoever, any thing in the said recited Act of this Province, or this Act, or any other Act, Law or Usage to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That in all cases in which the duties by the said recited Act of this Province imposed, shall exceed in amount the sum of twenty pounds, the said Collector shall and may (if required) and he is hereby authorized, in case he shall deem it meet so to do, to accept and take of and from any master, commander, or owner of any vessel, boat, raft, or carriage in which shall be contained any goods, wares, or merchandize, which by law are dutiable, a Bond, with one or more surety or sureties, as such Collector or his deputy shall judge necessary, due regard being had, and a sound discretion used, as to the amount of the duties so to be secured, which Bond so to be given, may be

To what vessels the restrictions of this Act shall not extend.

Vessels bound to Queenston direct, not to report at Niagara, unless, &c.

Periods at which accounts are to be rendered.

If accounts not rendered within specified periods, no per centage to be deducted.

Where Duties shall exceed 20l. Bond may be taken.

in the form hereunto subjoined, and shall be taken in double the amount of the duties intended to be thereby secured, and shall be conditioned for the payment of the full amount of the said duties, at or before the expiration of one month from the time of the arrival of any such vessel, boat, raft, or carriage in the port or place of entry and clearance where she shall break bulk, and where she shall fully or in part discharge and land her cargo or loading; which Bonds so to be taken as aforesaid, or such of them as shall not have been paid and satisfied at the time of delivering in such three month's accounts as aforesaid, the said Collector, and each and every of them, is and are hereby required to insert in, and make part of the then next three month's account, as so much of the duties which have accrued since the previous account rendered and remaining unpaid upon such security as aforesaid.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, at any time when it shall be found necessary, by and with the advice and consent of the Executive Council thereof, to expend at each, every, or any of the port or ports, place or places of entry and clearance within this Province, such reasonable sum or sums of money out of the proceeds of the duties collected, or to be collected, under the authority of the said recited Act of this Province, or any other Act of the Province, or any future Act to be passed for the purpose of laying duties on imported goods and merchandize, as shall be deemed sufficient for the purpose of erecting Custom-Houses and Store-Houses, for the storing the goods, wares and merchandize liable to pay such duties as aforesaid, and for the accommodation of the Collector or Deputy at such port or ports, place or places of entry and clearance, and for the transacting of all business relative to the collecting and securing the due payment of such duties: Provided nevertheless, That the sums to be expended in any one year on the erection and repairing of Custom-Houses and Stores, shall in no one year exceed one-fourth of the amount of the preceding year's collection of the said duties within this Province.

VI. *And be it further enacted by the authority aforesaid,* That in all cases of seizure, under any Act of this Province, when the value of the goods seized shall not exceed twenty pounds, (of which value the said Collector or his Deputy is to form a judgment, according to the best of his ability, and to depose to the same on oath, before the Magistrate granting the summons herein after mentioned) the seizure shall and may, in a summary way, be proceeded upon, and be examined into, heard, adjudged and determined by the Magistrates in Quarter Sessions Assembled, in order whereto, it shall and may be lawful to and for any one of his Majesty's Justices of the Peace within the District, where any such seizure as last mentioned shall be made, to cause the master, commander or owner of any vessel, boat, raft, or other carriage, or the person reputed or appearing to be such master, commander or owner, whose goods, wares or merchandize shall be so seized as last aforesaid, to be summoned and appear at the next General Quarter Sessions of the Peace, to be holden in and for such District, next after such seizure; And the Magistrates in such Quarter Sessions assembled, are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgement for the condemnation of such goods, wares or merchandize, as upon due examination, shall be found to be forfeited, by virtue of the said recited Act of this Province, or this Act, together with the vessel, boat, raft, or other carriage containing the same, and to issue out a warrant or warrants for the sale of such goods, wares and merchandizes so to be condemned as last aforesaid, and of the vessels, boats, rafts, and other craft or carriages containing the same, and such sales shall be made accordingly, and all such judgments shall be, and are hereby declared to be good, valid and effectual in the law, and final to all intents and purposes whatsoever, and not liable to any appeal, or to be removed by any writ or writs of certiorari; and the monies arising from such sales, shall be applied in such and the same manner as are directed with respect to monies arising from seizures, under the said recited Act of this Province, any law, statute, or provision to the contrary thereof in any wise notwithstanding. Provided nevertheless, That if any master, owner or commander shall be dissatisfied with the valuation put upon any goods, wares or merchandize so to be seized as last aforesaid, or shall be minded or desirous that the merits of such seizure shall be tried and determined in his Majesty's Court of King's Bench, and will, previous to the Magistrates proceeding thereon, enter into a Bond, with a sufficient surety, before the said Magistrate, in the penalty of sixty pounds, conditioned for the payment of all costs, charges and expences attending the condemnation of such goods, wares and merchandize last mentioned, in his Majesty's said Court of King's Bench, in case such condemnation shall in such last mentioned Court be pronounced; then the said Magistrates in Quarter Sessions assembled, shall not proceed to hear or decide on the legality of such seizure, but such seizure and the merits thereof shall be heard, determined and decided upon in his Majesty's said Court of King's Bench, in like manner and as other seizures above the value of twenty pounds are, by the said recited Act and this Act, directed to be determined. Provided also, That in all cases of seizure, where the value of the goods seized shall not exceed the value of fifty pounds, if the master, commander, or owner of the vessel, boat, raft, or other carriage, shall be minded or desirous that the goods, wares and merchandize seized, shall not be detained till the condemnation thereof, or the determination of the merits of the same, and shall so tightly to the Collector or his Deputy seizing the same, and shall tender to the said Collector or his Deputy, a Bond, with sufficient sureties, in the penalty of one hundred pounds, conditioned for the payment of the value of such goods to the said Collector or his Deputy; in case the same shall be condemned, then and in such case it shall and may be lawful to and for the said Collector or his Deputy, to restore such goods, wares and merchandize to the master, commander, or owner of the vessel containing the same, without waiting the determination

Governor, with the advice of Executive Council, to erect Custom-Houses, &c.

Cases of seizure under 20l. to be determined in a summary way in Quarter Sessions.

And such determination final;

But owner may, upon giving Bond, have such cases decided in the King's Bench.

Goods seized, may in certain cases, be re-delivered to the owner upon security.

Disputes respecting  
the value of goods,  
how to be settled.

nation of the merits of the said seizure, any thing herein contained to the contrary notwithstanding. Provided nevertheless, That in case any dispute shall arise respecting the value of any such goods, wares and merchandize as last mentioned, and the owner, master, or commander of the vessel containing the same, will produce before a Magistrate, two indifferent and credible witnesses, who will upon oath declare, that according to the best of their judgment, they respectively believe that such goods, wares and merchandize, as last mentioned, are not of above the value of fifty pounds, such declaration shall be final and decisive as to such value; And if any such witness or witnesses shall, in deposing to the value of any such goods, wares and merchandize as last mentioned, wilfully or corruptly swear him, her, or themselves, he, she and they, and each of them, shall incur all the pains and penalties which by the Criminal Law of England are attached to wilful and corrupt perjury.

Light Houses to  
be erected.

VII. And whereas it will be necessary and essential to the safety of vessels, boats, rafts and other craft passing from Lake Ontario into the River Niagara, and passing by the Isle called Isle Forest, and likewise into the Port of York, that there should be a Light House erected near to each of the said last mentioned places, Be it therefore enacted by the authority aforesaid, That in order to provide for the expence of erecting and repairing such Light-Houses, it shall and may be lawful to and for the collector or his deputy, at the port to which any vessel, boat, raft, or other craft shall arrive next after having passed the said Lake into the said River or the said Island, or which shall come into the port of York, and such collector or his deputy is hereby authorized and required to demand and receive of and from the master, commander or owner of each and every such vessel, boat, raft, or other craft, the following rates, that is to say, for every vessel, boat, raft or other craft of the burthen of ten tons and upwards, the sum of three pence for every ton of which vessel, boat, raft or other craft is of burthen, and which burthen is hereby required to be computed by such collector or his deputy, and the monies by such tonnage rate accruing, when collected, the said collector is hereby required to pay into the hands of his Majesty's Receiver General of this Province, at the same time he pays the other duties by him collected, and all which said sums of money so to be collected upon the said tonnage, the Governor, Lieutenant Governor, or person administering the Government of this Province, is hereby authorized and empowered by and with the advice and consent of the Executive Council of the Province, to lay out and expend, or cause to be laid out and expended, in the erection and keeping in repair, and other incidental charges attending three Light-Houses, one to be erected and built upon the south westernmost point of a certain island called Isle Forest, situate about three leagues from the Town of Kingston, in the Midland District; another upon Mississagua Point, at the entrance of the Niagara River, near to the Town of Niagara, and the other upon Gibraltar Point.

Masters, &c. to  
pay tonnage.

Masters of vessels  
passing Isle Forest,  
Mississagua Point, or  
Gibraltar Point, to  
insert it in their de-  
claration.

VIII. And be it further enacted by the authority aforesaid, That in order to ascertain whether any such vessel, boat, raft or other craft has passed the said Island, or the said Mississagua Point, or Gibraltar Point, each and every owner, commander or master of each and every vessel, boat, raft or other craft, who shall pass such Island or Points, or either of them, and arrive at the ports of Kingston, Niagara or York, is hereby required to insert it in, or add it to the declaration by the said recited Act of this Province, and this Act required to be made, that he has so passed the said Island, or Mississagua Point, or Gibraltar Point, and in case such owner, commander or master, shall refuse to pay the tonnage hereby intended to be imposed, the Collector of the said District or his Deputy, is hereby empowered and required to summon such owner, commander or master before any one of his Majesty's Justices of the Peace for the District, where the same shall happen, and such Magistrate is hereby empowered and authorized, in a summary way to hear and determine the complaint to be thereof made by the said Collector or his Deputy, and if the said Justice shall order payment to be made of the said tonnage according to the rates by this Act imposed, and the said owner, commander or master shall not forthwith pay the same, to the said Collector or his Deputy, together with the costs and expences of the said proceeding before the said Justice, such Justice is hereby empowered and authorized to issue his warrant to levy such tonnage and costs, by sale of any part of the cargo contained in any such last mentioned vessel, boat, raft or other craft, or any of the tackle or apparel thereof, or of any other the goods and chattels of the party or parties complained against, restoring the surplus of such monies arising from such sale, if any such shall be, to such party or parties, after deducting the said tonnage and the said costs, and the charges and expences of sale. Provided nevertheless, That no such tonnage shall be payable for any vessel, boat, raft or other craft, which by stress or severity of weather, or other disastorous event, shall be compelled to return into the same harbour whence she last departed, without having perfected her intended voyage. And the said Justice is hereby authorized to charge, demand and take the following fees for hearing and determining the said complaint, and no more; for his summons, two shillings; for judgment, two shillings and six pence; warrant to distrain, five shillings; for the person serving the summons, two shillings; mileage for every mile, four pence; executing warrant of distress and return thereof, five shillings.

Complaints for  
want of such decla-  
ration, to be heard in  
a summary way.

IX. And be it further enacted by the authority aforesaid, That in case any proceedings shall, after the passing of this Act be had for the condemnation of any goods, wares or merchandize, or for or in respect of any thing done or neglected to be done, contrary to the provisions of the said recited Act of this Province, or this Act, or of any Act or Acts of this Province now passed, or hereafter to be passed, respecting any duties imposed, or to be imposed, upon goods, wares and merchandize coming into this Province from the said United States, that as well in cases where the goods seized shall be adjudged to be restored, or if condemned, shall be insufficient to pay the costs and expences of the proceedings had respecting the same, as in all other cases, where the proceedings by or against the Collectors or Deputies shall be for or on account of any thing done, or omitted to be done, by such Collector or Deputy, it shall and may be

How costs of any  
proceedings are to be  
paid.

be lawful to and for the Governor, Lieutenant Governor, or person administering the government of this Province for the time being, and he is hereby empowered and authorized (if he shall see fit so to do) to discharge, satisfy and pay all such costs and expences out of any monies which shall be then in the hands of his Majesty's Receiver General of this Province, and which shall have arisen out of any duties imposed, or to be imposed, on any goods, wares and merchandize coming from the said United States, and the said Receiver General is hereby required to pay and discharge all such warrant and warrants as shall for such purposes be issued by the said Governor, Lieutenant Governor, or person administering the government of this Province for the time being.

X. And be it further enacted by the authority aforesaid, That the Governor, Lieutenant Governor, or person administering the government of this Province for the time being, be, and he is hereby authorized to establish the office of the collector of the District of Newcastle, in any place within the harbour of Newcastle, which he may judge more convenient than the town of Newcastle, until a Gaol and Court House be erected in the said Town, and no longer. Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal or vary all or any of the provisions contained in the said recited Act of this Province, or any other Act of this Province, unless in so far as such provisions are and will be necessarily varied by the provisions in this Act contained, in order to give due force and effect to this Act, and no further. Provided nevertheless, That nothing in any part of this Act contained, shall extend, or be construed to extend, to any ship or vessel, boat, raft, canoe or other craft or carriage, now belonging, or which may at any time hereafter belong to our Sovereign Lord the King, his heirs or successors: Any thing herein contained to the contrary notwithstanding.

Office of the Collector for the Port of Newcastle, to be within the harbour.

Provisions of former Acts not to be varied unless, &c.

FORM OF THE BOND herein mentioned.

KNOW ALL MEN BY THESE PRESENTS, that we A. B. C. D. and E. F. are held and firmly bound to our Sovereign Lord the King, his heirs and successors, in the sum of \_\_\_\_\_ for which payment to be well and faithfully made, we bind ourselves, and each of us by himself, for the whole, our and each and every of our heirs, executors and administrators firmly by these presents, sealed with our seals, dated the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of his Majesty's reign, and in the year of our Lord \_\_\_\_\_ The condition of this obligation is such, that if the above bounden A. B. C. D. and E. F. or any or either of them, do and shall well and truly pay or cause to be paid to our said Sovereign Lord the King, his heirs and successors, the sum of \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ next, then this Obligation to be void, or else to remain in full force.

Bond.

CHAP. III.

An Act to authorize the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to Licence Practitioners in the Law.

WHEREAS, great inconvenience has arisen, and is now experienced [Passed the 5th of March, 1803.] several parts of this Province, from a want of a sufficient number of persons duly authorized to practice the profession of the Law, and unless the number can be speedily increased, justice will in many places be with great difficulty administered: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the government of this Province, to authorize by licence under his hand and seal, such and so many of his Majesty's liege subjects, not exceeding six in the whole, as he from their probity, education and condition in life shall deem fit and proper to practice the profession of the Law in this Province; and that upon producing every such licence to the Clerk of the Crown and Pleas in this Province, the name of such person so licensed shall be inscribed on the roll of Attornies of the Court of King's Bench, and each and every person whose name shall be so inscribed, shall, after having been admitted a member of the Law Society in manner herein after mentioned, be authorized to practice the profession of the Law, as fully to all intents and purposes as any Barrister and Attorney now practices the same in this Province.

Governor, &c. authorized to licence six persons to practice the profession of the Law.

Recital.

II. Provided always nevertheless, That before any person shall apply to the Governor, Lieutenant Governor, or Person administering the Government of this Province, for such licence as aforesaid, such person shall apply to the Judges of his Majesty's Court of King's Bench, and shall procure from that Court a certificate, under the hand of the Chief Justice, or in his absence, of the senior puisne Judge of the said Court, that such Court is satisfied of the ability and fitness of the party so applying to be admitted to practice as a Barrister and Attorney in this Province.

Before any person applies to the Governor, &c. such person shall procure a certificate from the Court of King's Bench.

III. Provided also and be it further enacted, That from and after the enrollment of any such person or persons under the authority of this Act, he shall offer himself to the Law Society of this Province, and shall offer to subscribe and conform to the existing rules and regulations of the said Society, and such Society is hereby required to admit him a member of the same.

After enrollment of any person under this Act, he is to subscribe the rules of the Law Society, and the Society to admit him a member.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Secretary of the Governor, Lieutenant Governor, or Person administering the Government of this Province, to demand and receive the sum of two pounds, on the delivery of each and every such licence as aforesaid, and for the said Clerk of the Crown and Pleas to demand and receive the sum of thirteen shillings

Fees to the Governor's Secretary & Clerk of the Crown



Shillings and four-pence, for inscribing the name of each and every person so licenced upon the said rolls.  
C H A P. IV.

*An Act to declare the rights of certain Grantees of Waste Lands of the Crown:*

[Passed 5th March, 1803.]

Recital.

**W**HEREAS several grants of Waste Lands of the Crown did, previous to the first day of July, in the year of our Lord one thousand eight hundred, pass the Great Seal of this Province, to two or more persons and their heirs; and whereas it was his Majesty's gracious intencion, and also the understanding of the Grantees, that such persons should hold their lands under such grants as tenants in common; but such grants were erroneously so drawn and issued as to convey to the grantees estates in joint tenancy; and whereas the rights of many persons may be thereby affected, and the gracious intencion of his Majesty frustrated; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That all Grants of the Waste Lands of the Crown, which, previous to the said first day of July, in the year of our Lord one thousand eight hundred, passed the Great Seal of this Province to two or more persons and their heirs, shall, from and alter the day of the date of such Grants respectively, be taken and construed in all Courts of Law and Equity, to enure and operate as giving to the several Grantees estates in common, and not in joint tenancy, unless it shall be distinctly expressed or declared in the said grant, that such lands were to be held by, or to the use of such grantees as joint tenants, any law to the contrary notwithstanding.

Grants to two or more persons & their heirs, to be construed to operate as giving estates in common, unless expressed in such grant to be to the use of such grantees as joint tenants.

The rights of purchasers, mortgagees, &c, not to be impeached.

II. Provided always nevertheless, and it is hereby declared, That nothing herein contained shall extend or be construed to extend to impeach, or in any manner to affect the rights of any bona fide purchaser, mortgagee, or other incumbrancer, for valuable consideration; provided such purchasers, mortgagees, or other incumbrancers can shew their right, claim, or title to have vested previous to the passing of this Act.

#### CHAP. V.

*An Act to enable Married Women having Real Estate, more conveniently to alien and convey the same.*

[Passed the 5th of March, 1803.]

Recital.

**W**HEREAS by the laws of England, married women can only alien and convey their real estates by fine, or other matter of record, and there being as yet, no express provision made for levying fines in this Province, it has become expedient that some mode of conveyance should be by law adopted, to enable such married women to alien their said real estates; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act 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 April, in this present year one thousand eight hundred and three, it shall and may be lawful to and for any married woman having real estate in this Province, and being above the age of twenty-one years, with the knowledge and consent of, and by any Deed or Deeds jointly with her husband, to alien, depart with, and convey the same to such use and uses as to her and her said husband shall seem meet, which conveyance shall be as valid and effectual in the law, to all intents and purposes, as if they were sole, any law or usage to the contrary notwithstanding.

It shall be lawful for any married woman having real estate, by deed, jointly with her husband, to alien, &c.

Such married woman to be examined in open Court, touching her consent.

II. Provided nevertheless, and it is hereby declared, That nothing in such Deed contained, 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 alter the dissolution thereof, or shall be held to 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 Sitings for the Home District, or on his Circuit, and be examined by the said Court or Judge, touching her consent, and shall freely and voluntarily, and without coercion, give her consent, before such Court or Judge, to alien and depart with such estate, nor unless such examination shall take place within six months from the time of the execution of such Deed of Conveyance as herein before stated.

The Court or Judge to cause a Certificate of such married woman's consent, to be endorsed on the deed.

III. And be it further enacted by the authority aforesaid, That in case it shall appear to the said Court or Judge, that such married woman doth fully and freely consent to depart with, alien and convey her said real estate, without coercion, or fear of coercion on the part of her husband, or any other person, it shall and may be lawful for such Court or Judge, and they are respectively hereby required, to cause a certificate thereof to be endorsed on the Deed so executed by her and her said husband as aforesaid, which certificate shall state the day on which such examination is taken, and shall be signed by the Chief Justice, or in his absence by the senior puisne Judge of the said Court, or by the said Judge before whom the same shall be taken at the said Sitings, or on the Circuit, or at Chambers; for which certificate the Clerk of the Crown, when the examination shall be taken in term time, shall be entitled to demand and receive the sum of five shillings, and no more, and when taken by a Judge during the Sitings,

Fees for such certificate.

or upon the Circuit, or at Chambers, the Judge's Marshall shall be entitled to demand and receive the like sum of five shillings, as a fee for such Certificate.

IV. Provided also, and it is hereby further enacted by the authority aforesaid, that nothing in this Act contained shall be taken or construed to give to such Deeds so executed as aforesaid, so far as relates to the married woman or the interests of herself, or those claiming under her, any greater or other force or effect, than the same would have had in case such married woman had been sole at the time of executing the same.

Such deeds to have no other force or effect than they would have had in case such married woman had been sole.

CHAP. VI.

An Act for further altering and amending an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to Encourage the Destroying of Wolves and Bears in different parts of this Province."

[Passed the 5th of March, 1803.]

TO encourage more effectually the destroying of Wolves, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to encourage the destroying of Wolves and Bears in different parts of this Province," as provides that the said Act shall not extend, nor be construed to extend to the Western District of this Province, nor have any force or operation whatsoever therein, be repealed, and the same is hereby repealed accordingly.

Recd.

So much of former Acts repealed as relates to the Western District.

Certificate to be a lawful tender for District assessment.

I. And be it further enacted by the authority aforesaid, That each and every certificate granted in pursuance of the said last recited Act, for having destroyed a Wolf or Wolves, shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any District rate or assessment, to be collected of, or from any person or persons within the District wherein such Wolf or Wolves shall have been destroyed, and shall accordingly as such he accepted and taken as equivalent to so much of the current gold or silver coin of this Province, by the Collector of each and every Township within such District respectively throughout this Province, and as such shall, and may by each and every Collector respectively, be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and as equivalent to so much of the aforesaid current coin of the Province.

When Certificate presented to the Treasurer, he is forthwith to pay the same, if he has funds in his hands, if he has not, &c.

III. And be it further enacted by the authority aforesaid, That when and so often as any person or persons possessed of any such certificate as aforesaid, shall present the same to the Treasurer of the District wherein such Wolf or Wolves shall have been destroyed, he the said Treasurer shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, provided the District fund in his hands at the time, do enable him so to do; and if the District fund in his hands at the time do not enable him the said District Treasurer to pay and satisfy such bounty forthwith, then and in such case, he the said District Treasurer shall pay and satisfy the same out of the first monies of the District which shall next thereafter come into his hands.

CHAP. VII.

An Act to repeal for a limited time, part of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act for the regulation of Jurors."

[Passed 5th March, 1803.]

WHEREAS the regular administration of public justice within the Home District has in some instances been retarded, by reason of the incapacity of the Sheriff to summon and return the necessary number of Jurors, in obedience to his Majesty's writs to him for that purpose directed, without subjecting himself to such penalties as by law might have been inflicted upon him, for summoning and returning persons to serve on trials who have served thereat within one year before, for remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act for the regulation of Jurors," as enacts, That for preventing abuses by Sheriffs, Bailiffs, or other officers concerned in the summoning and returning of Jurors, no person or persons shall be returned as a Juror or Jurors to serve on trials at any Assizes or Nisi Prius, Quarter Sessions or District Court, who have served thereat within the space of one year before; and that if any such Sheriff shall wilfully transgress therein, any Judge, or Justice of Assize or Nisi Prius, may, and is thereby required, on examination and proof of such offence, in a summary way, to set a fine or fines upon every such offender as he shall think meet, not exceeding the sum of ten pounds for any one offence, shall, with respect to the Sheriff, Coroner, Bailiffs and other Officers concerned in the summoning and returning of Jurors within the Home District aforesaid, be repealed, and the same is hereby repealed accordingly.

Recd.

I. And be it further enacted by the authority aforesaid, That this Act shall be, and continue to be in force for

for and during four years, and from thence until the end of the Session of Parliament then next immediately ensuing, and no longer.

## C H A P. VIII.

An ACT to authorize the Attorneys now Practising, or hereafter to be duly admitted to Practice, to take such number of Clerks as therein mentioned.

[Passed 5th March, 1803.]

Preamble.

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province;" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for all and every person and persons now practicing the profession of the Law as Attorneys in this Province, or who shall hereafter be duly authorized to practice as such, to take and have two Clerks at one time, and no more, save and except with respect to his Majesty's Attorney and Solicitor General, each of whom is hereby authorized to take three Clerks, and no more, any former law, usage or regulation to the contrary notwithstanding.

Every Attorney may take two Clerks at one time and no more.

The Attorney and Solicitor General may take three and no more.

## C H A P. IX.

An ACT for the better securing to his Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned.

[Passed 5th March, 1803.]

Repeal of former Acts.

WHEREAS the regulations and usages which have heretofore been established and hitherto observed in the issuing of licences to persons to sell by retail, wine and spirituous liquors, or to use and employ stills for the distillation of spirituous liquors, have been found dilatory and circuitous, and thereby injurious to his Majesty's revenue arising therefrom, for remedy thereof, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province;" and by the authority of the same, That from and after the fifth day of April now next ensuing, such parts and so much of five several Acts, which heretofore have passed in the Parliament of this Province, that is to say, an Act passed in the thirty third year of his Majesty's reign, intituled, An Act to establish a further fund, for the payment of the salaries of the Officers of the Legislative Council and the House of Assembly, and for defraying the contingent expences thereof;" an Act passed in the thirty fourth year of his Majesty's reign, intituled, "An Act to lay and collect a duty upon stills;" an Act passed in the same thirty fourth year of his Majesty's reign, intituled, "An Act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without licence;" an Act passed in the thirty sixth year of his Majesty's reign, intituled, "An Act to amend an Act, intituled, "An Act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without licence;" and an Act passed in the thirty seventh year of his Majesty's reign, intituled, "An Act to increase the revenue, and to compel the accounting more regularly for the same to the Treasurer of the Province," as regard, or in any wise respect the Secretary of the Province, his agents or deputies, or any of them, or which authorize the said Secretary, his agents or deputies, or any of them, to receive, distribute, or account for any licence or licences, issued by the Governor, Lieutenant Governor, or Person Administering the Government for the time being, for the purposes and to the intents in the said several five last recited Acts, or in any of them mentioned and contained, or which require or direct any application or written requisition to be made to the said Secretary, his deputies or agents, or any of them, touching, or in any wise concerning any purpose, matter or thing in such Acts, or any of them, contained, shall cease and determine, and shall be, and the same are hereby severally and respectively repealed accordingly.

Inspectors to be appointed in each District.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful, from time to time, and all times hereafter during the continuance of this Act, to and for the Governor, Lieutenant Governor, or Person Administering the Government in this Province for the time being, by an instrument in writing under his hand and seal, to authorize, commission and appoint, during pleasure, in each and every District in this Province, some fit and discreet person to be Inspector, who shall, in the District for which he shall be so appointed, superintend, collect and account for (as herein after provided) his Majesty's revenue, arising from and by such licence or licences, as from and after the said fifth day of April now next ensuing, shall and may at any time or times thereafter, issue to any person or persons within the District in which such person shall be so appointed Inspector to or for any of the purposes, ends or intents in the said last five recited Acts, or in any one of them mentioned or contained, which Inspectors, when so authorized, commissioned and appointed as aforesaid, shall severally, within their respective Districts, have, hold, and possess all and singular the powers and authorities, and shall, and are hereby severally required to exercise, perform and fulfil, all and singular the duties required of or imposed upon the said Secretary of the Province, his deputies or agents, or any of them, by any of the said last five recited Acts, except so far as such duties are varied, or are otherwise provided for by this Act.

III. And

III. And be it further enacted by the authority aforesaid, That in all cases not otherwise provided for in and by this Act, each and every person desirous of obtaining a licence or licences, under the provisions of the said last five recited Acts, or any of them, shall, under the respective restrictions and penalties therein severally specified and contained, and in manner and form therein and thereby respectively directed, make such application, and in and by a written requisition, furnish such specification to the Inspector of the District wherein any such applicant may be desirous of being licenced, as in and by any of the said Acts it is specified, directed and provided to be made or done to the said Secretary, his agents or deputies, or any of them.

Mode of obtaining Licences.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every Inspector to be appointed under and by virtue of this Act, in the District in which he shall reside, and each and every of them is hereby required to ascertain by every means in his power, whether there is or are any person or persons in such District, who sell, vend, or barter, directly or indirectly, any wine or spirituous liquors by retail without a licence, or who shall have in his, her, or their possession any still or stills, used in distilling any spirituous liquours, without licence for so doing, or whether any person or persons having received a licence for any still or stills, do make use of any still or stills other than such as shall have been so licenced, or shall use any still or stills of greater capacity than such as shall have been specified by the person or persons using the same to the said Inspector, and if it shall appear to the said Inspector that there is, or are any such person or persons selling any wine or spirituous liquors without licence, by retail, or shall have in his, her or their possession, and shall use any still or stills without licence, or shall use any larger still or stills than such as shall have been licenced as aforesaid, the said Inspector is hereby authorized and required to proceed against such offender or offenders, in the same manner and form as any complainant is directed in the before recited Acts, or any of them, and such offender or offenders shall be convicted in the same manner and form, and be subject to the same pains and penalties, as directed and imposed by the said before recited Acts, or any of them, and the said penalty and penalties so inflicted or imposed, shall be disposed of and paid in the same manner as directed and required by the said Acts, or any of them.

Inspectors to ascertain persons selling Wine or Spirits without Licences, or using Still without licence or larger Still than those licenced, and to proceed against offenders.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector, 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 this Province, once in every three months; and such Inspector shall twice in every year, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he shall so receive, that is to say, once on or before the first of October, and once on or before the first day of April.

Inspector of the District to render account to the Inspector General of the Province.

At stated times,

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector, out of all and every the sum or sums of money which under and by virtue of this Act he shall collect, receive and account for, from any person or persons to be licenced to sell or distil any spirituous liquors under and by virtue of the before recited Acts, or any of them, to take and retain, over and above such sum or sums of money as is, or are herein after allowed him, to his own use and benefit, a sum not exceeding ten pounds for every hundred pounds which he shall so collect, receive and pay, or cause to be paid, into the hands of the Receiver General of the Province, as herein before directed, and so in proportion for every greater or lesser sum.

Allowance to the Inspector of the District.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for, and each and every Inspector who shall be appointed under and by virtue of this Act, is hereby required, before he shall enter upon the execution of his said office, to 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 Inspector shall be so appointed, who are hereby authorized and required to administer the same, and to transmit a certificate of such Inspector having taken such Oath before them, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being.

Inspector of each District to take

" I A. B. do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of Inspector of his Majesty's revenue arising from Shop, Tavern and Still Licences, and will duly and impartially superintend the Collection thereof, 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 spare no person from 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 an Act passed in the Provincial Parliament, in the forty-third year of his Majesty's reign, intituled, 'An Act for the better securing to his Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned.'

Oath.

Provided always, and be it further enacted by the authority aforesaid, That no Inspector to be appointed 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 two hundred and fifty pounds each, and himself in five hundred pounds, to his Majesty, his Heirs and Successors, for the due performance of his office.

Inspector of the District to give security.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector to be appointed under and by virtue of this Act, and he is hereby allowed to demand and to take the following Fees:—For filing every requisition for a still licence, one shilling and three pence;—For issuing the licence, two shillings and six-pence;—For filing the certificate of the Magistrates and Clerk of the Peace, to the person requiring tavern Licence, one shilling and three pence;—For issuing the licence, two shillings and six-pence;—For issuing a shop licence, two shillings and six-pence. Any thing contained

Fees to the District Inspector.

III. And be it further enacted by the authority aforesaid, That in all cases not otherwise provided for in and by this Act, each and every person desirous of obtaining a licence or licences, under the provisions of the said last five recited Acts, or any of them, shall, under the respective restrictions and penalties therein severally specified and contained, and in manner and form therein and thereby respectively directed, make such application, and in and by a written requisition, furnish such specification to the Inspector of the District wherein any such applicant may be desirous of being licenced, as in and by any of the said Acts is specified, directed and provided to be made or done to the said Secretary, his agents or deputies, or any of them.

Mode of obtaining Licences.

IV. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every Inspector to be appointed under and by virtue of this Act, in the District in which he shall reside, and each and every of them is hereby required to ascertain by every means in his power, whether there is or are any person or persons in such District, who sell, vend, or barter, directly or indirectly, any wine or spirituous liquors by retail without a licence, or who shall have in his, her, or their possession any still or stills, used in distilling any spirituous liquours, without licence for so doing, or whether any person or persons having received a licence for any still or stills, do make use of any still or stills other than such as shall have been so licenced, or shall use any still or stills of greater capacity than such as shall have been specified by the person or persons using the same to the said Inspector, and if it shall appear to the said Inspector that there is, or are any such person or persons selling any wine or spirituous liquors without licence, by retail, or shall have in his, her or their possession, and shall use any still or stills without licence, or shall use any larger still or stills than such as shall have been licenced as aforesaid, the said Inspector is hereby authorized and required to proceed against such offender or offenders, in the same manner and form as any complainant is directed in the before recited Acts, or any of them, and such offender or offenders shall be convicted in the same manner and form, and be subject to the same pains and penalties, as directed and imposed by the said before recited Acts, or any of them, and the said penalty and penalties so inflicted or imposed, shall be disposed of and paid in the same manner as directed and required by the said Acts, or any of them.

Inspectors to ascertain persons selling Wine or Spirits without Licence, or using Stills without licence or larger Stills than those licenced, and to proceed against offenders.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector, 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 this Province, once in every three months; and such Inspector shall twice in every year, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he shall so receive, that is to say, once on or before the first of October, and once on or before the first day of April.

Inspector of the District to render account to the Inspector General of the Province.

At stated times,

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector, out of all and every the sum or sums of money which under and by virtue of this Act he shall collect, receive and account for, from any person or persons to be licenced to sell or distil any spirituous liquors under and by virtue of the before recited Acts, or any of them, to take and retain, over and above such sum or sums of money as is, or are herein after allowed him, to his own use and benefit, a sum not exceeding ten pounds for every hundred pounds which he shall so collect, receive and pay, or cause to be paid, into the hands of the Receiver General of the Province, as herein before directed, and so in proportion for every greater or lesser sum.

Allowance to the Inspector of the District.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for, and each and every Inspector who shall be appointed under and by virtue of this Act, is hereby required, before he shall enter upon the execution of his said office, to 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 Inspector shall be so appointed, who are hereby authorized and required to administer the same, and to transmit a certificate of such Inspector having taken such Oath before them, to the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being.

Inspector of each District to take

" I A. B. do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of Inspector of his Majesty's revenue arising from Shop, Tavern and Still Licences, and will duly and impartially superintend the Collection thereof, 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 spare no person from 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 an Act passed in the Provincial Parliament, in the forty-third year of his Majesty's reign, intituled

Oath.

" An Act for the better securing to his Majesty's Revenue

contained in the said before recited Acts, or any of them, or in any other law, usage or regulation, to the contrary in anywise notwithstanding.

Fee to the Lieutenant Governor's Secretary.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Secretary of the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to demand and take the sum of forty shillings, on delivery of each and every commission granted under and by virtue of this Act.

Continuance of this Act.

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

#### C H A P. X.

*An ACT to extend the Provisions of an Act passed in the thirty fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large."*

[Passed the 5th of March, 1803.]

**B**E it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That whenever any horses, cattle, sheep or swine, taken damage leasant, or running at large contrary to law, shall be impounded in the pound of any township, parish, or place, it shall be the duty of the pound-keeper to feed the same, for doing which he shall be entitled to an allowance over and above his fees as pound-keeper, which allowance shall be from time to time regulated by the Justices in Quarter Sessions.

Whenever any horses, cattle, sheep or swine taken, they may be impounded, &c.

The pound-keeper within 48 hours to give notice of sale, &c.

II. *And be it enacted by the authority aforesaid,* That in all such cases, the pound-keeper, within forty-eight hours after the distress shall have been impounded, shall cause a notice thereof in writing to be affixed in three of the most conspicuous and frequented parts of the township, parish, or place, which notice shall give a description of such distress, and specify when and where the said distress was intended to be sold; and if the owner of such distress, or some person on his behalf, shall not, within fifteen days after such notice shall have been so affixed, redeem the same by paying the charges of the pound-keeper, and also by paying or tendering the damages or penalty, if any, at the place where the pound is kept, it shall and may be lawful to and for such pound-keeper to cause such distress, or so much of the said distress to be sold, and after deducting in the first place his own charges, to pay the damages or penalty, if any, to the person entitled thereto, and after payment of such charges, damage or penalty, to return the surplus, if any, to the owner.

If the owner of any distress shall not appear, Justices to summon freeholders to assess damages.

III. *And be it further enacted by the authority aforesaid,* That if the owner of any distress, or some person on his behalf, shall not appear, or shall dispute the amount of the damages claimed, it shall and may be lawful for the pound-keeper to apply to some neighbouring Justice of the Peace, who is hereby authorized and required forthwith to summon three freeholders, to whom he shall administer an oath well and truly to assess the damages, and where the said freeholders shall not agree, the determination of the majority of them shall be conclusive as to such damages. Provided nevertheless, That nothing herein contained shall be construed or taken to restrain the owner of the distress from instituting any suit or suits in consequence of any distress or distresses to be made under the authority of this Act, in which nothing shall be tried or called in question, except the legality of taking or impounding such distress or distresses.

Swine not to go at large, in York, Niagara, Queenston, Amherstburgh, Kingston, or New Johnstown.

IV. *And be it enacted by the authority aforesaid,* That from and after the first day of May next, it shall not be lawful for any person or persons residing in the several towns of York, Niagara, Queenston, Amherstburgh, Sandwich, Kingston, or New Johnstown, to have any swine going at large in the said towns; and if any swine belonging to any such person or persons, shall be found at large in any of the towns aforesaid, such person or persons shall for every such swine forfeit and pay the sum of ten shillings, to and for the use of his Majesty, his heirs and successors, to be accounted for unto his said Majesty through the Commissioners of his Majesty's Treasury, for the time being, in such manner and form as his Majesty shall direct, to be recovered in a summary way, before any one of his Majesty's Justices of the Peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of ten shillings, and the charges of the sale.

#### C H A P. XI.

*An ACT the more conveniently to collect the Compensation to the Members of the House of Assembly for their attendance in their Duty in Parliament, and to repeal part of an Act passed in the Parliament of this Province in the thirty-third year of his Majesty's reign, intituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of Wages to the House of Assembly."*

[Passed 5th of March, 1803.]

Preamble.

**W**HEREAS the present mode of Assessment for making compensation to the Members of the House of Assembly for their attendance in their duty in Parliament, is found to be inconvenient; for the more easy collection and payment 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,

Canada,

Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That after every prorogation and dissolution of the Assembly of this Province, it shall and may be lawful for every Member thereof, having attended, to receive from the Speaker of the House of Assembly, a warrant under his hand and seal, signifying the time that such Member hath attended his duty in the said Assembly; and every Member possessed of such warrant, shall and may ask and demand of the Justices of the Peace for the District in which the County or Riding represented by such Member may be situate, in their General Quarter Sessions assembled, a sum not exceeding ten shillings per day, for every day that the said Member shall have been engaged in the attendance of his duty in the House of Assembly, and have been necessarily absent from his place of abode in going to, or returning from his attendance; which sum it shall or may be lawful for the said Justices to levy, by assessment to be made on each and every inhabitant householder in the several parishes, townships, reputed townships, or places within the County or Riding represented by such Member, in the same manner and form as by law any assessment may now or hereafter be levied, for any public purpose in any district in this Province; and for the said Justices to issue their order upon the Treasurer of the District to pay the amount of the sum to which any such Member may be entitled, out of the monies which may come into his hands, under and by virtue of any Act of the Provincial Parliament. And it shall and may be lawful to and for each and every Member, who may now or hereafter represent part of two or more Districts, to ask and demand from the Speaker of the House of Assembly, who is hereby authorized and required to grant the same, a Warrant, directed to the Justices in General Quarter Sessions assembled, of each of the said Districts, which the said Member shall so represent, which Warrant shall specify the sum that each District is liable to pay, and the Justices thereof respectively, are hereby required to cause the sum specified in such Warrant to be collected and paid to the said Member, in manner and form as herein before directed.

Every Member being attended, to receive from the Speaker a warrant.

And may demand of the Justices, a sum not exceeding 10s. per day.

Which shall be levied by assessment.

Where any Member represent two or more Districts, he may demand a warrant directed to the Justices of each District.

Thirtieth clause of former Act repealed.

II. And be it further enacted by the authority aforesaid, That the thirtieth clause of an Act passed in the Parliament of this Province, in the thirty-third year of his Majesty's reign, intituled, "An Act to authorize and direct the laying and collecting of assessments and rates within this Province, and to provide for the payment of Wages to the House of Assembly," shall be, and the same is hereby repealed.

C H A P. XII.

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.

[Passed 5th March, 1803.]

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same, That from and after the first Monday in the month of March, in this present year one thousand eight hundred and three, all and every the rates imposed under and by virtue of two several Acts, passed in the thirty-third and thirty-fourth years of the reign of his present Majesty, the one intituled, "An Act to authorize and direct the laying and 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 intituled, "An Act to amend certain parts of an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to authorize and direct the laying and 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," shall cease and determine, and be no longer paid or payable; and the first nineteen clauses, except so much thereof, as relates to the application of the rates, and the twenty-eighth and thirtieth clauses of the said first mentioned Act of this Province, and the whole of the last mentioned Act of this Province, are hereby repealed.

Preamble.

Certain provisions of former Acts repealed.

II. And be it further enacted by the authority aforesaid, That the following property, real or personal, shall, after the said first Monday in March, as well in the present year as for every subsequent year during the continuance of this Act, be deemed ratable property throughout this Province, and shall be rated at the rate or valuation herein after specified, that is to say, every acre of arable, meadow, or orchard land, one pound; milch cows, per head, three pounds; oxen, of the age of four years and upwards, per head, four pounds; horned cattle, from the age of two years to four years, per head, one pound; horses, of the age of three years and upwards, per head, eight pounds; swine, of the age of one year and upwards, per head, ten shillings; grist mills, wrought by water, with one pair of stones only, one hundred and fifty pounds, and for each and every additional pair of stones, three hundred pounds; every saw-mill, one hundred pounds; every merchants' shop, two hundred pounds; every store house, for the reception and storing of merchandize, one hundred pounds; every acre of uncultivated land, one shilling; every house in town, forty pounds; every town lot, situate in the several towns herein after mentioned, viz. Sandwich, Amherstburgh, Queenston, Niagara, York, Kingston, Johnstown and Cornwall, ten pounds; every house in the country, having two fire places, and no more, forty pounds, and every house, whether in town or country,

Property ratable.

country, having more than two fire places, ten pounds for every additional fire-place ; every tavern, or house of public entertainment, over and above the rate paid for the same as a house, one hundred pounds; every still, used for the purpose of making spirits from grain or other materials, one pound for every gallon contained in every such still ; Provided, that any apartment in a dwelling house, usually occupied for the purpose of vending merchandizes, be rated as a merchant's shop, and not as an additional apartment in the house. 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 above mentioned and enumerated, which shall belong to, or be in the actual possession or occupation of his Majesty, his heirs and successors.

Assessors to demand  
lists of ratable pro-  
perty.

III. *And be it further enacted by the authority aforesaid,* That the persons nominated and chosen as assessors, in each and every parish, township, reputed township or place, shall, during the continuance of this Act, have power and authority, and they are hereby authorized, empowered and required, to demand and receive, of and from each and every inhabitant resident within the parish, township, reputed township or place, for which they shall be so nominated and chosen, a list of all the ratable property, real and personal, in his, her or their possession, 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 ratable property, real and personal, as aforesaid, at the foot of which the said Assessors 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, so as that the same may be by him laid before the said Court of Quarter Sessions.

Compensation to  
the assessors.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and 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 lesser sum or sums, and the Treasurer of each and every District is hereby authorized and required to pay such Assessor as aforesaid.

Apportionment.

V. *And be it further enacted by the authority aforesaid,* That the Magistrates so assembled as aforesaid, are hereby authorized, empowered 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 list named, and liable to the rates aforesaid, so that every person shall be assessed in a just proportion to the list of his, or her ratable property, real and personal, according to the rates herein before specified ; and having ascertained the quota, dividend, or sum of money which each and every person so assessed shall pay for the current year, they shall 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 for each of which he shall be entitled to ask, and the Treasurer of the District is hereby required to pay to him the sum of ten shillings of lawful money, and no more, 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 one penny in the pound upon the sum herein before specified, as the valuation at which each species of the property before mentioned shall be rated.

Inhabitants to de-  
liver in lists.

Former provisions  
to part in force.

VI. And whereas several persons may have ratable property in different townships and in different Districts of this Province, Be it therefore enacted by the authority aforesaid, that every inhabitant is hereby required to give in a list of all such ratable property to the assessors of the township wherein he or she shall reside, the Collector whereof shall have authority to collect for the same ; and such person so assessed and having paid the rate, shall not be liable to pay the same in any other township or District.

Clerk of the Peace  
to transmit an aggre-  
gate account.

VII. *And be it further enacted by the authority aforesaid,* That all and every the provisions contained in the said Act of the thirty-third year of his Majesty's reign, concerning the application of the monies to be raised under that Act (excepting so far as relates to Bears) and also the twentieth, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-ninth clauses of said Act shall be, and the same and each and every of such clauses are hereby declared to be in full force, and all and every such provisions and clauses shall be held, deemed and construed to be legally applicable to the enforcing payment by the inhabitants of this Province ; and the regulation in all respects of the rates and assessments hereby intended to be imposed, and of every matter and thing relative to such rates and assessments ; any thing herein contained to the contrary in any wise notwithstanding.

VIII. *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 full and true statement of every species of property in respect of which such assessment was made : And the said Clerks of the Peace respectively, are hereby authorized to demand, and the Treasurers of each District are hereby respectively required to pay to each of the Clerks of the Peace, for their trouble in making up such aggregate account, the sum of ten shillings, which account may be in the form hereunto subjoined.

IX. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District shall, and every of them are hereby required to transmit to the Governor, Lieutenant Governor, or Per-



son Administering the Government for the time being, on or before the first Monday in November, yearly and every year, a true and just copy of the account, to be, under and by virtue of the provisions of this Act, delivered unto the Justices at their Quarter Sessions, and a copy of which said account the said Treasurer is hereby required, at the said time in every year, to put up at the Court-House, in each and every District in which such Treasurer shall reside.

X. *And be it further enacted by the authority aforesaid,* That if any of the persons to be appointed as Assessors or Collectors under the authority of this Act, shall neglect or refuse to perform the duty imposed upon them and each of them by the provisions 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, her or their ratable property, real and personal, to the Assessors, in manner and form herein before specified, or shall wilfully mistake such ratable 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 Magistrates in Quarter Sessions assembled, shall hear and determine the same, and upon sufficient proof being produced to them of such neglect 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 use 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.

Treasurer to transmit account to the Governor.

Penalty for neglect or mistatement.

*Provided always nevertheless,* That nothing herein contained shall extend, or be construed to extend to the uncultivated lands of any infant under the age of twenty-one years, or of any married woman, but all the other ratable property herein before described and specified, and belonging to such infants or married women, shall be held liable to contribute and to pay to the rates aforesaid, and shall and may be liable to be distrained and sold under a Magistrate's warrant for that purpose to be obtained, in like manner as warrants are herein before directed to be obtained in other cases of negligence or refusal to pay as aforesaid.

Uncultivated lands of infants and married women excepted.

XI. *And be it further Enacted by the authority aforesaid,* That the Assessments of the Rates hereby imposed may be in the form hereunto subjoined.

XII. *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 first Monday of March in this present year, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continuation of Act.

# FORM OF AN ASSESSMENT,

For the Township of \_\_\_\_\_ for the Year \_\_\_\_\_ commencing \_\_\_\_\_ and ending \_\_\_\_\_

NAMES.	Acres of Land.		Town Lots.	Houses.				Grist Mills.		Saw Mills.	Merchants Shops.	Store Houses.	No. of Horses.	No. of Oxen.	No. of Cows.	No. of young horned Cattle.	No. of Swine.	Taverns.	Gallons contained in Stills.	RATE	£.	s.	d.
	Cultivated.	Uncultivated.		In Town.	In Country.	Additional Fire Places.	Having pair of Stones.	Additional pairs of Stones.															
A.																							
B.																							
C.																							
D.																							

A. B. C. D. } Assessors.

## FORM of a GENERAL ACCOUNT of all the RATABLE PROPERTY in the District of \_\_\_\_\_ from the \_\_\_\_\_ day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ inclusive.

Two Hundred Persons (or as the case may be) in the above named District, have the Property hereunder enumerated.

Aggregate of each Article	Valuation.	Rate per Pound.	£.	s.	d.
Acres of Uncultivated Land,	0 1 0				
Acres of Arable Meadow, or Orchard Land,	1 0 0				
Horses of the age of three years and upwards,	2 0 0				
Oxen of four years and upwards,	4 0 0				
Milch Cows,	3 0 0				
Young Horned Cattle, from two years to four years,	1 0 0				
Number of Swine, of one year and upwards,	0 10 0				
Grist Mills, having only one pair of Stones,	150 0 0				
Additional pairs of Stones,	300 0 0				
Saw Mills,	100 0 0				
Houses in Town,	40 0 0				
Town Lots,	10 0 0				
Houses in the Country,	40 0 0				
Additional Fire Places,	10 0 0				
Gallons contained in Stills,	1 0 0				

Total.....£.

# THE STATUTES OF HIS MAJESTY'S PROVINCE OF UPPER-CANADA.

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

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

### CHAP. I.

An Act for the better securing this Province against all Seditious attempts or designs to disturb the Tranquillity thereof. [Passed 9th March, 1804]

Preamble.

WHEREAS it is necessary to protect his Majesty's subjects of this Province from the insidious attempts or designs of evil minded and seditious persons; And whereas much danger may arise to the public tranquillity thereof, from the unrestrained resort and residence of such persons therein; 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

of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act, for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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, for the Members of the Legislative and Executive Councils, the Judges of his Majesty's Court of King's Bench for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and seal of the Governor, Lieutenant Governor, or Person administering the Government for the time being, or any one or more of them, jointly or separately, by warrant or warrants under his or their hand and seal, or hands and seals, to arrest any person or persons, not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants, or not having taken the oath of allegiance to our Sovereign Lord the King, who by words, actions or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in any wise with a seditious intent to disturb the tranquillity thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such warrant or warrants against him, her or them, or any other person or persons duly authorized to grant such warrant or warrants by virtue of this Act; And if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall not give to the person or persons so granting such warrant or warrants, or so authorized as aforesaid, before whom he, she or they shall be brought, full and complete satisfaction that his, her or their words, actions, conduct or behaviour had no such tendency, or were not intended to promote or encourage disaffection to his Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an order or orders in writing, to such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, requiring of him, her or them to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she or they should be permitted to remain in this Province, to require from him, her or them good and sufficient security to the satisfaction of the person or persons acting under the authority hereby given, for his, her or their good behaviour, during his, her or their continuance therein.

II. And be it further enacted by the authority aforesaid, That if any person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who by any order or orders so delivered to him, her or them, is or are required to depart this Province within a time limited by that order, should by sickness or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons as aforesaid, authorized by this Act so to do (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness or otherwise, ought to be admitted as a reason for such order as aforesaid not having been obeyed) by an indorsement in writing upon the said order or orders, or otherwise in writing, to enlarge the time specified in the said order or orders, from time to time as occasion may require, and if any person or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein before specified, shall be found at large therein, or return thereunto after the time limited by any or either of such orders, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf, or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, actions or otherwise, endeavour or give just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his Person or Government, or in any wise with a seditious intent to disturb the tranquillity thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this Act as aforesaid, and he and they is, and are hereby required, by warrant or warrants under his or their hand and seal, or hands and seals, to commit such person or persons so remaining at large, or returning into this Province without such licence as aforesaid, or so endeavouring or giving cause to suspect, that he, she or they is or are about to endeavour so to alienate the minds of his Majesty's subjects of this Province, or in any wise, with a seditious intent, to disturb the tranquillity thereof, to the common Gaol, or to the custody of the Sheriff of the district, in such districts in which there shall be no gaol at that time, there to remain without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant Governor, or Person administering the Government for the time being, until he, she or they can be prosecuted for such offence in his Majesty's Court of King's Bench, or of Oyer and Terminer and General Gaol Delivery in this Province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the offences herein before described, in either of the said Courts respectively, he, she or they shall be adjudged by such Court, forthwith to depart this Province, or to be imprisoned in the common Gaol, or be delivered

Governor, &c. empowered to authorize certain persons to arrest offenders against this Act.

Offenders to depart the Province, or give security, &c.

Time for offenders departing the Province may be enlarged.

If after security given person give cause to suspect, &c.

Such person to be committed.

Punishment if convicted.

ed over to the custody of the Sheriff in such districts in which there shall be no goal at that time, for a time to be limited by such judgment, and at the expiration of that time to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereto after the expiration of the time to be limited by the said judgment, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf first had and obtained, such person or persons on being duly convicted of so remaining or returning, before either of the said Courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of Clergy. Provided always, That if in the execution of the powers hereby given, any question shall arise touching or concerning the space of time during which any person or persons shall have been an inhabitant or inhabitants of this Province previous to any warrant or warrants having been issued against him, her or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such warrant or warrants shall, in virtue of the powers hereby given, have been granted or issued.

Proof to lay on the person charged.

If any person suing under colour of this Act become convicted &c.

Treble costs.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons, at any time, shall be sued or prosecuted for any thing by him or them done, in pursuance, or by colour of this Act, or of any matter or thing therein contained, such action or prosecution shall be commenced within three calendar months next after the offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence, and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or shall discontinue his, her or their suit or prosecution, or if judgment be given for the defendant or defendants upon demurrer or otherwise, such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

#### CHAP. II.

*An Act for the exemplary Punishment of all and every person and persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any Soldier to desert his Majesty's service, or who shall harbour, conceal, receive or assist any Deserter from such service.* [Passed 9th March, 1804.]

Preamble.

WHEREAS pernicious practices have for some time past prevailed in this Province, by evil disposed persons disaffected to his Majesty's Government, and particularly to the Military service thereof, in seducing and deluding his Subjects who had engaged themselves as Soldiers in such service, and prevailing on them to desert, and also in harbouring, assisting and concealing such Deserters; for remedy whereof for the future, and for the exemplary punishment of such persons in such cases offending, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, if any person or persons whomsoever (other than such as are, or shall be enlisted as Soldiers) shall, by words or with money, or by any other ways or means whatsoever, directly or indirectly, prevail upon, procure, persuade, or encourage, or endeavour or attempt to prevail upon, procure, persuade or encourage any such Soldier or Soldiers to desert or leave his Majesty's service, and shall be thereof lawfully convicted, the Court or Judge before whom such offender shall be so convicted, shall immediately on such conviction, award and adjudge such person and persons so convicted as aforesaid, to be committed to the common Gaol of the District where such offender shall be so tried, there to remain without Bail or Mainprize for the space of six calendar months; and if from the circumstances and heinousness of the crime, it shall be thought proper and expedient to increase the punishment, such Court or Judge shall also further award and adjudge, that such offender so convicted as aforesaid, shall forfeit and pay a sum not exceeding forty pounds, and if such offender shall not on or before the third day previous to the expiration of such imprisonment as aforesaid, pay such fine, then in such case the said offender shall be publicly whipped.

Any person procuring, persuading, &c. Soldiers to desert, to be committed to goal for six months, and if found expedient Judge may order him to pay 40l. and if not paid, to be publicly whipped.

Persons harbouring Deserters to forfeit 20l. and if not paid, to be committed to goal for three months.

II. *And be it further enacted by the authority aforesaid,* That if any person from and after the passing of this Act, shall harbour, conceal, receive or assist any Deserter from his Majesty's service, knowing him to be such, such person so offending shall forfeit the sum of twenty pounds, and if such sum of twenty pounds shall not immediately on such conviction being pronounced, be paid into Court, the Court or Judge before whom such conviction shall be had, shall forthwith award, order and adjudge such offender to be committed to the common Gaol of the District in which such offender shall be so convicted, there to remain without Bail or Mainprize, for the space of three calendar months, or until such time, not exceeding three calendar months, as the said sum of twenty pounds shall be paid.

Prosecution to be commenced within six calendar months, unless offender shall leave the Province, then within 6 months after his return.

III. *Provided nevertheless,* That no conviction shall be pronounced under the authority of this Act, in any Court or Jurisdiction whatsoever in this Province, save and except by indictment preferred or presented before a Court, or Judge or Judges sitting in the execution of a Commission of Oyer and Terminer and General Gaol Delivery; nor shall any prosecution be carried on by virtue of this Act, if the same shall not be commenced, within six calendar months next after the offence shall be charged to have been committed, unless the offender shall within the said six months have departed and left the Province, in which case it shall and may be lawful to commence such prosecution at any time within six calendar months next after such offender's return into the Province, and to carry on the same to conviction:

viſion ; but it is hereby declared, that the iſſuing any warrant for the apprehending of any perſon charged with any offence againſt this Act, by any one of his Maſteſty's Juſtices of the Peace for this Province, ſhall be held and deemed to be a commencement of a proſecution, within the true meaning of the proviſions herein in that reſpect contained.

Issuing warrant, a commencement of prosecution within this Act.

IV. And be it enacted by the authority aforeſaid, That in order the more effectually to prevent the eſcape of any ſuch offender or offenders as aforeſaid, it ſhall and may be lawful at any time from and after the paſſing of this Act, to and for any one or more of his Maſteſty's Juſtices of the Peace, on due proof upon oath being made before him or them, that any perſon has committed any one of the offences herein before deſcribed, to iſſue his or their warrant or warrants for the apprehenſion of ſuch offender or offenders, or perſon or perſons charged with ſuch offence, and to cauſe ſuch offender or offenders, ſuch perſon or perſons ſo charged as aforeſaid, to be brought before him or them, and upon the examination of ſuch offender or offenders, and hearing the evidence, ſuch Juſtice or Juſtices of the Peace ſhall diſcharge or commit to Priſon, or ſhall Bail ſuch offender or offenders, in like manner as by law any other perſon or perſons charged criminally is or are dealt with ; ſave and except, that if ſuch Juſtice or Juſtices ſhall be ſatisfied with the evidence againſt ſuch offender or offenders, ſuch Juſtice or Juſtices ſhall commit ſuch offender or offenders to the common Gaol of the Diſtrict, or in caſe there ſhall be no Gaol in that Diſtrict, to the common Gaol of any adjoining Diſtrict, and ſuch offender and offenders ſhall remain ſo committed until his, or her or their trial ſhall be brought on, unleſs ſuch offender or offenders ſhall, with two good and ſufficient ſureties, to the ſatisfaction of the ſaid Juſtice or Juſtices, become bound by recognizance to our Sovereign Lord the King, in manner hereinafter ſpecified, (that is to ſay) if the ſaid offender ſhall be charged with having committed any offence againſt the proviſions in the firſt Section of this Act contained, then ſuch offender or perſon ſo charged, ſhall become bound in the ſum of two hundred pounds, and each of ſuch ſureties in the ſum of one hundred pounds, and if ſuch offender ſhall be charged with having committed any offence againſt the proviſions in the ſecond Section of this Act contained, then ſuch offender or perſon ſo charged, ſhall become bound in the ſum of forty pounds, and each of ſuch ſureties in the ſum of twenty pounds, conditioned in each of ſuch recognizances, for the appearance of ſuch perſon ſo charged with any offence againſt this Act, at the then next Aſſizes, or Seſſion of Oyer and Terminer and General Gaol Delivery, to be holden for the Diſtrict where ſuch offence ſhall be charged to be committed, or at ſuch other or future Aſſizes or Seſſion of Oyer and Terminer and General Gaol Delivery, to which the trial of ſuch offender ſhall for juſt cauſe be adjourned.

Juſtices to iſſue warrants,

and to commit: or Bail, &c.

V. Provided likewise, and be it further enacted, That if it ſhall happen that any conviction under this Act ſhall take place in any Diſtrict where there ſhall be no common Gaol at the time of ſuch conviction, it ſhall and may be lawful to and for the Court or Judge before whom ſuch conviction ſhall be had, to award, order and adjudge, that any ſuch offender or offenders ſo to be convicted, ſhall be committed to the common Gaol of any adjoining Diſtrict, in which there ſhall at that time be a Gaol, and alſo to order and adjudge, that any further puniſhment to be inflicted under the authority of this Act, ſhall be inflicted either in the Diſtrict where ſuch conviction ſhall take place, or in the Diſtrict to the Gaol of which ſuch offender ſhall be committed, as to ſuch Judge or Court ſhall ſeem meet : And in caſe of any commitment by any Juſtice or Juſtices of the Peace before trial, or of any commitment by any ſuch Court, or Judge or Judges as aforeſaid after conviction, under the authority by this Act given, the Treasuſer and Gaoler of the Diſtrict to the Gaol of which ſuch offender, or perſon charged with or convicted of any offence againſt this Act ſhall be committed, are, and each of them is hereby reſpectively required, to allow to each perſon during his or her commitment or confinement there, ſuch and the like maintenance and ſubſiſtence as is by law allowed to perſons in cuſtody under any criminal charge ; and the Treasuſer of the Diſtrict from which ſuch offender or perſon ſo charged or convicted ſhall be ſent, ſhall, and he is hereby required, to reimburse and pay to the Treasuſer of the Diſtrict in which ſuch perſon ſhall have been confined, out of the firſt monies which ſhall come to his hands, ſuch ſum and ſums of money as ſhall have been ſo lawfully expended, according to the proviſions in that reſpect herein before contained, for the maintenance and ſubſiſtence of any ſuch perſon or perſons as aforeſaid.

Proviſion for caſes in which there ſhall be no common gaol in the Diſtrict.

Allowance to priſoners.

VI. And be it further Enacted, That in caſe any ſuch perſon or perſons as aforeſaid ſhall, by virtue of this Act, be committed before trial to any Gaol other than the Gaol of the Diſtrict in which the offence ſhall be charged to have been committed, the Sheriff of the Diſtrict in which ſuch offence ſhall be charged to have been committed, ſhall, and he is hereby required and commanded, immediately before the Aſſize or Seſſion at which any trial for any offence againſt this Act ſhall be had, to convey ſuch perſon ſo charged from the Gaol in which he or ſhe ſhall be ſo confined, to the Diſtrict where ſuch offence was charged to be committed, and there to keep him or her in cloſe cuſtody and confinement, and have ſuch perſon ready to take his or her trial at the Aſſizes or Seſſion of Oyer and Terminer then next enſuing : And all and every Sheriff and Sheriffs, Conſtable and Peace Officers of this Province, is and are hereby required and commanded to execute and obey all and every warrant and warrants, order and orders, ſentence and ſentences, which ſhall be pronounced or iſſued by any ſuch Court or Judge, Juſtice or Juſtices, as are herein before mentioned, for the purpoſe of carrying the proviſions of this Act into execution.

Sheriffs and Peace Officers to execute warrants, &c.

VII. And be it further enacted by the authority aforeſaid, That all the fines, forfeitures and penalties that ſhall be incurred under and by virtue of this Act, ſhall be accounted for to his Maſteſty, his Heirs and Succeſſors, to and for the public uſes of this Province, through the Lords Commiſſioners of his Maſteſty's Treasuſry for the time being, in ſuch manner and form as it ſhall pleaſe his Maſteſty to direct.

Fines to be accounted for.

C H A P. III.

An ACT to repeal certain parts of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," and to authorize his Majesty's Court of King's Bench in this Province, to regulate certain Fees, Costs and Charges therein mentioned.

[Passed 9th March, 1804.]

Preamble.

WHEREAS the law now in force regulating the fees to be allowed to, and taken by the Clerk of the Crown, Council, Attornies, Sheriffs, and other Officers of his Majesty's said Court of King's Bench in this Province, has been found not well adapted to the present circumstances and situation of this Province, and it has been found expedient that such fees should be regulated by the Court of King's Bench, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the first day of the Term of Easter now next ensuing, so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to Establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," as respects the allowance of fees, or wherein or wnerbey fees are authorized to be taken by, and allowed to certain persons for certain services specified and set forth in the said last recited Act, and in the table of fees thereunto subjoined, shall cease and determine, and shall be, and the same is hereby declared to be repealed.

Former Act respecting Fees repealed.

Court of King's Bench to ascertain Fees.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of Easter Term next, it shall and may be lawful to and for the said Court of King's Bench, by order or rule, or orders 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 or may be taken, or be allowed to be taken by any Clerk of the Crown, Council, Attorney, Sheriff, Officer, or other person, for or in respect of any business heretofore done or transacted, or hereafter to be done or transacted in the Court of King's Bench, as well in civil causes and criminal prosecutions, as in all matters and things, causes and proceedings which now are, or shall or may be depending in the said Court which regard 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.

C H A P. IV.

An ACT to repeal so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting horned cattle, hoes, sheep and swine to run at large," as relates to sheep, and to restrain the Owners of Rams from permitting them to run at large during a certain time of the year.

[Passed the 9th of March, 1804.]

Preamble.

WHEREAS it would tend to improve the breed and increate the number of Sheep, if the owners of Rams were restrained by law from permitting them to run at large during a certain time of the year; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to restrain the custom of permitting horned cattle, horses, sheep and Swine to run at large," as empowers or authorizes the inhabitant householders, or the greater part of them in every district within this Province in their annual Town Meetings, to ascertain and determine in what manner and at what periods sheep shall be allowed to run at large within their respective divisions, or to resolve that the same or any part thereof, shall be restrained from so doing, shall be and the same is hereby repealed.

Former Act authorizing Town Meetings to ascertain Sheep running at large repealed.

Rams not to run at large between 1st of September and 30th December.

Penalty for offences against this Act.

II. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons within this Province, to have any ram or rams going at large within the said Province, from the first day of September until the twentieth day of December in each year, and if any ram or rams belonging to any such person or persons as aforesaid, shall be found going at large as aforesaid, such person or persons shall for every such ram going at large as aforesaid, between the said first day of September and the said twentieth day of December, forfeit and pay the sum of twenty shillings, which shall be recovered in a summary way before any one of his Majesty's Justices of the Peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of twenty shillings and the charges of the sale.

Half the Penalty to be paid to the Receiver General.

III. And be it further enacted by the authority aforesaid, That one half of the said sum of twenty shillings, shall be paid to the informer, and the other half shall be paid to the Receiver General, to and for the public uses of this Province.

IV. And whereas difficulty may arise in ascertaining to whom any ram or rams which shall be found running at large between the said first day of September and the twentieth day of December, in this present or any subsequent year, may belong, Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person or persons finding such ram or rams at large during the aforesaid time, contrary to the provisions of this Act, to impound such ram or rams in the common pound, or confine such ram or rams in some building within the township, where such ram or rams shall be so found, and to affix notice in writing, under the signature of such person or persons so impounding or confining such ram or rams, on the outside of such pound or building, and also in some other conspicuous place in the said township, (which notice shall be dated on the day on which the same shall be so affixed) of such ram or rams having been found at large contrary to law, and being impounded or confined, either in the common pound or some other building to be described in such notice (as the case may be) and such person or persons shall immediately proceed to bring to conviction such owner or owners; and if the owner or owners of such ram or rams, shall not within seven days after such notice shall be so given, pay the said sum of twenty shillings, together with the pound-keeper's fees, and the costs and charges attending the support and feeding such ram or rams during his or their confinement, (such costs and charges to be ascertained and adjudged by the Magistrate before whom any conviction shall take place by virtue of this Act) it shall and may be lawful to and for the person or persons who shall so have impounded or confined such ram or rams, and who shall have convicted the owner or owners of such ram or rams, of having offended against this Act, to expose such ram or rams to sale, and out of the money arising from such sale, to pay such sum of twenty shillings, together with such costs and charges as aforesaid, in case the proceeds of such sales shall be found sufficient to pay the same, and if more than sufficient, to return the overplus to the owner or owners of such ram or rams, and if such proceeds shall be found insufficient for the purposes aforesaid, then, and in such case, such proceeds shall, in the first place, be applied in payment of the pound keeper's fees and the costs and charges attending the supporting and feeding such ram or rams, and the remainder to be applied in manner following, viz. one half of such remainder to the informer, and the other half to his Majesty's Receiver General, for the public uses of this Province.

How Rams to be dealt with, if difficulty arises to whom they belong.

Disposition of money arising from sale of Rams under this Act.

V. And be it further Enacted, That no prosecution shall be carried on under the authority of this Act, unless the same shall be commenced within eight days after any ram or rams shall be found running at large, contrary to the provisions herein contained, nor shall any distress be levied under the authority of this Act, in any case where any ram or rams so impounded or confined as aforesaid, shall have been sold under the provisions herein contained, but the proceeds of such sale or sales only, shall at all times be deemed and considered as liable to satisfy the penalty and all costs by this Act intended to be imposed.

No prosecution unless within 8 days.

VI. And be it further enacted by the authority aforesaid, That all such parts of the forfeitures and penalties as are by this Act directed to be paid to his Majesty's Receiver General, to and for the public uses of this Province, shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury in such manner and form as his Majesty, his heirs or successors shall be graciously pleased to direct.

Forfeitures and penalties to be accounted for.

#### C H A P. V.

An ACT to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the forty-first year of the reign of his present Majesty, as relates to Printing the Journals.

[Passed 9th of March, 1804.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act passed in the forty-first year of the reign of his present Majesty, intituled, "An Act for granting to his Majesty a certain sum of money out of the Provincial Fund, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, (including the Commissioners to Lower Canada) and to defray the contingent expences thereof, and further to appropriate the supplies and provide for the payment of the same hereafter," as relates to printing and publishing the Journals, shall be, and the same is hereby repealed.

Former Act relative to printing Journals repealed.

II. And be it further enacted by the authority aforesaid, That the sum of three hundred pounds, appropriated in the aforesaid Act for printing the Laws and Journals, shall be expended during the present year, in compiling and printing all the Acts of the several Parliaments of this Province, including those of the present Session, and the said Acts so compiled and printed, shall be received from the Printer by the Clerk of the House of Assembly.

300l. to be appropriated during the present year for printing all the Acts of the Province.

III. And be it further enacted by the authority aforesaid, That the said Clerk shall as soon as possible after receiving the said Acts, send four copies of them to each Member of the Legislative and Executive Councils; four copies to each of the Judges of the Court of King's Bench, and the like number to his Majesty's Attorney General, and also twenty copies to Each Member of the present House of Assembly, to be by them distributed in such manner as will best tend to promulgate a general knowledge of the Laws.

Disposition of the Acts to be Printed.

IV. And be it further enacted by the authority aforesaid, That out of the said sum of three hundred pounds, shall be appropriated after the present year, the sum of eighty pounds for the annual printing of such laws as may hereafter be passed.

80l. appropriated for the annual printing of the Laws.

C H A P. VI.

An ACT for granting to his Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof.

[Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it would very much advance the general prosperity of this Province, if the public highways and roads already laid out in the several Districts thereof were amended and repaired, and new and additional roads were laid out and opened in certain parts of the Province, to which at present there is very difficult access, and certain bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects; And whereas the rates heretofore imposed; and the duty by law required to be performed on the said public highways and roads, are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying district rates sufficient for the several purposes aforesaid, would in the present circumstances of the Province be found inconvenient, and the necessary provision can only be made out of the surplus of certain duties and taxes as yet unappropriated; in order therefore to defray the expences of repairing, amending, laying out and opening such highways and roads, and making such bridges as aforesaid, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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 uses of this Province, there be granted to his Majesty, his Heirs and Successors, the sum of one thousand pounds, to be issued out of the fund now remaining, or hereafter to come into the Receiver General's hands, unappropriated and arising from such rates and duties as last aforesaid, which said sum of one thousand pounds shall be disposed of, appropriated and applied in the repairing of the roads already laid out, and in the laying out and opening new roads, and making bridges in the several districts aforesaid, in such manner and under such regulations as to the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice and consent of the Executive Council thereof, shall from time to time seem meet.

Sum appropriated for the repairing old Roads, laying out and opening new Roads, and building bridges.

II. And be it also enacted by the authority aforesaid, That at any time from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice and consent of the Executive Council of this Province, to issue one or more Proclamation or Proclamations, and therein to point out and direct the particular roads, as well with respect to those already laid out as those hereafter to be laid out and opened in all and every the several Districts of this Province, and the metes and boundaries thereof respectively, upon which the said sum of one thousand pounds shall be expended, and the same Proclamation to name such and so many persons as to him shall seem meet for each and every of the aforesaid Districts as Commissioners for carrying the provisions of this Act into execution, which said Commissioners, from and after the issuing such Proclamation, shall have full power and authority forthwith to proceed to repair and amend, lay out and open such roads, and repair and build such bridges, as in the Proclamation or Proclamations to be issued in virtue of this Act, shall be named and specified, as fully to all intents and purposes as if such Commissioners had been in this Act particularly named.

Proclamations to issue. Roads to be pointed out and Commissioners to be named by the Governor, &c.

III. Provided always, and be it further enacted by the authority aforesaid, That before any Commissioner shall proceed to carry into execution the several powers and authorities by this Act conferred, he shall take the following Oath:

FORM OF OATH.

"I A. B. do swear that I will faithfully and impartially, to the best of my skill and judgement, perform and carry into execution the several powers and authorities in me vested, in and by a certain Act of the Legislature of this Province, intituled, "An Act for granting to his Majesty a certain sum of money, out of the funds applicable to the uses of this Province, to defray the expences of amending and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several Districts thereof," and the Proclamation issued in virtue thereof, without favor or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands, for the purpose of carrying the provisions of this Act into execution—So help me God."

Oath of Commissioners.

Which said Oath shall be taken before any one of his Majesty's Justices of the Peace in and for the District for which such Commissioner shall be appointed, and a certificate of which Oath the Justice administering the same, is hereby required to transmit to the Clerk of the Executive Council of this Province, with all convenient speed, after such Oath shall have been by him administered.

Certificate of Oath to be transmitted to the Executive Council.

IV. And be it further Enacted by the authority aforesaid, That the respective Commissioners who shall, under the authority hereby given, be named for the several Districts aforesaid, shall, so long as they shall continue Commissioners, have and enjoy exclusively, the right and privilege of laying out and expending such monies as shall from time to time be appropriated by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, with the advice and consent of the Executive Council thereof, for any particular roads in the several Districts aforesaid, without the interference of the Commissioners to be named for any other District.

Commissioners, as long as they continue, to enjoy privilege exclusively, &c.

Provided



Provided nevertheless, and it is hereby declared, That after the said Proclamation shall have been issued under the authority hereby given, for all or any of the districts aforesaid; it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the government of this Province, by and with the advice and consent of the Executive Council thereof, to issue any new or additional Proclamation or Proclamations, and thereby to name such other or additional Commissioner or Commissioners as to him shall seem meet, for all or for any of the districts aforesaid, for carrying the several purposes of this Act into execution; And from and after such new or additional Proclamation shall have so issued, all and every the powers and authority given or conferred by any former Proclamation or Proclamations, shall cease, determine, and be null and void to all intents and purposes, as if the same had never been created or given; and the Commissioners in such new or additional Proclamation or Proclamations named, shall have and be invested with full power and authority to carry the several provisions of this Act into execution, in such and the like manner as the Commissioners in the previous Proclamation named, might or could have done, any thing herein before contained to the contrary notwithstanding. Provided also, That nothing herein contained shall repeal or annul, or be held or construed to repeal or annul any of the provisions in any existing Act or Acts of this Province contained, for raising or levying the rates thereby imposed, or compelling the labour by such Acts, or any of them, required to be done and performed on any of the public high ways and roads comprised in such Acts, or any of them, or to repeal any of the provisions in such respective Acts contained, but all and every such Act and Acts is and are hereby declared to be and continue in full force. Provided also, That nothing in any former law or statute of this Province contained, shall, from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or overseer in any such law or statute mentioned, in any manner to interfere or give any directions touching or concerning any road or highway to be laid out, opened or repaired under or by virtue of this Act; Nevertheless the said Magistrates and overseers, and every of them, is and are hereby authorized to carry into execution all and every such power and authorities as by such laws or statutes they are invested with, in all cases in which the executing such powers will not impede or interfere with the powers or authorities given in and by this Act and every Proclamation to be issued by virtue thereof.

Governor, &c. may issue new Proclamations and name new Commissioners.

In such case powers of former Commissioners to cease.

This Act not to repeal former Acts for compelling Labour, &c.

Magistrates, &c. not to interfere with Commissioners.

V. And be it further Enacted by the authority aforesaid, That from and after the execution of the powers hereby given, all and every the roads in all and every Proclamation and Proclamations to be issued under and by virtue of this Act, shall be held and deemed to be public highways and roads, and shall be subject and liable to all the laws and statutes now in force, or hereafter to be passed and enacted relative to public highways and roads, as fully to all intents and purposes, as any of the present highways and roads are now or shall be made liable and subject thereto.

Roads to be named in Proclamation, and to be deemed public Highways.

VI. Provided always, and be it further enacted, That if any action or suit shall be commenced against any person or persons, for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non-suit, or discontinue his, her or their action, after the defendant or defendants shall have appeared, or if judgment on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recover treble costs, and have the like remedy for the recovery thereof as defendants are in any other cases by law entitled to.

Prosecution for any thing done under this Act, to be commenced in three months.

If judgment for defendant in any such treble costs.

VII. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor or person administering the Government of this Province and not otherwise; and the said Receiver General shall account to his Majesty, his heirs and successors for the same through the Lords Commissioners of his Majesty's Treasury, for the time being, in such manner and form as his Majesty, his heirs and successors shall be graciously pleased to direct.

Governor, &c. may issue warrants.

Receiver General to account, &c.

CHAP. VII.

An Act to explain and amend an Act passed in the forty third year of his Majesty's reign, intituled, "An Act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned."

[Passed 9th of March, 1804.]

WHEREAS it is expedient to remove certain doubts which have been entertained respecting the property of executors, administrators and devisees, in the unexpired term of licences for using and working stills, granted to persons dying within the period of such licence, and respecting the right of removing and transferring any stills, or assigning any licences for the using or working of any still or stills for the unexpired term thereof; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act, for making more effectual provision for the government of the Province

Preamble.

The executor, &c. of a person who had taken out a licence to work a still, or a purchaser from such executor, &c. to give notice, & make requisition, &c.

And to produce receipts for the purchase money.

When any person sees cause to remove or transfer a still, not necessary it should be again licenced.

but notice is required to be given.

After notice, &c. Inspector to indorse in loco.

Form of Indorsement.

Inspector at all times of the day time, when, &c. to enter still-house.

Penalty for refusing to admit Inspector.

Appeal to the Quarter Sessions.

vince 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 case of the death of any person having taken out a licence to work a still or stills, and the executor, administrator or devisee of such still or stills, or any purchaser or purchasers from such executor, administrator or devisee, shall be minded or desirous of working the same for the remainder of the term for which such licence or licences shall have been granted, such executor, administrator or devisee, or such purchaser or purchasers as aforesaid, shall, and he and they is: and are hereby required within twenty days after such death, to give notice thereof in writing to the Inspector of the district in which such still or stills is or are intended to be worked, and also to make a requisition upon the said Inspector for a licence to be granted to such executor, administrator, devisee, purchaser or purchasers, to work such still or stills for the remainder of the term for which the licence was originally granted to the testator or intestate, under whom the said executor, administrator or devisee claims title to such still or stills; and in case of such requisition being made by any purchaser or purchasers, from such executor, administrator or devisee, such purchaser or purchasers is and are hereby required to produce to the said Inspector the receipt or acquittance for the purchase money for such still or stills, under the hand of the said executor or administrator, before he, she or they shall be intitled to demand the indorsement of the said licence to be made in manner hereinafter directed.

II. And be it further enacted by the authority aforesaid, That when any person or persons having taken out a licence to work a still or stills, shall see cause to remove or transfer the same, it shall not be necessary that any still or stills so removed or transferred, be again licenced previous to the expiration of the licence under which it or they were wrought before such removal or transfer, otherwise than as herein after mentioned. Provided nevertheless, That the persons intending to remove or transfer such still or stills as aforesaid, shall, and he, she or they are hereby required to give notice in writing to the Inspector of the district in which such still or still is or are intended to be worked as aforesaid, of his, her or their intention of so removing or transferring such still or stills, at least ten days before such removal or transfer.

III. And be it further enacted by the authority aforesaid, That after such notice shall have been given, and such receipt produced, in the cases by this Act required, to the said Inspector of the district as aforesaid, it shall and may be lawful to and for the said Inspector, and he is hereby required to indorse the original licence granted for the working such still or stills, in manner following, (that is to say.)

" A. B. is hereby Licenced to work the within mentioned Still or Stills, for the remainder of the term by this Licence first granted.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Inspector in each and every district, at all times in the day time, when the said still or stills shall not be charged, or after having given six hours notice to the proprietor or proprietors, or person or persons working or using such still or stills, to enter into any still-house, or place where any still or stills is or are wrought, and to measure each and every still so wrought as often as he shall see cause to do; and if the proprietor or person working such still or stills, shall refuse to admit any such Inspector as aforesaid to enter into the still-house, or other place where any still or stills is or are wrought as aforesaid, and measure the still or stills as aforesaid, and shall be convicted thereof upon the oath of the Inspector or otherwise, before any Justice of the Peace in the district, the said proprietor, or person or persons working such still or stills, shall forfeit the sum of twenty five pounds, to be paid to his Majesty, his heirs or successors, to and for the public uses of this Province, and to be accounted for to his Majesty through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as it shall please his Majesty to direct, which said forfeiture shall be levied by distress and sale of the offender's goods and chattels, and in case the party or parties so convicted as aforesaid, shall not have any goods or chattels, upon which the said sum of twenty five pounds can be levied, and any part of the said sum of twenty five pounds shall remain unpaid for the space of ten days after such conviction as aforesaid, then it shall be lawful for the Magistrate before whom the said conviction shall be so had, to order the party or parties so convicted to be committed to the common Gaol of the district, or to the custody of the sheriff thereof, there to remain without bail or mainprize for the space of three calendar months, by a warrant under the hand and seal of the Magistrate before whom such conviction shall be had. Provided nevertheless, and if any person or persons who shall be so convicted before any such Magistrate as aforesaid, shall consider him, her or themselves aggrieved by such conviction, then and in such case it shall and may be lawful to and for the party or parties so considering him, her or themselves aggrieved, and he, she and they is and are hereby authorized, upon giving good and sufficient security to the satisfaction of the Magistrate so convicting, for the payment of the conviction money and the costs of appeal, to bring his, her or their appeal from the said conviction, in a summary mode, before the then next ensuing General Quarter Sessions of the Peace for the district in which such conviction shall take place, during which interval all further proceedings upon the said conviction shall cease, and the Magistrates in such Quarter Sessions assembled, are hereby authorized and required to hear, adjudge and determine such appeal upon the merits thereof, and the determination of such Quarter Sessions shall be held and considered final and conclusive, not subject or liable to be removed by certiorari or otherwise before any other jurisdiction, and if such conviction shall be affirmed by the said Quarter Sessions, the defendant or defendants shall in addition to the conviction money, pay such costs for and on account of such appeal as to the said Quarter Sessions shall seem meet, and if such appeal shall not be prosecuted and brought to a decision at the Quarter Sessions next following the conviction, the Quarter

ter Sessions shall in such case also award such costs to the informer, or party who had obtained the conviction before the said Magistrate, as to the said Court shall seem meet.

Costs to be awarded.

V. And be it further enacted by the authority aforesaid, That in all cases in which any person or persons shall be prosecuted to conviction for any offence against this Act, or any former Act or Acts of this Province relative to the collecting duties on stills, and a conviction shall actually be pronounced, and no provision shall have been by any former Act made for compensating the said Inspector on account of such prosecution, it shall and may be lawful to and for the said Inspector to state and make out in writing, a true and exact account of all costs and expences by him incurred, and he shall also be admitted to make a reasonable charge for the time by such Inspector employed or bestowed in prosecuting such offenders to conviction, which said costs, expences and charges shall be audited by his Majesty's Executive Council of this Province, and such sum as the said Executive Council shall allow on account thereof, shall be paid by warrant to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, on the Receiver General thereof for the time being, out of any funds in the Receiver General's hands arising from duties on stills.

Provision for costs of prosecution, &c.

C H A P. VIII.

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

[Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is expedient that the Statute Laws of England should be procured for the use 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of the rates and duties already raised and collected, or hereafter to be raised and collected to and for the uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of one hundred and seventy-five pounds out of the Provincial Treasury, from such monies now remaining or which hereafter may come into the Receiver General's hands unappropriated, which said sum of one hundred and seventy-five pounds shall be appropriated and applied in purchasing the Statute Laws of England, for the use of this Province, in such manner as the Governor, Lieutenant Governor, or Person administering the Government of this Province shall think proper to direct.

Preamble.

175l. granted for the purchase of the Statute Laws of England.

II. And be it further enacted by the authority aforesaid, That the Receiver General shall account to his Majesty for the said sum of one hundred and seventy-five pounds, through the Commissioners of his Majesty's Treasury for the time being, in such manner as his Majesty shall direct.

Receiver General to account, &c.

C H A P. IX.

An Act appropriating a certain sum of Money annually to defray the Expences of erecting certain Public Buildings to and for the uses of this Province.

[Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is highly expedient for the accommodation of the Legislative Council and Assembly of this Province and of the Courts of Justice therein, and for the better conducting of the public business thereof, that certain public Buildings should be erected for the purpose of the assembling and sitting of the said Legislative Council and Assembly, and of the said Courts of Justice, and for the obtaining of suitable and convenient offices and apartments for transacting the public business, and for the securing and preserving of the public records, documents and instruments of this Province. We your Majesty's most dutiful and loyal subjects the Commons of this Province, 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, intituled, "An act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there be granted to his Majesty, his heirs and successors, as well in this present year one thousand eight hundred and four, as in each and every year afterwards, until such Buildings shall be erected and completed, the sum of four hundred pounds, to be issued out of the unappropriated funds which now are, or during the aforesaid period may be paid into the hands of the Receiver General of this Province for or on account of any duties or rates already imposed by any existing law, or hereafter to be imposed by any statute to be passed by the Legislature of this Province, towards the erecting a building or buildings, to contain necessary apartments and offices for the assembling and sitting of the Legislative Council and Assembly of this Province, and of the Courts of Justice therein, and also apartments for the assembling of the Executive Council, and offices for the conducting of the business, under the management and direction thereof, together with proper offices for the Secretary, the Receiver General and Surveyor General of this Province, with such other office or offices, apartment or apartments for the suitable conducting of public business, and for the securing and preserving the said public records, documents and instruments,

Preamble.

Annual sum of 400l. granted for the erection of public buildings.

For the assembling and sitting of the Legislative Council, &c.

And for securing the public records, &c.

and all other books, papers and writings which concern or relate to the general interest and property of his Majesty's subjects in this Province, as the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being shall, by and with the advice of the Executive Council thereof order and direct.

To be built as the Governor, &c. in Council shall direct.

II. *And be it further enacted by the authority aforesaid,* That the said building or buildings shall be erected and built on such plot or lot of ground belonging to his Majesty, lying and being within the Town of York, as the Governor, Lieutenant Governor, or person administering the Government, by and with the advice of the Executive Council thereof for the time being, shall be pleased to direct.

Governor, &c. to issue warrants on the Receiver General.

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, from time to time as occasion shall require, to issue his warrant or warrants to the Receiver General of this Province, to pay out of such funds as aforesaid, the whole or such part or parts as to him shall seem meet, of the said yearly sum of four hundred pounds hereby granted to his Majesty for the purpose of this Act, and that the said Receiver General shall account to his Majesty, his heirs and successors for the same through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors shall be graciously pleased to direct.

Receiver General to account, &c.

C H A P. X.

*An Act for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor, in pursuance of an Address.*

MOST GRACIOUS SOVEREIGN,

[Passed 9th March, 1804.]

Preamble.

WHEREAS in pursuance of an Address of your Commons House of Assembly to Peter Hunter, Esquire, your Majesty's Lieutenant Governor of your Province of Upper Canada, bearing date the fourth day of March last past, in the forty third year of your Majesty's reign, the sum of three hundred and three pounds eleven shillings and ten pence halfpenny, has been issued and advanced by your Majesty through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, for certain contingent expences attending the last and present Session of Parliament, and to enable the said Clerks to provide a supply of Stationary for the purposes of the Parliament; May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, and collected under the authority of any Act or Acts thereof, now remaining, or which hereafter may be in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of three hundred and three pounds eleven shillings and ten pence halfpenny, to make good the aforesaid sum of money which has so as aforesaid been issued and advanced by his Majesty through his said Lieutenant Governor, in pursuance of the aforesaid address.

303l. 17s. 10d. granted to make good the same sum before advanced by the Lieut. Governor.

Receiver General to account, &c.

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 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.

C H A P. XI.

*An Act for granting to his Majesty a certain sum of Money, for the further encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof.* [Passed 9th March, 1804.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it would very much encourage and promote the cultivation of Hemp in this Province, if some provision was made by the Legislature for the purchase and exportation thereof; in order therefore to make provision for so beneficial an object, as far as the present resources of the Province will admit, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the Receiver General, arising from and 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 one thousand pounds, to be disposed of, appropriated and laid out as a public stock or capital, applicable to the purpose of purchasing Hemp, the growth of this Province, and of discharging the expences incident to such purchases and the exportation and sale thereof, in such manner and under such regulations as to the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, shall from time to time seem meet.

1000l. granted by the purchase of...

III. And

10. And be it further enacted by the authority aforesaid, That at any time or times from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person Administering the Government, by and with the advice and consent of the Executive Council of this Province, to issue one or more Proclamation or Proclamations, and therein to name such and so many persons within the Province as to him shall seem meet, as Commissioners for the purchasing of merchantable Hemp the growth of this Province, which said Commissioners, or any one or more of them, are and is hereby authorized and empowered to purchase such Hemp, at and after the price or rate of forty pounds per ton.

Governor, &c. in Council to name Commissioners.

11. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no person or persons whatsoever shall be entitled to any further bounty over and beyond the said price or sum of forty pounds per ton, or to any premium under any Proclamation or Proclamations heretofore issued by his Excellency the Lieutenant Governor, for the encouragement of the growth and exportation of Hemp, for or in respect of any Hemp for which the said sum of forty pounds per ton shall be paid under the powers hereby given; nor shall any bounty or premium be paid or payable for or in respect of any Hemp not intended for sale to some one of the Commissioners acting in virtue of the powers hereby given, which shall not be claimed on or before the thirtieth day of September next, under proper and sufficient documents to be on or before that day presented to the person or persons duly empowered or authorized to allow or pay the same, any former law to the contrary notwithstanding. Provided nevertheless, That before the said Commissioners to be appointed in virtue of this Act, or any of them, shall, under the authority hereby given, purchase any Hemp from any person or persons whomsoever, such Commissioners and each of them, are and is hereby authorized and required to administer to the person or persons offering any such Hemp for sale, the following Oath:

Persons not entitled to bounty, after receiving 40l. per ton of Commissioners.

Bounty on Hemp not intended for sale, not to be claimed after 30th Sept. 1804.

" I A. B. do swear that the Hemp which I have this day offered for sale to C. a Commissioner appointed by his Excellency the Lieutenant Governor for the purchase of Hemp, and every part thereof, was raised within the Province of Upper Canada, by me (or by E. or F.) and that no bounty or premium has been paid or claimed for any part of such Hemp, by any person or persons whomsoever, save and except what is included in the sum or price, for which I have offered to sell such Hemp to the said Commissioner."

Oath.

And if any person or persons shall, in taking such Oath, wilfully or corruptly forswear him, her or themselves, such person and persons shall incur all the pains and penalties which by law persons are subject or liable to, for wilful or corrupt perjury in any case whatsoever.

Penalty for corruptly forswearing.

12. And be it further Enacted by the authority aforesaid, That it shall and may be lawful to and for each and every of the Commissioners acting in virtue of the powers hereby given, to demand and receive of and from the person or persons who now is or are authorized or empowered to allow and pay the aforesaid premiums or bounties, under the said Proclamation and Proclamations heretofore issued, the sum of ten pounds per ton for every ton which such Commissioners shall, in virtue of the authority hereby conferred, purchase; and every such sum of ten pounds for each and every ton so purchased by the said Commissioners, or any of them, shall be applied to and for the purposes of this Act, over and beyond the said sum of one thousand pounds herein before granted: And such person or persons so now empowered to allow and pay such bounties or premiums, is and are hereby authorized to pay such Commissioners, or any or either of them, the said sum of ten pounds per ton on such Hemp, as aforesaid, until such part of the funds now in their hands, or remaining in the hands of the Receiver General, unapplied and applicable to such bounties or premiums, shall by such payments to the said Commissioners, and to other persons entitled to such bounties or premiums, be wholly exhausted.

Commissioners may demand bounties, &c.

13. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such Commissioners so to be appointed under this Act as aforesaid, or the major part of them, in such manner and by such ways and means, as to them or the major part of them, at any time shall seem meet, to cause and procure such Hemp as shall be purchased according to the provisions of this Act, to be exported and carried beyond sea, into that part of Great Britain called England, and there to be exposed for sale, and sold for such price or prices, sum or sums of money as shall and may be obtained for the same: and such sum or sums of money obtained by such sale or sales, together with such bounties or premiums as shall or can be obtained under any Act or Acts of the British Parliament, or of the Parliament of the United Kingdom, on any such Hemp as aforesaid, after deducting all necessary charges, to pay to the Receiver General as applicable and to be applied to the public uses of this Province, and the support of the Government thereof.

Hemp to be exported to England and there sold.

British bounties to be obtained.

14. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province; and not otherwise; And the said Receiver General shall account to his Majesty, his heirs and successors, for the same, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

Governor, &c. to issue warrants.

Receiver General to account, &c.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

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

PETER HUNTER ESQUIRE, LIEUTENANT GOVERNOR.

C H A P . I .

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

[ Passed 2d March, 1805. ]

Preamble.

**W**HEREAS the time appointed by the Laws now in force, for the granting and taking out of Licences for the keeping of a House, or any other place of Public Entertainment, or for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the purpose of distilling Spirituous Liquors for sale within this Province, hath been found to be inconvenient; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, " An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That the Licences to be granted by the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the keeping of a house or any other place of Public Entertainment, for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills, for the purpose of distilling Spirituous Liquors for sale, to commence from the fifth day of April, now next ensuing, shall be extended, and continue in force to the fifth day of January one thousand eight hundred and six, and no longer, and that from the said fifth day of January one thousand eight hundred and six, and from the fifth day of January in every subsequent year, it shall and may be lawful for the said Governor, Lieutenant Governor, or Person administering the Government, to grant Licences as aforesaid, for the purposes aforesaid, for one whole year next ensuing.

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

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

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

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

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

or

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

Laws now in force to extend to such Licences as shall be taken out hereafter.

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

Times of payment by the Inspector to the Receiver General.

C H A P. II.

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

[Passed 2d March, 1805.]

WHEREAS it is expedient to afford relief to those Persons, who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown in cases where no Patent hath issued for such Lands, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "An Act for making more effectual 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, at any time within three years after the passing of this Act, to issue such and so many Commissions under the Great Seal of this Province, to the Members of the Executive Council thereof, his Majesty's Chief Justice of the said Province, and the Justices of the Court of King's Bench therein, for the time being, as he shall think fit, which said Commissioners, or any three of them, of whom the said Chief Justice, or one of the said Justices shall be one, in cases brought before them as such Commissioners, respecting Lands within the said Province, where the Nominee or Nominees of the Crown to these Lands, is or are dead, without having obtained his Majesty's Letters Patent for the same, in his, her, or their life times, shall, by and under the authority of such Commission or Commissions, have full power and authority in manner hereinafter mentioned, to ascertain, determine and declare who is, or are, the heir, or heirs, devisee, or devisees of the said nominee, or nominees of the Crown to such Lands.

Preamble

Commissioners to be appointed.

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

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

Documents and evidences to be produced before the Commissioners.

Commissioners to administer oaths to the parties, and to summon witnesses.

Penalty for not obeying the summons.

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

Nature of the testimony to be received.

III. And be it further enacted by the authority aforesaid, That after the said Commissioners shall, by virtue

virtue

Commissioners to determine and report upon the claims.

Letters patent to issue.

Effect of the Letters Patent to be issued.

Instruments by which lands are charged to be registered.

Commissioners to determine the claims of the heirs, or devisees of persons allowed lands under former Commissioners, and report upon the same.

Letters Patent to issue to said heirs or devisees.

Report obtained by surprise, when to be received, and new claims to be let in.

virtue of the said Commission, or Commissions, have examined such claims or claims as aforesaid, they shall be at liberty, and they are hereby authorized either to reject such claim or claims, or to allow the same, as in their judgement, the justice and equity of the case may require, without any regard to legal forms and solemnities whatsoever, and to report on the same accordingly, which said report shall be final and conclusive, and shall be addressed to the Governor, Lieutenant Governor, or Person administering the Government of this Province, in Council, and from thenceforth it shall and may be lawful for the said Governor, Lieutenant Governor or Person administering the Government in Council, to issue his Majesty's Letters Patent, under the Great Seal of this Province, for the lot or lots, parcel or parcels of Land specified in said report, to or in trust for, such person or persons, his, her, or their heirs and assigns, as therein ascertained and declared by the said Commissioners, to be the heir or heirs, devisee or devisees, of the nominee or nominees of the Crown to the said lot or lots, parcel or parcels of Land respectively; *Provided nevertheless*, that the said Letters Patent so to be issued as aforesaid, shall have such and none other force, operation, or effect in Law or in equity, touching and concerning any charge, incumbrance, lien, matter or thing, upon or relating to, the said lot or lots, parcel or parcels of Land, save and except the establishing the claim or claims of the person or persons, to or in trust for whom the said lot or lots, parcel or parcels of Land by the said Letters Patent shall be granted and conveyed, to be the heir or heirs, devisee or devisees, of the nominee or nominees of the Crown to the same, than if his Majesty's Letters Patent had been obtained for the said lot or lots, parcel or parcels of Land by the said nominee or nominees in his, her or their life times, any thing herein contained to the contrary notwithstanding. *Provided also*, that nothing herein contained shall extend, or be construed to extend, to the claim or claims, of any person or persons, who shall be ascertained and declared by the said Commissioners to be the heir or heirs, devisee or devisees of the nominee or nominees of the Crown, to any lot or lots, parcel or parcels of land within this Province, other than to such lot or lots, parcel or parcels of land, as shall by the said Commissioners be specified in their said report as aforesaid, and that all claims, of what nature or kind soever to any Lands within this Province, other than to such Lands as shall be so specified and set forth by the said Commissioners, shall continue and remain as if this Act had never been made.

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

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

VI. *And be it further enacted by the authority aforesaid*, That in case the said Commissioners, or either of them, shall, during their sitting, or within thirty days after they shall have signed the said report or reports, and before his Majesty's Letters Patent shall have issued in pursuance thereof, by representation from any person or persons claiming to be interested therein, be satisfied, or have reason to believe, that the said reports or either of them, so far as respects the allowance of the claim or claims, of any person or persons, to any lot or lots, parcel or parcels of Land specified therein, as being the heir or heirs, devisee or devisees as aforesaid, have been obtained by surprise, or have been erroneously made, and that justice requires, so far as respects the said claim or claims, that the said reports or either of them should be said, then and in such case, it shall and may be lawful, to and for the said Commissioners, or any other Commissioners who may sit in the Execution of the said Commission, or any subsequent Commission, to rehear such claim or claims, or to let in any new claim or claims, of such other person or persons as may be,



or pretend to be, such heir or heirs, devisee or devisees, as aforesaid to the said lot or lots of Land, and upon such rehearing, such Commissioners shall be at liberty to report upon the claim or claims, thereupon reheard, as if no report had before been made thereon, and such Commissioners shall be at liberty, if they shall judge it expedient to justice, to order such person or persons at whose instance such rehearing was obtained, to pay such sum or sums of money to the person or persons in whose favor a report shall have been first made, as they shall see just, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

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

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

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

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

XI. *And be it further enacted by the authority aforesaid,* That in case any person or persons, who shall appear before the said Commissioners, to give evidence respecting any such claim or claims as aforesaid, shall wilfully or corruptly forswear him, her, or themselves, in giving such evidence, he, she, or they shall incur the like pains and penalties, as would have been incurred upon a conviction of wilful and corrupt perjury, in any evidence given in his Majesty's Court of King's Bench in this Province, in any cause there depending.

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

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

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

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

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

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

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

Costs to be allowed by the Commissioners.

Place and time of sitting of the Commissioners.

Notices to be put up in the offices of the Clerks of the Peace, and produced to the Commissioners.

Proceedings of the Commissioners upon adverse claims.

Commissions when to be issued for the examination of witnesses.

Penalty of swearing falsely before the Commissioners.

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

Clerk to be appointed by the Commissioners.

Fees allowed to the clerk.

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

Continuance of the Act.

C H A P. III.

An Act to Regulate the Trial of Controverted Elections, or Returns of Members to serve in the House of Assembly. [Passed 2d March, 1805.]

Preamble.

WHEREAS the present mode of decision in this Province, upon Petitions complaining of undue Elections, or Returns of Members to serve in the Parliament thereof, is defective, for want of those sanctions and solemnities which are established by law in other trials, and is attended with many inconveniencies: For remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 petition complaining of an undue Election, or return of a Member, or Members, to serve in the House of Assembly, shall contain the grounds and reason of complaint, and in case the House of Assembly, shall think such grounds and reasons (if true) sufficient to make the election void, a day and hour shall, by the said House be appointed, for taking the same into consideration, and notice thereof, in writing, shall be forthwith given by the Speaker, to the petitioners, and the sitting Member, or Members, or their respective agents, accompanied with an order to them to attend the House at the time appointed, either in person, or by their counsel or agents.

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

Time of taking the petition into consideration.

Manner of taking the said petition into consideration.

Method of examining witnesses for the petitioner.

Method of examining witnesses for the sitting Member.

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

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

Persons swearing falsely, shall incur the penalties of perjury.

II. Provided always, That no such petition shall be taken into consideration within fourteen days after the same shall have been first read in the House by the Clerk, unless by consent of parties.

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

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

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

VI. And be it further enacted by the authority aforesaid, That the said sitting Member, or Members, whose election shall be contested, as aforesaid, shall not be allowed to vote upon any question, which shall arise in the course of the trial, or upon the determination thereof.

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

VIII. And be it further enacted by the authority aforesaid, That the oaths by this Act directed to be taken, shall be administered by the Clerk of the House, and that any person who shall be guilty of wilful and corrupt perjury, in any evidence, which he shall give before the House, in consequence of the oath, which he shall have taken by the direction of this Act, shall, on conviction thereof, incur, and suffer the like pains and penalties, to which any other person convicted of wilful and corrupt perjury is liable, by the laws and statutes of this Province.

CHAP. IV.

An ACT to ratify and confirm certain Provisional Articles of Agreement, entered into by the respective Commissioners of this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties, and for carrying the same into effect; and also to continue an Act passed in the thirty-ninth year of his Majesty's reign, and continued by an Act passed in the forty first year of his Majesty's reign. [Passed 2d March, 1805.]

MOST GRACIOUS SOVEREIGN,

Provisional agreement recited,

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

for appointing Commissioners to treat with the Commissioners appointed, or to be appointed, on the part of Upper Canada, for the purposes therein mentioned," which Agreement is as follows :

The said Commissioners having met, and communicated to each other their respective powers and authorities, and having taken into consideration, and maturely deliberated upon the objects of their appointment, and finding, that no material alteration hath taken place in the relative situation of the two Provinces, so as to require any change in the existing provisions, for ascertaining the respective proportion of duties, and allowance for drawbacks, on articles imported at the port of Quebec, or otherwise, it is unanimously agreed, that the Articles of Agreement, at present subsisting between the two Provinces, be further continued, and be in force, as if they were here particularly inserted, until the first day of March, in the year of our Lord one thousand eight hundred and nine.

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

and confirmed.

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

39th Geo 3d re-  
vived and continued.

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

Provincial Treas-  
urer to receive the  
monies from the Pro-  
vince of Lower Can-  
ada

IV. And be it further enacted by the authority aforesaid, That this Act shall have force and effect, from the first day of March, in the year of our Lord one thousand eight hundred and five, and shall continue to be in force to the first day of March, in the year of our Lord one thousand eight hundred and nine, and no longer.

Continuance of this  
Act.

C H A P. V.

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

[Passed 2d March, 1805.]

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

Preamble.

Part of an Act pass-  
ed in the 42d year of  
his Majesty's reign  
repealed.

Magistrates of the  
district of Newcastle  
to appoint a proper  
place in the town-  
ships of Haldimand  
or Hamilton, for the  
building of a gaol and  
court house.

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

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

Gaol and Court House to be built within two years.

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

CHAP. VI.

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

[Passed 2d March, 1805.]

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

Part of the 33d of Geo. 3d repealed.

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

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

CHAP. VII.

An Act for the Relief of Insolvent Debtors.

[Passed 2d March, 1805.]

Preamble.

WHEREAS no special provision has been made by law, since the division of the Province of Quebec, for the support of Insolvent Debtors detained in execution; and whereas it is inexpedient that the support of such, should depend upon the District, or the precarious charity of individuals, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That if any prisoner, in execution for debt, shall apply to the Court, whence such execution issued, and make oath, that he or she, is not worth five pounds, the plaintiff, at whose suit he, or she is detained, shall be ordered by the said Court, by rule, to be served on the plaintiff, or the attorney, to pay to the defendant in execution, the sum of five shillings, weekly maintenance, so long as he, or she shall be detained in prison, at the suit of the plaintiff, and that such payment shall be made in advance, to the prisoner or gaoler, for his or her use, on Monday in every week; on failure of which, the Court from whence the execution issued, shall order the defendant to be released. Provided always, That the plaintiff shall not be obliged to make such payment, if he can prove, to the satisfaction of the Court, that the defendant has secreted, or conveyed away, his or her effects, to defraud his or her creditors.

Prisoner in execution for debt, not worth five pounds, shall receive from the plaintiff five shillings weekly, so long as he shall be detained in prison for such debt.

CHAP. VIII.

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

[Passed 2d March, 1805.]

Preamble.

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

Appointment of Inspectors of Beef and Pork.

Oath of the Inspector.

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

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

Inspector not to be a dealer in beef or pork.

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

Quality of the beef to be packed.

Manner of sorting it.

Barrels to be branded.

Mode of pickling of beef.

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

Quality and size of the barrels for packing of beef.

V. *And be it further enacted by the authority aforesaid,* That one head of every barrel, in which beef or pork is packed, or repacked for foreign market, shall be branded with the weight it contains, the inspector's name, who shall have inspected the same, with the name of the District where it was inspected, and also the addition of Upper Canada, in legible letters.

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

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

No Inspector to act out of his District.

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

Penalty of refusing or neglecting to inspect.

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

Fees of the Inspector.

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

Penalty for negligence or fraud in inspecting.

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

Penalty for intermixing beef or pork after branded.

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

Penalty for counterfeiting brand marks.

Quality and size of the barrels for packing of pork.

XII. *And be it further enacted by the authority aforesaid,* That from, and after the passing of this Act, every barrel, in which pork shall be packed, or repacked for foreign markets, shall be made of good, seasoned white oak staves and heading, free from every defect, and each barrel shall contain two hundred pounds weight of pork, and shall not be of a larger guage than thirty gallons, and the said barrels, in every respect, shall be hooped, and made in the same manner as in this Act provided, for barrels for packing and repacking beef.

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

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

Manner of pickling it.

Certificates to be given by the Inspector.

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

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

No person compelled to have his beef or pork inspected.

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

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

XVI. *And be it further enacted by the authority aforesaid,* That all the fines and forfeitures, by this Act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon, and be examined into, heard, adjudged, and determined, by the Magistrates, in Quarter Sessions assembled, 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 wherein the offence has been committed, to summon any person or persons to appear at the next General Quarter Sessions of the Peace, to be holden in and for such district, and the magistrates in Quarter Sessions assembled, are hereby fully authorized, empowered, and required upon the appearance, or default, of such person or persons, so to be summoned, to examine into the cause of such complaint, and thereupon, to proceed to give judgment, the one moiety of all such fines and forfeitures (except such as are herein before otherwise applied) when recovered, shall be immediately paid into the hands of the Receiver General, for the use of his Majesty, towards the support of the Government of this Province, and shall be accounted for to his Majesty, through the Commissioners of his Majesty's Treasury, for the time being, in such manner and form, as his Majesty shall direct, and the other moiety, to the Inspector, or person who shall sue for the same.

Limitation of time for commencing of actions for any thing done in pursuance of this Act.

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

C H A P. IX.

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

[Passed the 2d March, 1805]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS in pursuance of an address, of your Commons House of Assembly, to Peter Hunter, Esquire, Lieutenant Governor, of your Majesty's Province of Upper Canada, bearing date on the second day of March, in the forty fourth year of your Majesty's reign, the sum of forty-five pounds nine shillings and eight pence, has been issued and advanced, by your Majesty, through your Lieutenant Governor, to Isaac Wazey Esquire, for the payment of disbursements, made by him in the purchase of Hemp Seed, for the use of this Province, and whereas in pursuance of a certain other address of your said Commons House of Assembly, to your Majesty's Lieutenant Governor, bearing date the sixth day of March,

in the year aforesaid, the further sum of two hundred and twenty-nine pounds eight shillings and seven pence three farthings, has been issued, and advanced by your Majesty, through your Lieutenant Governor, to the Clerks, and other Officers of the two Houses of Parliament, for certain contingent expences attending the last and present Session of Parliament, may it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund, or funds, subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued, and applied, the sum of two hundred and seventy-four pounds, eighteen shillings and three pence three farthings, to make good the said two sums of money which have been issued and advanced, in pursuance of the aforesaid two addresses.

C174 18 33 to be issued from the Provincial Treasury, to make good the like sum paid in pursuance of the addresses of the Assembly.

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

How to be accounted for.

C H A P. X.

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

[Passed 2d March, 1805.]

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

Preamble.

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

T H E  
S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

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

ALEXANDER GRANT, ESQUIRE, PRESIDENT.

C H A P. I.

An ACT to make provision for certain Sheriffs in this Province.

[Passed 3d March, 1806.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is necessary to make some provision for such Sheriffs in this Province, who have no Salaries established by law; 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

Preamble.

sembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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 uses of this Province, there shall be granted annually to his Majesty, his heirs and successors, the sum of three hundred pounds currency, out of the Provincial Treasury, from such monies now remaining, or which may hereafter come into the Receiver General's hands unappropriated, which said sum of three hundred pounds shall be appropriated and applied for the payment of Salaries, to the persons hereafter mentioned, in manner following, (that is to say,) to the Sheriffs of the Eastern and Western Districts, and the Sheriffs of the Districts of London, Niagara, Newcastle, and Johnstown, for the time being, the sum of fifty pounds respectively.

£1000. to be applied for the payment of Salaries to the Sheriffs of the Eastern & Western Districts, of the Districts of London, Niagara, Newcastle, & Johnstown.

Bond in the penal sum of 1000l. to be given by all Sheriffs in this Province, conditioned for the payment of monies collected by them, &c. — not to bar any other remedy against Sheriffs by Laws now in force for breach of their duty.

Governor, &c. to issue warrants.

Receiver General to account &c.

Continuance of this Act.

II. *And be it further enacted by the authority aforesaid,* That the Sheriff of each and every District in this Province, shall give a Bond jointly and severally with two sufficient Sureties, to his Majesty, his heirs or successors, in the sum of one thousand pounds, with a condition, that the same shall be void if the said Sheriff shall pay over all money which he may collect, either to his Majesty, his heirs and successors, or to any person who may be entitled to the same. Provided however, that nothing herein contained shall extend, or be construed to extend, to debar any person or persons from having his, her, or their remedy against such Sheriff or Sheriffs, for any breach of duty, in such manner as is or may be provided by any law or usage now in force.

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

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be, and continue in force eight 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. II.

An ACT to repeal an Act passed in the thirty-fifth year of his Majesty's reign, intituled, "An Act to regulate the practice of Physic and Surgery." [Passed 3d March, 1806.]

WHEREAS the provisions of an Act passed in the thirty-fifth year of his Majesty's reign, intituled, "An Act to regulate the practice of Physic and Surgery," are inexpedient in the present state of the Province; For remedy whereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act, intituled, "An Act to regulate the practice of Physic and Surgery," be, and the same is hereby repealed.

#### C H A P. III.

An ACT to procure certain Apparatus for the promotion of Science.

MOST GRACIOUS SOVEREIGN,

[Passed 3d March, 1806.]

Preamble.

MAY it please your Majesty, whereas it is of importance to the welfare of this Province, that the rising generation may be furnished with the means of such instruction as may render them useful members of the Community, We, your Majesty's most dutiful and loyal subjects, the Commons of this Province 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of the Rates and Duties already raised, and collected, or hereafter to be raised and collected, to and for the uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of four hundred pounds out of the Provincial Treasury, from such monies now remaining, or which hereafter may come into the Receiver General's hands unappropriated; which said sum of four hundred pounds shall be appropriated and applied in purchasing a collection of Instruments suitable and proper for illustrating the principles of Natural Philosophy, Geography, Astronomy and the Mathematics, for the use of this Province, in such manner as the Governor, Lieutenant Governor, or person administering the Government of this Province shall think proper to direct.

£400 appropriated for the purchase of Instruments for illustrating the principles of Natural Philosophy &c.

Such Instruments to be deposited in the hands of a person employed in the education of Youth.

II. *And be it further enacted by the authority aforesaid,* That the Governor, Lieutenant Governor, or person administering the government of this Province, is hereby authorized and empowered to deposit the said



said Instruments (under such conditions as he shall deem proper and expedient) in the hands of some person employed in the Education of Youth in this Province, in order that they may be as useful as the State of the Province will permit.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General shall account to his Majesty for the said sum of four hundred pounds, through the Commissioners of his Majesty's Treasury, for the time being, in such manner as his Majesty shall direct.

Receiver General  
to account for the said  
sum of £400, &c.

## C H A P. IV.

*An Act to repeal an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads and building Bridges in the several Districts thereof," and to make further provision for the opening and amending the said Roads.*

[Passed 3d March, 1806.]

## MOST GRACIOUS SOVEREIGN,

**W**HEREAS it would very much advance the general prosperity of this Province, if the public Highways and Roads already laid out in the several districts thereof, were amended and repaired, and new and additional Roads were laid out and opened in certain parts of the Province, to which at present there is very difficult access, and certain Bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's Subjects; and whereas the rates heretofore imposed, and the duty by Law required to be performed, on the said public Highways and Roads are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying District Rates sufficient for the several purposes aforesaid, would, in the present circumstances of the Province, be found inconvenient, and the necessary provision can only be made out of the surplus of certain duties and taxes as yet unappropriated; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That an Act passed in the forty-fourth year of the reign of his Majesty, intituled, "An Act for granting to his Majesty a certain sum of money out of the funds applicable to the uses of this Province, to defray the expences of amending and repairing the public Highways and Roads, and building Bridges in the several districts thereof;" be, and the same is hereby repealed.

Preamble.

Act in the 44th year  
of Geo. 3d, chap. 6  
repealed.

II. *And be it enacted by the authority aforesaid,* 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 uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of one thousand six hundred pounds, to be issued out of the Funds now remaining or hereafter to come into the Receiver General's hands unappropriated, and arising from such rates and duties as last aforesaid, which said sum of one thousand six hundred pounds, shall be disposed of and applied in the repairing of Roads, already laid out, and in laying out and opening new Roads, and making Bridges in the several Districts aforesaid, in such manner, and under such regulations, as are herein after enacted.

One thousand six  
hundred pounds to  
be applied in the re-  
pairing of roads al-  
ready laid out, and  
in opening new roads  
and making of brid-  
ges.

III. *And be it further enacted by the authority aforesaid,* That the said sum of one thousand six hundred pounds, shall be disposed of in manner following: to the Eastern District the sum of two hundred pounds, to the District of Johnstown the sum of one hundred and fifty pounds, to the Midland District the sum of one hundred and fifty pounds, to the District of Newcastle the sum of two hundred pounds, to the Home District the sum of two hundred pounds, to the District of Niagara the sum of one hundred and fifty pounds, to the District of London the sum of three hundred pounds, and to the Western District the sum of two hundred and fifty pounds.

The manner in  
which the said sum  
of 1,600l. shall be  
disposed of.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District in this Province, shall receive the sum of money apportioned by this Act, and shall pay the same to such person or persons as the Justices of the Peace in General Quarter Sessions assembled, or the majority of them, shall order, which sum of money in each and every District as aforesaid, shall be laid out and applied for the improvement of the Public Highways leading throughout this Province, from the Eastern to the Western District, in such manner as the said Justices of the Peace in Quarter Sessions assembled, or the majority of them shall limit and appoint.

Treasurer of each  
district shall receive  
the money apporti-  
oned to his district,  
and pay the same to  
such persons as the  
Quarter Sessions  
shall appoint; to be  
applied as the said  
Quarter Sessions  
shall direct.

V. *And be it further enacted by the authority aforesaid,* That each and every Treasurer as aforesaid, shall give Bonds for the due discharge of the trust vested in him by this Act, in the same manner that security is given for the money received from the District rates, and each and every Treasurer as aforesaid, shall and may retain in proportion to three pounds, on every one hundred pounds by him received and paid out as aforesaid, as a compensation for his services.

Bonds to be given  
by the Treasurers for  
monies received.

VI. *And be it further Enacted by the authority aforesaid,* That the Road which shall be deemed the Public Highway throughout this Province, as far as the same extends, through the District of London shall be as follows, namely, commencing at the Indian Mill on the Grand River, thence along the Road leading through the Township of Burford to the Delaware Town, on the River Thames, and across the said River, thence down the River to the tract of Land commonly called the Moravian Grant.

Road which shall  
be deemed the pub-  
lic highway through  
the district of Lon-  
don.

VII. *And be it further enacted by the authority aforesaid;* That the monies hereby granted to his Majesty

Governor, &c. to  
issue warrants.

Receiver General  
to account.

Continuance of the  
Act.

shall be paid by the Receiver General in discharge of such warrant or warrants, as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or person administering the government of this Province, and not otherwise, and the said Receiver General shall account to his Majesty, his heirs and Successors for the same, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty his heirs and successors shall be graciously pleased to direct.

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

#### CHAP. V.

*An Act to alter and amend an Act passed in the thirty-third year of his present Majesty's reign, intituled, "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, intituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for Payment of Wages to the Members of the House of Assembly."*

[Passed 3d March, 1806.]

Preamble.

WHEREAS an Act of the Parliament of this Province, passed in the thirty-third year of his present Majesty's reign, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," requires to be amended, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, if any person or persons, who shall be chosen at any Town Meeting as a Town Clerk, Assessor, Overseer of the Highway, Pound Keeper, or Town Warden, shall die within the year for which he shall be chosen, or shall leave the Township or Parish; it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal.

If any Town Clerks,  
Assessors, &c. shall  
die, or leave the  
Township or Parish  
within the year for  
which he shall be  
chosen, Quarter  
Sessions to fill the  
vacancy.

If no Town Meet-  
ing held on the 1st  
Monday in March,  
Quarter Sessions to  
nominate and ap-  
point Parish and  
Town Officers.

After such nomi-  
nation & appointment,  
notice to be given to  
Parish & Town offi-  
cers to take the  
Oath of Office.

Form of the Oath.

II. *And be it further enacted by the authority aforesaid,* That when from any neglect, a Town Meeting shall not be holden on the first Monday in March in any Township, or united Townships in this Province, it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, for the District in which such Township, or united Townships are situate, or the majority of them, to nominate and appoint the said Parish and Town Officers of such Township, or united Townships until the next Town Meeting.

III. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace shall, within eight days after such nomination and appointment, send a written notice to each and every Parish and Town Officer so nominated and appointed as aforesaid, requiring him to appear before some one of his Majesty's Justices of the Peace (in the District in which such Quarter Sessions are holden) within eight days after the receipt of such notice, and take the Oath of Office, which oath, or in the case of the people called Quakers, Menonists, or Tunkers, Affirmation, any Justice of the Peace as aforesaid, shall, and is hereby required to administer in the following form: "You A. B. do promise and swear (or affirm, as the case may be) that you will faithfully, diligently and justly, serve and perform the office and duties of \_\_\_\_\_ for the \_\_\_\_\_ of \_\_\_\_\_ for the year ensuing, according to the best of your abilities.— So help you God."

Compensation to  
constables for serv-  
ing such notice.

Forfeiture of forty  
shillings by persons  
nominated and ap-  
pointed by the Quar-  
ter Sessions to Par-  
ish and Town Offi-  
ces, refusing to take  
the oath of office, or  
affirmation, &c.

33d of Geo. 3d,  
c. 3, sect. 24, so far  
as requires the col-  
lector of every pa-  
rish and township,  
&c. to give a Bond  
to the Church and  
Town Wardens of  
said, repealed.  
Collector nominated  
by any Town  
Meeting to enter in-

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of any Constable, upon the request of the Clerk of the Peace, to serve such notice; and the Constable for such service shall be entitled to such compensation as the said Justices of the Peace, or the majority of them, in Quarter Sessions assembled, shall think proper.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons who shall be so nominated and appointed by the Justices of the Peace, or the majority of them, in Quarter Sessions assembled, in each and every District of the Province, shall refuse or neglect to repair to a Justice of the Peace in manner aforesaid, and take the said Oath of Office (or affirmation being a Quaker, Menonist, or Tunker) the said person or persons so neglecting or refusing, shall forfeit and pay the sum of forty shillings, lawful money of this Province, with costs, upon conviction before the Court of Quarter Sessions; and the said Justices of the Peace, or the majority of them, in Quarter Sessions assembled, shall and may, upon such refusal or neglect, appoint other persons, and impose the like fine as often as the case may require.

VI. *And be it further enacted by the authority aforesaid,* That so much of an Act passed in the thirty-third year of his present Majesty's reign, intituled, "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 the Members of the House of Assembly," as requires a Collector to give a Bond to the Church or Town Wardens, of one hundred pounds, shall be, and the same is hereby repealed.

VII. *And be it further enacted by the authority aforesaid,* That each and every Collector hereafter to be chosen and nominated by any Town Meeting, shall within one month after such appointment (and

before

before he shall collect any money) enter into a Bond, jointly and severally with two sufficient sureties, to the Clerk of the Peace, in the sum of two hundred pounds lawful money of this Province, which Bond shall be in the following form: "Know all Men by these Presents, that we A. B. Collector of Rates for the Township of \_\_\_\_\_ in the District of \_\_\_\_\_ C. D. and E. F. of the same place, (Yeomen, as the case may be) are holden and firmly bound to G. H. Gentleman, Clerk of the Peace for said District, his Successor or Successors duly appointed, in the sum of two hundred pounds lawful Money of Upper Canada. To which payment, well and truly to be made to the said G. H. his Successor or Successors, We bind ourselves jointly and severally, our and each of our Heirs, Executors and Administrators, firmly by these presents, sealed with our Seals, dated at \_\_\_\_\_ The Condition of this Obligation is such, that if the above bounden A. B. shall collect and levy all the Rates and Assessments of the said Township of \_\_\_\_\_ for the present year, ending on the first Monday in March next, so far as the Law may enable him to do; and shall pay all the money which he shall so collect and levy, to the Treasurer of the said District on or before the eighth day of March next, then this Obligation to be void, or else to remain in full force and virtue."

to a Bond with two sureties to the Clerk of the Peace in the sum of 200 l. for the due collecting and paying over of the Rates.

Form of the Bond.

VIII. And be it further enacted by the authority aforesaid, That it shall be the duty of the Clerk of the Peace to draw the said Bond, and he shall be allowed the sum of five shillings for drawing the same, to be paid out of the District Treasury.

5s. to be allowed to the Clerk of the Peace for drawing of the bond.

IX. And be it further enacted by the authority aforesaid, That if any Collector for any Township, or united Townships, shall neglect or refuse to give such Bond within one month as aforesaid, it shall and may be lawful for the Justices of the Peace at the next General Quarter Sessions, or the majority of them, to appoint a Collector for the said Township or united Townships; and in the event of refusal, to appoint another as often as the case may require; and the said Collector so to be appointed by the Justices as aforesaid, shall give the like Bond that is herein directed to be given by the Collector chosen and nominated at the Town Meeting.

If collector refuse to give such bond, Quarter Sessions to appoint another collector, who shall give the like bond.

X. And be it further enacted by the authority aforesaid, That each and every Collector shall be allowed out of the Treasury of the District, the sum of one shilling for every mile which he shall travel in going to give a Bond to the Clerk of the Peace, as a compensation for the trouble and expence of himself and sureties.

One shilling for every mile to be allowed to every collector in going to give such bond.

XI. And be it further enacted by the authority aforesaid, That in addition to the sum of three pounds for every hundred pounds now allowed to the Collector, it shall and may be lawful for the Treasurer of each and every District, to pay to each and every Collector the further sum of two pounds on every hundred pounds which shall be collected and paid by him to the said Treasurer.

5l. to be allowed to the collector for every 100l. by him collected and paid over.

XII. And be it further enacted by the authority aforesaid, That if at any time it shall happen, that thro' the neglect or refusal of any person or persons, appointed under the authority of this Act or otherwise, the Assessment or Rate of any Township or united Townships, shall not have been collected within the year for which such Assessment or Rate was made, it shall and may be lawful for the Collector for the year ensuing, and he is hereby authorized and required to levy the rate and assessment so in arrear.

Collector to levy rates and assessments in arrear for preceding years.

XIII. And be it further enacted by the authority aforesaid, That all and every Officer and Officers appointed under and by virtue of this Act, shall be, and they are hereby declared to be vested with the same powers, and liable to the same penalties, as such Officer or Officers now are under by virtue of any other Act or Acts of the Legislature of this Province, except where it is in this Act especially provided for.

Powers of the officers appointed under this Act: Penalties to which they are liable.

XIV. And be it further enacted by the authority aforesaid, That the fines and forfeitures that shall or may be incurred under and by virtue of this Act, shall be levied, applied and accounted for, in the same manner as the fines and forfeitures under the aforesaid Act "To provide for the nomination and appointment of Parish and Town Officers," are directed to be levied, applied and accounted for.

Manner in which the fines and forfeitures under this Act are to be levied, applied and accounted for.

#### C H A P. VI.

An Act to continue an Act passed in the forty-third year of his Majesty's reign, intituled, "An Act for the better securing to his Majesty, his heirs and successors, the due Collection and Receipt of certain Duties therein mentioned."

[Passed 3d March, 1806.]

WHEREAS an Act of the Parliament of this Province, passed in the forty-third year of his Majesty's reign, intituled, "An Act for the better securing to his Majesty, his heirs and successors, the due Collection and Receipt of certain Duties therein mentioned," which by experience hath been found beneficial and useful, will shortly expire; therefore for continuing the same, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act of the Parliament of this Province, passed in the forty-third year of his Majesty's reign, shall be, and is hereby continued.

Preamble.

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

43d of Geo. 3d. c. 9. continued during the term of 2 years.

CHAP.

C H A P. VII.

An Act for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor, in pursuance of several addresses.

MOST GRACIOUS SOVEREIGN, [Passed 3d March, 1806.]

WHEREAS in pursuance of several Addresses of your Commons House of Assembly, to Peter Hunter Esquire, your Majesty's late Lieutenant Governor of your Province of Upper Canada, bearing date the nineteenth and twentieth of February, and first of March, one thousand eight hundred and five, last passed, in the forty-fifth year of your Majesty's reign, the several sums amounting to the sum of four hundred and ninety-eight pounds eight shillings and five pence three farthings, have been issued and advanced through your Majesty's Lieutenant Governor, to the Commissioners appointed by your said Lieutenant Governor, for the purpose of meeting and treating with Commissioners appointed on the part of Lower Canada, and to the Clerks and other officers of the two Houses of Parliament, attending the last Session of Parliament, and for the purpose of purchasing twenty-six copies of the Provincial Statutes. May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied, the sum of four hundred and ninety eight pounds eight shillings and five-pence three farthings, to make good the several sums of money which have been issued and advanced in pursuance of the aforesaid several Addresses.

Appropriation of Provincial Funds to make good certain sums of money advanced in pursuance of Addresses of the House of Assembly.

Application of the said money to be accounted for, &c.

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 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.

T H E

S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

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.

C H A P. 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.]

Recitable.

WHEREAS by Law no person can be admitted and inrolled as an Attorney 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 Attorney: 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 Attornies, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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

Persons who have served, but have not been bound by contracts in writing as Clerks to Attornies for the space of five years, shall notwithstanding on or before the last day of Trinity Term, 1808, be qualified to be sworn and admitted Attornies of the Court of King's Bench.

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 and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That an Act passed in the thirty third year of his Majesty's reign, intituled, "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, intituled, "An Act for further altering and amending an Act passed in the thirty-third year of his Majesty's reign, intituled, "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 Acts hereby repealed, which shall have been given previous to the passing of this Act.

Act of 33 of Geo., 3d, ch. 11, and of 36 of Geo. 3d, 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.]

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 of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same; That 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.

Preamble.

The Eastern District and 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, intituled, "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, intituled, "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. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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.

Preamble.

Act of the 42 of Geo. 3, revived and continued for two years.

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.]

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

Preamble.

consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That from, and after the passing of this Act, it shall and may be lawful for all and every person now authorized to practice the profession of the law in this Province, or who shall be hereafter duly authorized 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,

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That 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.

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

One public school in every District. £100 to be paid annually to every teacher of such public school.

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

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 authorized to make rules and regulations respecting said schools.

I. 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 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.

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 and 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 and kept in the Town of Cornwall.

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 often 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.

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.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Govern-

or,

or, 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 of 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.

Made of payment of the salaries of the said teachers.

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.

Continuance of this Act.

#### 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.]

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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That 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 intituled, "An Act to authorize and direct the laying and 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 intituled, "an Act to amend certain parts of an Act passed in the thirty-third year of his Majesty's reign, intituled, "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.

Preamble.

Acts 33 of Geo. 3. ch. 3. 34 of Geo. 3. ch. 6. 43 Geo. 3. ch. 12, repealed.

II. And be it further enacted by the authority aforesaid, That the following property, real and personal, shall alter 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 ratable property throughout this Province, and shall be rated at the rate or valuation herein after 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's 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 distillings 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 ratable.

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 Township or place, shall during the continuance of this Act, have power and authority, and they are hereby authorized, empowered 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 ratable 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

Assessors to demand lists of ratable property, which they shall return to the clerks of the peace, to be laid before the Quarter sessions.

between

tween 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 ratable property as aforesaid; and the said assessors shall include their own ratable 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 ratable property.

IV. *And be it further enacted by the authority aforesaid,* That all lands shall be considered as ratable 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, empowered 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 ratable 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 sums to be levied not to exceed one penny in the pound.

The rates due how to be recovered.

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 rates assessed, and the charges of the distress and sale.

The fees to be taken for recovery of the same.

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.

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 ratable property to the assessors.

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, intituled, "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, intituled, "an Act to alter and amend an Act passed in the thirty-third year of his present Majesty's reign, intituled, "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, intituled, "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 ratable property, real and personal, to the Assessors, in manner and form herein before specified, or shall wilfully mistake such ratable 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 offender's 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 mistake, 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.

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,



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.

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, and 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.

Compensation to the collector.

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.

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

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 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.

Duty of the Treasurer.

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 of an Assessment for the Township of \_\_\_\_\_ for the Year commencing \_\_\_\_\_ and ending the \_\_\_\_\_

NAMES.	Acres of Land.		Houses.				Guilt Mills										Assessment.								
	Uncultivated,	Cultivated,	Town Lots,	Round Logs,	Square Timber, one Ro- tational Fire Places,	Square Timber, two Ro- tational Fire Places,	Additional Fire Places,	Brick or Stone of two Ro- tational Fire Places,	Additional Fire Places,	Wrought by water with pair of Stones,	Additional pair of Stones,	Wrought by w. d.	Saw Mills,	Merchant Shopt.	Store Houses,	Stone Houses three years and upwards,		Horses of 3 years and upwards,	Oxen or 4 years and upwards,	Spitch Cows per head,	Horned Cattle from 2 to 4,	Swine of one year, &c. per Skill,	Billiard Tables,	Cellar of eight tons, &c.	Rate per pound.
A.																									
B.																									
C.																									

Form of a General Account of all the Ratable Property in the District of \_\_\_\_\_

Day of _____ to the _____ Day of _____ inclusive.		Aggregate Valuation.	Rate per Pound	£.	s.	d.
R 1						

## CHAP. 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.

MOST GRACIOUS SOVEREIGN,

[Passed 10th March, 1807.]

Preamble.

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 six pence 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of 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.

151. 25. 63d to be issued from the Provincial Treasury, to make good a like sum paid in pursuance of addresses of the Assembly.

How to be accounted for.

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

## 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,

Preamble.

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 Province, have freely and voluntarily resolved, to give and grant to your Majesty, your heirs and successors, the several duties on Licences herein after 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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 mens' 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 described, 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 sum to be paid for such licences.

In what cases the money paid for such licences to be returned.

II. 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,

Peace, the nearest to his place of residence, and who are hereby authorized and required 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, intituled, "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 thereof, 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 favour 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 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.

Security to be given by collectors.

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.

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

Compensation to collectors.

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 empowered 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.

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

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

Cases to which this act does not extend.

published

published by authority, nor any fish, fruits, or victuals, nor to hinder any persons 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.

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.

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 Goal for such time, not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

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 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.

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 judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become nonsuited 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.

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.]

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, intituled, "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, intituled, "An Act for appointing Commissioners on behalf of this Province, to treat further 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 sub-

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

Suits to recover penalties under this act to be commenced within six months after the offence committed.

Penalty for refusing to appear or to be examined as witness

Distribution of the penalties recovered.

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

Pleadings and costs.

Continuance of this act.

Recumbit.

jetl 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 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, intituled, "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 therein 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.

And whereas 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That 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 herein after 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 avoir-du-pois 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 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.

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.

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.]

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: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same; That 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 citations 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

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

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

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.

Mode of collecting the said duties.

Continuance of this Act.

Preamble.

Fees allowed to the Clerks of the Peace.

bench warrant, five shillings; drawing indictment, ten shillings; allowance of certiorari, to be paid by the person applying for the same, five shillings.

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.

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.

C H A P. XII.

*An ACT for the preservation of Salmon.*

[Passed 10th March, 1807.]

Preamble.

**W**HEREAS 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, intituled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That 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.

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 a spear or hook and line.

Penalties how to be recovered.

Penalties how to be distributed and applied.

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.

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.

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.

T H E

S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

PASSED IN THE FOURTH SESSION OF THE FOURTH PROVINCIAL PARLIAMENT OF UPPER CANADA, MET AT YORK, ON THE TWENTIETH DAY OF JANUARY, IN THE FORTY-EIGHTH YEAR OF THE REIGN OF OUR SOVEREIGN LORD GEORGE THE THIRD, AND PROROGUED ON THE SIXTEENTH DAY OF MARCH FOLLOWING.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

C H A P. I.

*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.*

[Passed 16th March, 1808.]

Preamble.

**W**HEREAS a well regulated Militia is of the utmost importance to the defence of this Province; and whereas the Laws now in force for the training and regulating thereof, are in some respects defective;

señive; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That 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, and other Officers, to train, discipline, and command the Militia of this Province, according to the rules, orders, and directions hereinafter mentioned, and the Officers so appointed for 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 youngest of their respective rank, which said Officers respectively, shall within six months after their several appointments, take the oath of allegiance to his present Majesty, his heirs and successors, before the Magistrates assembled in quarter sessions, within the District to which such Officers respectively belong.

II. 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, and he is hereby required, to specify to each Captain of a Company of his regiment or battalion, the limits from within which the Militia men of such Captain's company shall be enrolled.

III. And be it further enacted by the authority aforesaid, That every male inhabitant from sixteen years of age to sixty, shall be deemed capable of bearing arms, and shall enroll his name as a Militia man on the first training day on which the said Companies shall be drawn out, in the division or limit in which his place of abode may be, and shall at such meeting give in his name, his age, and place of residence, and if he has thereto but lately removed, he shall make the same known, together with the place from whence he removed, and each and every such inhabitant, who shall not attend and give in his name to the Captain or Officer commanding the Company for such division or limit, so that his name may be enrolled as a Militia man, shall for such neglect forfeit and pay the sum of ten shillings, to be recovered and applied in manner hereinafter mentioned. Provided nevertheless, that no inhabitant shall be convicted of the offence herein denoted, unless it is proved at the time of trial, that the said inhabitant had been notified, either personally, or by leaving a verbal notice at his usual place of abode, of the time of meeting, at least six days previous thereto. Provided always, that no person above the age of fifty years, shall be called upon to bear arms, except on the day of annual meeting, or in time of war or emergency.

IV. Provided always, and be it further enacted by the authority aforesaid, That the neglect of any person so to present himself for enrollment and exercise, shall not be construed to prevent the Captain or Officer commanding the Company of Militia of the limits wherein the place of residence of any such person may be, from entering the name of such person, and such Captain or Officer commanding such Company as aforesaid, is hereby required to enter the name of every such person, as shall come to his knowledge, upon the enrollment of his company, and when so entered, every such person shall be subject to perform all and every the like militia duties, and under the same penalties, as if he had personally presented himself for enrollment. Provided also, that if any difference shall arise between any Captain or Officer and any Militia man, touching the age of such Militia man, it shall be incumbent on the said Militia man to prove his age.

V. And be it further enacted by the authority aforesaid, That the Colonel or Officer commanding each regiment or battalion, shall on the fourth day of June in each and every year respectively, or in case it shall happen on a Sunday, then on the next day, and oftener, if he thinks it necessary, call out the Militia of such regiment or battalion, to be reviewed and exercised, and in his absence from the County, or in case of his removal or death, the said Militia shall be called out by the next senior Officer of such regiment or battalion, and every person liable to serve in such Militia, whether officer or private, neglecting or refusing to attend, (except in case of sickness, or having obtained leave of absence) shall forfeit and pay, if an officer, forty shillings, and if a non commissioned officer or private, ten shillings; but if it shall appear to the Colonel, or officer commanding such regiment or battalion, to be more conducive to the interest and convenience of such regiment or battalion, that the Militia of the same be reviewed at different times, and in separate bodies, it shall and may be lawful for the Colonel or Officer commanding such regiment or battalion, to call out a part of the Militia at some convenient time and place, and the remaining part at some other convenient time and place, as to him shall seem meet, and at every such review, the Captain or Officer commanding each Company, shall give to the Colonel, or in his absence, to the next senior officer his written rolls of their respective Companies, and the Colonels or other commanding officers, shall transmit returns to the Governor, Lieutenant Governor, or person administering the Government, within fourteen days after the fourth day of June, in each and every year, under the penalty of five pounds for each Captain or other Officer commanding a Company, and for each Colonel or Officer commanding a regiment or battalion, ten pounds, for each neglect or refusal.

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, to appoint a proper person to be Adjutant General of the said Militia, who shall do all matters and things appertaining to the said office of Adjutant General.

VII. And be it further enacted by the authority aforesaid, That the Captains of the Militia, shall draw out

Appointment of officers.

Ranks of the Militia officers with officers of his Majesty's forces.

Limits to be specified to each Captain from within which his Company is to be enrolled.

Age of persons who shall be enrolled in the Militia.

Manner of enrollment.

Penalty for neglecting to be enrolled.

Notice.

Exception as to persons above the age of fifty.

Absence at the time of enrollment, not to prevent the name of any person from being enrolled.

Age of a Militia man how to be proved.

Militia to be called out on the 4th of June, or oftener if required, to be reviewed and exercised.

Penalty for neglecting or refusing to attend.

Militia may be reviewed at different times and in separate bodies.

Rolls and returns of the different companies to be given.

Penalty for neglect.

Adjutant-General to be appointed.

Inspection of arms and instruction in duty.

out their respective Companies not less than twice or more than four times in every year, (giving six days notice thereof) at the most convenient time and place in the county or riding, and shall inspect their arms, and instruct them in their duties, and every person after such notice as aforesaid, who shall neglect to attend, or shall disobey, (whether subaltern officer or private,) (except in case of sickness or leave of absence) shall forfeit and pay, every officer the sum of forty shillings, and every non-commissioned officer or private, the sum of ten shillings, for every such neglect or disobedience.

Penalty for non-attendance after notice.

In what manner the Militia to be called forth in time of war.

Penalty for disobedience.

Militia not to serve more than six months at one time.

When a person above fifty years of age to be called forth.

When the Militia to march out of the Province.

Governor, &c may call out detachments of the Militia.

When such detachments may be called out by the senior colonel, lieutenant colonel, &c.

Impressing of carriages and horses. Hire of the same.

Substitute to serve in the Militia.

Regiments and battalions how to be formed.

One adjutant and one quarter master, to each regiment or battalion.

Number of serjeants how to be fixed.

Independent companies how to be formed.

VIII. *And be it further enacted by the authority aforesaid,* That in time of war, rebellion, or any other pressing exigency, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to call forth any of the different Companies of the Militia, and to march them from their respective counties or ridings, towns, townships, or parishes, to any part of this Province, there to serve in conjunction with the other militia, or with his Majesty's forces, and any person refusing to obey such order or command, or absconding from or neglecting to repair to the place he is ordered to, being a commissioned officer, shall forfeit and pay the sum of fifty pounds, and be held to be unfit to serve his Majesty as an officer in any military capacity, and being a non-commissioned officer or private, shall forfeit and pay the sum of twenty pounds, and in default of payment for such refusal or neglect, such officer, non-commissioned officer, or private, shall be committed to the common gaol of the district, for any time not less than six nor more than twelve calendar months, except such person shall satisfy the Colonel or officer commanding such regiment or battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave. Provided always, that no part of the Militia called forth in the manner aforesaid, shall be obliged to continue in actual service for more than six months at one time, and no Militia man shall be so called out who shall be above the age of fifty years, unless that the whole of the Militia of any District or battalion to which he may belong shall be called out and embodied. Provided also, that it shall not be lawful to order the Militia or any part thereof, to march out of this Province, except for the assistance of the Province of Lower Canada, (when the same shall be actually invaded or in a state of insurrection) or except in pursuit of an enemy who may have invaded this Province, and except also, for the destruction of any vessel or vessels built or building, or any depot or magazine, formed or forming, or for the attack of any enemy who may be embodying or marching for the purpose of invading this Province, or for the attack of any fortification now erected, or which may be hereafter erected, to cover the invasion thereof.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to call out detachments of the Militia, and to limit and fix the number of men to be called out on such detachments, and in cases of emergency, by actual invasion or otherwise, when it may not be practicable to consult the Governor, Lieutenant Governor, or person administering the Government of this Province, it shall and may be lawful for the senior Colonel, or in his absence the lieutenant Colonel of the several regiments or battalions, to limit and appoint the number of men that he shall judge necessary to be called out, and for that purpose to issue his orders to the several commanding officers, and also to direct and authorize any officer, having first obtained a warrant for such purpose from one of his Majesty's Justices of the Peace, to impress such carriages and horses as the service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as the same shall be employed or detained on public service. Provided always, that whenever it shall happen that only part of the Militia of this Province shall be called out for actual service, it shall and may be lawful for any person, being of the Militia of the county or riding that may be so called out, to provide and send an able bodied man to serve in the said Militia in his stead, and such able bodied man shall be taken and received as a proper substitute for such person living in the county or riding, that would otherwise be obliged to serve in the said part of the Militia called out as aforesaid.

X. *And be it further enacted by the authority aforesaid,* That in the several counties and ridings, where the number of men is sufficient, the Militia shall be formed into regiments, consisting of not more than ten, nor less than eight Companies, which Companies shall consist of not more than fifty, nor less than twenty private men, and the field officers of such regiments shall be as follows, that is to say, one Colonel, one Lieutenant Colonel, and one Major, and where the number of Companies shall be under eight, and not less than five, such Militia shall be formed into a battalion, and the field officers of such battalion, shall be one Lieutenant Colonel and one Major, only, and in each regiment or battalion of Militia, there shall be one Captain, one Lieutenant, and one Ensign to each Company.

XI. *And be it further enacted by the authority aforesaid,* That to every regiment or battalion of Militia, there shall be in addition to the officers already mentioned, one Adjutant and one Quarter Master, and that every field officer commanding a regiment or battalion, shall fix the number of serjeants who shall serve in each Company in his regiment or battalion, and the Captains of the said Companies shall respectively nominate the serjeants thus fixed, and make a return of their names to the field officer commanding such regiment or battalion, who is hereby authorized to approve or disapprove of such nomination.

XII. *And be it further enacted by the authority aforesaid,* That in the several counties and ridings where the Militia men are not in number sufficient to form a regiment or battalion, according to the intent and meaning of this Act, the Militia of such counties or ridings shall be formed into independent Companies, each Company to consist of not more than fifty, nor less than twenty private men, with one Captain,



Captain, one Lieutenant, and one Ensign to each Company, and that the Governor, Lieutenant Governor or Person administering the Government may, when he shall think proper, join together any number of such independent Companies, and form a Battalion or Battalions, or may incorporate them with any other Regiment or Battalion of Militia, provided the number of Companies in any such Regiment or Battalion be not thereby made to exceed the number of Companies of which a Regiment or Battalion of Militia is hereinbefore directed to consist.

XIII. *And be it further enacted by the authority aforesaid,* That every non-Commissioned Officer or Private who shall refuse to obey the lawful order of his superior Officer or Officers when employed on Militia duty, or who shall quarrel with, or insult by abusive words or otherwise, any Officer or non-Commissioned Officer, being in the execution of his duty, shall, for every such offence, forfeit and pay a sum of money not exceeding five pounds, nor less than ten shillings current money of this Province, at the discretion of the Justice or Justices imposing such fine, and according to the nature of the offence.

Penalty for disobedience of orders, quarrelling with or insulting an officer in the execution of his duty.

XIV. *And be it further enacted by the authority aforesaid,* That every person who now is enrolled in any Regiment, Battalion or Independent Company of Militia, shall, within six months after the passing of this act, and every person who shall hereafter be enrolled of any Regiment, Battalion or Independent Company of Militia, shall within six months after such enrollment, provide himself with a good and sufficient musket, fusil, rifle or gun, with at least six rounds of powder and ball, and shall come provided with the same at each and every time when he shall be called out either for the purpose of review, exercise or actual service, and if any person so enrolled, shall neglect or refuse to provide himself, or to come so provided, as in the case of review or exercise, he shall for each offence, be liable to a penalty of five shillings, and in the case of actual service, to a penalty of forty shillings, to be levied in manner hereinafter mentioned: Provided always, that when and so often as any Militia man shall make it appear to his Captain or Officer Commanding the Company, that he has not been able to procure such musket, fusil, rifle or gun, it shall and may be lawful for such Captain or Officer commanding such Company, to admit of such excuse, and to certify the same in writing accordingly, in which case such Militia man shall not be liable to pay the said fine of five shillings in case of review or exercise, and forty shillings in case of actual service.

Militia man when called out, shall provide himself with musket, &c and with powder and ball.

Penalty for neglect.

Except excused by a certificate from his commanding officer.

XV. *And be it further enacted by the authority aforesaid,* That every person who shall sell or barter any part of the arms or equipments which may be delivered to him out of his Majesty's Stores, or who shall destroy the same, and every person who shall buy, or by barter obtain such arms or equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence on conviction thereof by the oath of any one credible witness, before two Justices of the Peace, residing within the County where the same has been committed, and in case the person or persons for selling any part of his or their arms or equipments as aforesaid, or the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid, shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said Justices by a warrant under their hands and seals, to commit such person or persons to the gaol of the County or District where the offence shall be committed, for any space of time not exceeding two months; Provided always that it shall and may be lawful for the said Justices to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said Justices the penalty inflicted by this Act.

Penalty to be paid by every person who shall sell or buy arms, &c. delivered out of the king's Stores.

XVI. *And be it further enacted by the authority aforesaid,* That at all times when the Militia may be called out and embodied for actual service, the Officers, non-commissioned Officers and Private men of the several Regiments, Battalions and Independent Companies of Militia shall, from the time of their being drawn out and embodied as aforesaid, and until they shall return to their respective towns, townships, parishes, or places of abode, remain under the command of the Governor, Lieutenant Governor or Person administering the Government, or other Officer having the command of them, and shall be liable to punishment for mutiny and desertion as herein after mentioned, that is to say, that every Officer, non-commissioned Officer or Militia man who shall presume to use traitorous or disrespectful words against his Majesty's Royal Person, or disrespectful words against any of the Royal Family, if a commissioned Officer, shall upon conviction thereof before a general court martial, as herein after is directed to be established, be cashiered, if a non-commissioned Officer or Private, he shall suffer such punishment as by the sentence of the said court martial shall be awarded.

Punishment when the Militia are embodied for actual service, for using traitorous or disrespectful words against the King or any of the Royal Family.

XVII. *And be it further enacted by the authority aforesaid,* That any Officer, non-commissioned Officer, or Militia man who shall behave himself with contempt or disrespect towards the Governor, Lieutenant Governor, or the person administering the Government for the time being, or shall speak words tending to their hurt or dishonor, shall be punished according to the nature of his offence by the judgment of a general court martial.

Punishment for behaving with contempt or speaking words tending to the hurt or dishonor of the Governor, &c.

XVIII. *And be it further enacted by the authority aforesaid,* That any Officer, non-commissioned Officer or Militia man who shall begin, excite, cause or join in any mutiny or sedition in the Regiment, Detachment, Troop or Company to which he belongs, or in any other Regiment, Detachment, Troop or Company, whether of embodied Militia or of his Majesty's regular or Provincial Forces, in any camp or post, or upon any party, detachment or guard on any pretence whatsoever, shall suffer death, or such other punishment as by a general court martial shall be awarded.

Punishment for mutiny or sedition.

XIX. *And be it further enacted by the authority aforesaid,* That any Officer, non-commissioned Officer, or Militia man, who being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his Commanding Officer, shall suffer such punishment as by a general court martial shall be awarded.

Punishment for not endeavouring to suppress the same, or give information thereof.

Punishment for desertion to the enemy.

XX. *And be it further enacted by the authority aforesaid,* That all Officers, non-commissioned Officers and Militia men who shall be convicted of having deserted to the enemy, shall suffer death, or such other punishment as shall be awarded by a general court martial.

Non-commissioned Officer or militia man not to absent himself without furlough, nor attach himself to any other regiment, &c.

XXI. *And be it further enacted by the authority aforesaid,* That any non-commissioned Officer or Militia man who shall quit, or otherwise absent himself from his Regiment, Detachment, Troop or Company, without a furlough from his commanding Officer, or who shall withdraw himself from the Regiment, Detachment, Troop or Company into which he has been embodied, in order to attach himself to any other Regiment, Detachment, Troop or Company then in service, whether of the Militia, or of his Majesty's regular or Provincial Forces, shall upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a general court martial, and in case any Officer of the Militia shall knowingly receive and entertain such non-commissioned Officer or Militia man, or shall not after his being discovered to be a deserter, immediately confine him and give notice to the Regiment, Detachment, Troop or Company in which he last served, he the said Officer so offending, shall on being convicted thereof before a general court martial, be cashiered.

Punishment for receiving, entertaining, and not discovering such non-commissioned Officer or militia man.

XXII. *And be it further enacted by the authority aforesaid,* That if any officer, non-commissioned Officer or militia man shall be convicted of having advised or persuaded any other officer or militia man to desert his Majesty's service, he shall suffer such punishment as shall be awarded by a general court martial.

Punishment for having advised him to desert.

Mode of ordering and of assembling general courts martial.

XXIII. *And be it further enacted by the authority aforesaid,* That when the militia of this Province shall be called out on actual service, in all cases when a general court martial shall be required, the Governor, Lieutenant Governor, or Person administering the Government, upon complaint and application to him made, through the colonel or officer commanding the body of militia to which the party accused may belong, shall issue his order to the said commanding officer to assemble a general court martial, which said court martial shall consist of a president, who shall be a field officer, and twelve other commissioned officers of the militia; Provided always, that in all trials by general courts martial to be held by virtue of this Act, the Governor, Lieutenant Governor, or Person administering the Government, shall nominate and appoint the person who shall act as a judge advocate, and that every member of the said court martial, before any proceedings be had before that court, shall take the following oath before the said judge advocate, who is hereby authorized to administer the same, viz. You A. B. do swear that you will administer justice to the best of your understanding in the matter now before you, according to the evidence and the militia laws now in force in this Province, without partiality, favor or affection; and you further swear, that you will not divulge the sentence of the court, until it shall be approved by the Governor, Lieutenant Governor, or Person administering the Government, neither will you upon any account, at any time whatsoever disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in a due course of law—So help you God. And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words: You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law—So help you God. And the said judge advocate shall, and he is hereby authorized to administer to every person giving evidence before the said court, the following oath: The evidence you shall give to this court martial, on the trial of A. B. shall be the truth, the whole truth, and nothing but the truth—So help you God. Provided always, that the judgment of every such court martial shall pals with the concurrence of two thirds of the members, and shall not be put in execution, until the Governor, Lieutenant Governor, or Person administering the Government, has approved thereof. Provided always, that no officer serving in any of his Majesty's other forces shall sit in any court martial upon the trial of any officer or private man serving in the militia.

The members of which they shall consist.

Judge advocate to be appointed.

Oath to be taken by the members.

Oath to be taken by the judge advocate.

Oath to be administered to witnesses. No judgment without the concurrence of two thirds of the members—nor to be executed without the approbation of the Governor, &c. No officer of other forces to sit in such court martial.

Regulations to which the militia shall be subject while embodied for actual service.

XXIV. *And be it further enacted by the authority aforesaid,* That during the time in which the said militia shall be embodied for actual service, they and every of them, as well officers as privates, shall be liable and subject to all and every the provisions, regulations, matters and things in this Act contained, respecting the said militia, and also in cases to which the provisions of this Act do not extend to all the rules, regulations, pains and penalties of any Act or Acts of the British Parliament that are or may be in force for the punishment of mutiny and desertion not contrary to this Act; Provided nevertheless, that no sentence of any court martial to be constituted and established under and by virtue of this Act, shall extend to the loss of life or limb, unless for desertion, mutiny and sedition, traitorous correspondence, or for traitorously delivering up to the enemy, any garrison, forts, posts, or guard, any thing herein contained, or any statute, law or usage to the contrary notwithstanding. Provided always, that in no case whatsoever, shall any non-commissioned officer, or private man, for any offence by him committed, be subjected to the punishment of being whipped by the sentence of any court martial whatsoever.

Non-commissioned officer or private man not subject to the punishment of being whipped.

Court of enquiry when to be assembled.

XXV. *And be it further enacted by the authority aforesaid,* That in all cases where a militia officer not on actual service, shall be guilty of improper conduct, or do any thing unbecoming his character as such officer not otherwise provided for in this Act, the Governor, Lieutenant Governor or Person administering the Government, upon complaint and application made to him through the colonel or other field officer of the militia commanding the respective regiment or battalion to which the said officer against whom the complaint is made may belong, or in case the said colonel or other field officer is the party accused, to the next in command, to issue his order to assemble a court of enquiry, which court shall consist of one field officer

—in what manner to be constituted.

In rank superior to the officer accused, who shall be president thereof, together with not less than four other commissioned officers, and such court of enquiry shall examine witnesses, and take every necessary step to investigate the matter alledged in the complaint against the said militia officer, and report the evidence in that behalf brought before them, to the Governor, Lieutenant Governor, or Person administering the Government, for his decision thereon.

—report to Govr. &c.

XXVI. And be it further enacted by the authority aforesaid, That except in time of actual service, the Judges of the Court of King's Bench and Clergy, the Members of the Legislative and Executive Councils, and their respective officers, the Members of the House of Assembly for the time being, and the officers thereto belonging, his Majesty's Attorney General, Solicitor General, the Secretary of the Province, and all other civil officers who shall have been or hereafter may be appointed to any civil office in this Province under the Great Seal of the same, as well as all Magistrates, Sheriffs, Coroners, Half-pay Officers, militia officers, having served by virtue of any militia commission in any part of his Majesty's dominions, (who may not have been removed for any offence as an officer of militia, or who may have obtained leave to resign his commission) the Surveyor General and his deputies duly appointed, seafaring men actually employed in the line of their calling, physicians, surgeons, the masters of public schools, ferry men, and one miller to every Grist Mill, shall be, and are hereby excused from serving in the said militia. Provided always, that this Act and the exceptions herein contained, shall not prevent, and it is hereby declared that the same shall not, be construed to prevent any or every of the above mentioned person or persons from holding commissions as officers in the militia in this Province; Provided always, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, by warrant under his hand and seal, to exempt any of the persons hereinbefore enumerated, from being called out on the service aforesaid.

Exemptions from serving in the militia except in time of actual service.

—not to prevent the persons so exempted from holding commissions as officers in the militia.

Governor &c. may grant exemptions from serving.

Quakers, Menonists and Tunkers, not to be compelled to serve

Proof of being such.

To give in their names &c to the treasurer of the district where they reside.

—payments to him how to be made and applied.

In case of non-payment distress money so recovered how to be paid and applied.

Punishment for want of such distress.

Circumstances under which Quakers, &c. shall not be liable to payment.

When the Governor, &c. may employ the militia upon lakes, rivers, communications, &c. in such detachments as he shall think fit.

How persons shall be taken to serve on such detachments.

XXVII. And be it further enacted by the authority aforesaid, That the persons called quakers, menonists, and tunkers, who from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the said militia, but every person professing that he is one of the people called quakers, menonists or tunkers, and producing a certificate of his being a quaker, menonist, or tunker, signed by the clerk of the meeting of such society, or by any three or more of the people called quakers, menonists or tunkers, shall be excused and exempted from serving in the said militia. Provided nevertheless, that every such person or persons that shall or may be of the people called quakers, menonists, or tunkers from the age of sixteen to 60 shall, on or before the first day of December in each and every year, give in his name and place of residence to the treasurer of the district where he or they shall reside, and pay to such treasurer, to and for the public uses of such district, in time of peace, the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, the sum of five pounds, and in default of such payment, it shall and may be lawful, on information or complaint on oath made by the said treasurer, before any justice of the peace of such district for the said justice to issue his warrant, under his hand and seal to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection, or when any part of the militia of that district shall be called out on actual service, deducting therefrom the charges and all other incidental expences of such distress and sale, as well as the expences of summoning such offender before such Justice to answer the said information and complaint, and the said sums so levied by the said Justice as aforesaid, shall be by him, within the space of two calendar months, paid into the hands of the colonel, or in his absence, the next senior officer of the regiment, battalion or independent company of the division where the offence has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this Act, and for want of such distress, the Justice before whom such person shall have been convicted, shall commit him to the common gaol of the district until he shall pay and satisfy such sum, together with the reasonable charges incident to such conviction: Provided nevertheless, that no person or persons so convicted, shall in any case, be detained in custody longer than the space of one Calendar month; Provided also, that it is hereby further enacted, that each and every of the persons usually called quakers, menonists and tunkers, that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said militia in time of peace, but that in time of war or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

XXVIII. And be it further enacted by the authority aforesaid, That in time of war, when and so often as occasion may require, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to employ the militia of this Province, either upon land or upon the lakes, rivers, and communications thereof, in such parties or detachments as by him shall be deemed expedient.

XXIX. And whereas by a certain clause in this Act, it is provided, that it shall and may be lawful for the persons therein mentioned, on certain occasions, to call out detachments of the militia; Be it therefore enacted by the authority aforesaid. That the persons to serve on such detachment, shall be regularly taken, from time to time, as they shall be required, from a roster or list to regulate the turn of duty, to be first formed by ballot of each and every person in each respective battalion, regiment, or independent company, and that after the same has been formed, when any person shall be enrolled as a militia man in any battalion, regiment or independent company, the name of such man shall be inserted, and follow the last person in the said roster the initial of whose surname corresponds with the initial of the surname of the man

Notice to be given to such persons.

Governor, &c. may appoint detachments to serve on board of vessels, &c. with great guns and small arms, and station them in any of the creeks, rivers, &c. of this Province, and also train them to the use of great guns and artillery.

Troops of cavalry may be formed.

Time of service of said detachments.

In what manner they shall be relieved

Method to be pursued in case such detachments cannot be relieved by an equal number of men.

Punishment in case of non-payment of the horse taxes imposed by this act.

No non-commissioned officers, except such as are appointed by his Majesty's service, shall serve in an inferior station in the militia.

Penalty for withdrawing or absconding from exercise.

Penalty for a serjeant neglecting to warn a militia man to appear at the place of enrolment.

Serjeant in the militia exempted from serving as constable.

Such who are wounded shall be taken care of.

Charges of conviction to be paid by the offender.

Penalties on default of payment to be levied by distress.

Overplus to be returned.

man so to be inserted, and when any detachment shall be called out for service, the adjutant or officer commanding each regiment, battalion, or independent company, shall give notice to the persons of their turn of duty.

XXX. And be it further enacted by the authority aforesaid, That when any detachments are formed and called out for public service, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, to divide the same into smaller detachments or parties, and appoint them to serve on board vessels, boats, or batteaux, upon any of the lakes, rivers, or communications by water of this Province, with great guns or artillery, as well as with small arms, as occasion may require, and shall and may appoint them to be stationary in any of the creeks or harbours of the said lakes, or in any of the rivers of the Province, and also to train and exercise the same to the use of great guns and artillery, as well by land as by water.

XXXI. And whereas it may be convenient to form one or more troop or troops of cavalry; Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province to form and embody such troop or troops, and to employ the same on such duties as the necessity of the service may require.

XXXII. And be it further enacted by the authority aforesaid, That all detachments to be called out and employed as aforesaid, shall and may, if need require, be detained on such service for and during the space of six months at one time, and no longer; provided that every such detachment be relieved by the arrival of a fresh detachment sufficient for the indispensable occasions of the service at such period, for which purpose it shall and may be lawful for the proper officer, one week at least before the expiration of the said period of service, to call together the remaining parts of the regiment, battalion, or independent company, or so many as may be necessary, according to their several turns, to be regulated by the roster as aforesaid, to relieve such detachment.

XXX III. Provided always, and be it further enacted by the authority aforesaid, That if such detachments cannot be replaced by an equal number of men of the remaining part of such regiment, battalion, or independent company, respectively, then, and in such case, every detachment to be relieved as aforesaid, shall ballot or draw lots for such a number of men as may be wanting to make the succeeding detachment equal to the detachment to be relieved, and the parties whose names shall be drawn, shall be liable to serve with the said detachment, but in case of a partial relief, they shall be the first to be relieved, either wholly or by ballot, according to the number to be relieved.

XXXIV. And be it further enacted by the authority aforesaid, That when any person shall have been convicted of any offence against this Act, and shall refuse to pay the fine, forfeiture, or penalty imposed on such offender, it shall and may be lawful to and for the justice or justices before whom such person shall have been convicted, to commit such offender to the common gaol of the district, until he shall pay and satisfy such fine, forfeiture, or penalty, together with the reasonable charges attending such conviction; Provided nevertheless, that no person or persons so committed shall in any case be detained in custody longer than the space of one calendar month, except in such cases as are otherwise provided for by this Act.

XXXV. And be it further enacted by the authority aforesaid, That no persons who have been discharged from his Majesty's service as non commissioned officers, shall be obliged to serve in any station in the militia of this Province, inferior to that which they held in his Majesty's service, unless having been non commissioned officers in the said militia, they may have been reduced according to law.

XXXVI. And be it further enacted by the authority aforesaid, That no person enrolled in the militia, shall absent or withdraw himself from any place of review or exercise, without having first obtained leave of his commanding officer to do, under the penalty of forty shillings if a commissioned officer, and ten shillings if a non commissioned officer or private.

XXXVII. And be it further enacted by the authority aforesaid, That if any serjeant of the militia, when the duty required by his superior and proper officer, shall neglect or refuse to warn the militia men of the company to which he belongs, to appear at the place of enrolment or exercise, he shall for every such neglect or refusal, forfeit and pay the sum of forty shillings.

XXXVIII. And be it further enacted by the authority aforesaid, That every serjeant of the militia, duly appointed, shall be exempt from serving as constable, for and during such time as he shall hold such appointment as serjeant.

XXXIX. And be it further enacted by the authority aforesaid, That if any person be wounded, or shall be disabled, when employed on actual service, upon an invasion, insurrection or rebellion, he shall be taken care of and attended during the time of such disability, agreeably to his rank.

XI. And be it further enacted by the authority aforesaid, That when any person shall be summoned before two of his Majesty's justices of the peace as aforesaid, for having neglected or refused to do such things as by this Act are required of him to be performed, and shall upon the oath of any one credible witness before such justices be duly convicted of such offence, such person shall pay the charges and expences of and incident to such conviction, and that all fines, penalties and forfeitures, by this Act imposed, on default of payment, shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hands and seals of the justices before whom the said offender shall be convicted, rendering the overplus (if any) to the said person whose goods and chattels shall have been to distrained and sold, after deducting therefrom the charges of such distress and sale, and within two months after such conviction and recovery, the sums so recovered shall be transmitted by the justices before whom

whom such information shall have been laid, to the colonel, or in his absence, to the next senior officer of the regiment, battalion, or independent company, and the said colonels and other officers respectively, shall and they are hereby required, out of the several sums of money which they shall receive for fines, forfeitures or penalties, or otherwise, by virtue of this Act, to provide for the regiments in their respective counties or ridings, drums, fifes, colours, banners, regimental books, and for the discharge of other incidental expences, and in case any overplus of such monies shall remain in the hands of any such colonel or other officer, after providing such articles as aforesaid, such surplus shall be disposed of in premiums to the persons who shall make the best shot at a target or mark, upon days of training, and in such proportions as at a meeting the colonels or officers commanding regiments, battalions or independent companies, shall order and direct, and each colonel, or in his absence the next senior officer of the regiment, battalion or independent company, shall render a certified account thereof in detail, to be transmitted to the Governor, Lieutenant Governor, or person administering the government, as soon after the thirty first day of December annually, as practicable.

To whom sums so recovered shall be transmitted.

How to be applied.

Account to be laid before the Governor, &c.

No writ of certiorari unless the penalty above £20.

XLI. *And be it further enacted by the authority aforesaid,* That no order of conviction made by any justice or justices of the peace, by virtue of this Act, shall be removed by certiorari out of the county, riding, division or place wherein such order or conviction shall have been made, into any court whatsoever, and that no writ of certiorari shall supersede execution or other proceedings upon any such order or conviction, so made in pursuance of this Act, but that execution and other proceedings shall be had and made thereupon, any such writ or writs, or allowance thereof, notwithstanding: Provided always, That the fines, forfeitures or penalties, to be levied by virtue of such order or conviction, shall not exceed the sum of twenty pounds

Limitation of actions within six months, for things done by virtue of this Act.

Plaintiffs being nonsuited, &c. defendant or defendants to have treble costs.

XLII. *And be it further enacted by the authority aforesaid,* That if any action shall be brought 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 fact committed, and not afterwards, and shall be laid in the county, riding or place where the cause of complaint did arise, and not elsewhere, and the defendant or defendants in every 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 the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited or discontinued his, her or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

Former militia Acts repealed — No militia appointment shall be void under any former acts until new commissions are issued under this act.

XLIII. *And be it further enacted by the authority aforesaid,* That all former Acts relating to the raising of the militia within this Province, shall from and after the passing of this Act, be and are hereby repealed; Provided nevertheless, that nothing in this Act contained shall in any wise extend or be construed to extend to annul or make void any militia appointment which may have taken place in pursuance of the former Acts relating to the militia forces, or to prevent the completing any proceedings commenced in pursuance thereof, until new commissions are issued under and by virtue of this Act.

CHAP. II.

*An Act for granting to his Majesty a certain sum of money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof.*

MOST GRACIOUS SOVEREIGN.

[Passed 16th March, 1808.

Preamble.

WHEREAS it would very much advance the general prosperity of this Province, if the public highways and roads already laid out in the several districts thereof, were amended and repaired, and new additional roads were laid out and opened in certain parts of this Province, to which at present there is very difficult access, and certain bridges are also become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects; and whereas the rates heretofore imposed, and the duty of law required to be performed on the said public highways and roads, are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying district rates sufficient for the purposes aforesaid, would in the present circumstances of this Province, be inconvenient, and the necessary provision can only be made out of the surplus of certain duties as yet unappropriated; in order therefore to defray the expences of repairing, amending, laying out and opening such highways and roads, and making such bridges as aforesaid, May it please your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That 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 uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of sixteen hundred pounds, to be issued out of the fund now remaining or hereafter to come into the Receiver General's hands, unappropriated, and arising from such rates and duties as last aforesaid which said sum of sixteen hundred pounds shall be disposed of, appropriated and applied, in repairing the roads already laid out, and in laying out and opening new roads, and making bridges in the several districts of this Province.

£1600 to be applied in repairing roads laid out, in laying out and opening new roads, and in making bridges.

Apportionment of said sum to the respective districts of this Province.

II. And be it further enacted by the authority aforesaid, That the said sum of sixteen hundred pounds shall be apportioned in the following manner; to the Eastern District the sum of two hundred pounds, to the District of Johnstown the sum of two hundred pounds, to the District of Newcastle the sum of two hundred pounds, to the Home District the sum of two hundred pounds, to the District of Niagara the sum of two hundred pounds, and to the Western District the sum of two hundred pounds.

Commissioners to be appointed by the Governor, &c for carrying this Act into effect.

III. 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, to appoint one or more commissioner or commissioners for each and every District of this Province, for carrying the provisions of this Act into execution, which said commissioner or commissioners shall have full power and authority forthwith to proceed to repair and amend, lay out and open such roads, and repair and build such bridges, in each and every district of this Province, to which he or they are respectively appointed.

Governor, &c. to direct the payment to be made of the money so apportioned for every district to each commissioner as he shall think fit within the same.

This Act not to repeal the Acts for levying rates and compelling labor on the highways.

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 direct the money so apportioned as aforesaid, for each and every district thereof, to be paid to any one of the commissioners for such district or districts, whom it may please the Governor, Lieutenant Governor, or person administering the government, to appoint, to receive the same. Provided nevertheless, and it is hereby declared, that nothing herein contained shall repeal or annul, or be held or construed to repeal or annul any of the provisions in any existing act or acts of this Province contained, for raising or levying the rates thereby imposed, or compelling the labour by such acts in any of them required, to be done and performed, on any of the public highways and roads comprised in such act contained, but all and every such act and acts is and are hereby declared to be and continue in full force. Provided, also, that nothing in any former law or statute of this Province contained, shall from and after the passing of this act, be held or construed to empower or authorize any magistrate or overseer in any such law or statute mentioned, in any manner to interfere or give any directions touching or concerning any road or highway to be laid out, opened or repaired, under and by virtue of this act; nevertheless, the said magistrates and overseers, and every of them, is and are hereby authorized to carry into execution all and every such power and authorities as by such law or statutes they are invested with, in all cases in which the executing such powers will not impede or interfere with the powers or authorities given in and by this act.

Magistrates and Overseers of the highways not to interfere with any road to be laid out by this Act, but to execute the powers which they possess when they do not impede the powers to be executed by this Act.

Limitation of actions for any thing done in pursuance of this Act.

V. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act, and if the same shall appear to have been done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become non suit or discontinue his, her or their action, after the defendant or defendants shall have appeared, or if judgment on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recover treble costs, and have the like remedy for the recovery thereof, as defendants are in any other cases by law entitled to.

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

Money to be paid by the Receiver General in pursuance of warrants from the Governor, &c.

VI. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and not otherwise, and the said Receiver General shall account to his Majesty, his heirs and successors, for the same, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

CHAP. III.

An ACT for granting to his Majesty an annual sum of Money for the purpose therein mentioned.

MOST GRACIOUS SOVEREIGN,

[Passed 16th March, 1808.]

Preamble.

WHEREAS it is expedient that some provision be made for an Adjutant General in this Province; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 uses of this Province, there be granted to his Majesty, his heirs and successors, annually, the sum of two hundred Pounds, for the payment of a salary to the Adjutant General of the Militia of this Province, for the time being.

Salary to be paid to the Adjutant General.

Manner of payment.

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, from time to time to

to issue his warrant to the Receiver General of this Province for the payment of such salary as aforesaid, yearly or half yearly, and the said Receiver General shall account to his Majesty, his heirs and successors, for the same, through the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his heirs and successors, shall be graciously pleased to direct.

C H A P. IV.

An ACT for applying certain Sums of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty, through the Lieutenant Governor, in pursuance of an Address.

MOST GRACIOUS SOVEREIGN.

[Passed 16th March, 1808.

WHEREAS in pursuance of an Address of your Commons House of Assembly to Francis Gore, Esquire, Lieutenant Governor of your Majesty's Province of Upper Canada, bearing date the ninth day of March, and the Speaker's letter dated the tenth day of said March last past, in the forty seventh year of your Majesty's reign, several sums of Money, amounting in the whole to the sum of five hundred and eighty eight Pounds, and eight pence half penny, have been issued and advanced by your Majesty through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, for certain contingent expences attending the last Session of Parliament, and to Church or Town Wardens in several districts in this Province, may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 five hundred and eighty eight pounds and eight pence half-penny, to make good the said sum of Money which has been issued and advanced in pursuance of the aforesaid address and letter.

Preamble.

§ 88 8d half-penny to be applied to make good a like sum issued in pursuance of an address from the House of Assembly, and of a letter from the Speaker of the House.

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.

C H A P. V.

An ACT to continue an Act passed in the Thirty-third year of his Majesty's reign, intitled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province.

[Passed 16th March, 1808.

WHEREAS an Act passed in the thirty third year of his Majesty's reign, intitled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," and which Act has since been revived and continued by a certain Act intitled, "An Act to revive and continue an Act intitled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," will shortly expire, and it being necessary that the said Act passed in the thirty third year of his Majesty's reign, intitled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," be continued; 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 thirty third year of his Majesty's reign, and every part thereof, and every clause, matter and thing therein contained, are by the present Act continued for and during the space of four years, and no longer.

Preamble.

Act of 33 Geo. 3d, to provide for the appointment of Returning Officers continued.

C H A P. VI.

An ACT for granting to his Majesty a certain sum of Money out of the Provincial Fund, to increase the salary of the Clerk of the Legislative Council and the Clerk of the House of Assembly.

[Passed 16th March, 1808

WHEREAS it is thought expedient to increase the salaries of the Clerks of the Legislative Council and House of Assembly in this Province; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 uses of this Province, there be granted annually, to his Majesty, his heirs and successors, the sum of one hundred and fifty pounds to and for the uses hereinafter expressed, that is to say, the sum of seventy five pounds to the Clerk of the Legislative Council, and the sum of seventy five pounds to the Clerk of the House of Assembly, for the time being, in addition to the sums heretofore granted to and for the uses of the said Clerks.

Preamble.

§ 75 to the Clerk of the Legislative Council, and § 75 to the Clerk of the House of Assembly, in addition to their respective salaries.

Manner of payment.

II. And be it further enacted by the authority aforesaid, That the monies hereby granted to his Majesty for the payment of salaries to the Clerk of the Legislative Council and the Clerk of the House of Assembly, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein set forth, be from time to time issued by the Governor, Lieutenant Governor, or person administering the government of this Province, for the time being, and not otherwise, and the said Receiver General shall account to his Majesty for the same, through the Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty shall direct.

C H A P. VII.

An ACT to extend the benefits of an Act passed in the thirty seventh year of his Majesty's reign, intituled, "An Act for the more easy barring of Dower," and to repeal certain parts of the same.

[Passed 16th March, 1808.]

Preamble.

WHEREAS by an Act passed in the thirty seventh year of his Majesty's reign, intituled, "An Act for the more easy barring of Dower," no provision is made to entitle any person, not residing in this Province, and who may be entitled to Dower of any Lands or Tenements situate therein, to release her right and title to the same. Be it Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for any person within the United Kingdom of Great Britain and Ireland, or any of his Majesty's Colonies or Plantations, or within the United States of America, entitled to Dower of any Lands or Tenements within this Province, by any deed, executed either alone or jointly with other persons, to release all her right and title to the same, and such release shall be as valid and effectual to bar the person so executing the same, of her Dower of such Lands and Tenements, as if a fine had been levied thereon.

Persons residing in Great Britain, Ireland, in the Colonies or in the United States of America, may release their Dower of Lands in this Province by deed

Person entitled to Dower shall be examined by the Mayor, &c. touching her consent to release the same. Such consent to be certified by such Mayor, &c. by endorsement on the deed of release.

Verification of such certificate.

II. Provided nevertheless, That no such release so executed shall have any force or effect to bar the person so entitled to Dower, unless such person shall come before the Mayor or Chief Magistrate of some city, borough or town corporate in the said United Kingdom, or before the Chief Judge or any other Judge of the supreme Court of the said Colony, Plantation, or State, or before the Mayor or Chief Magistrate of any city, borough or town corporate, within the same, and shall have been examined by the said Mayor or Chief Magistrate, Chief Judge or Judge, touching her consent to be barred of Dower in the premises in the said Deed of release mentioned, and unless she shall give her consent thereto, and it shall appear to the said Mayor, Chief Magistrate, Chief Judge or Judge, that such consent is free and voluntary, and not the effect of any coercion on the part of the husband or any other person, and unless the said Mayor, Chief Magistrate, Chief Judge or Judge, shall certify the same by endorsement on the said deed.

So much of the 37th of Geo. 3. as relates to the registering of the certificate, repealed.

III. And be it further enacted by the authority aforesaid, That for the purpose of verifying the said certificate, when the same shall be granted as aforesaid, by the Mayor or Chief Magistrate of any city, borough or town corporate, within the said United Kingdom, or within any of the said Colonies, Plantations or States, the common seal of such city, borough or town corporate, or the seal of office of such Mayor or other Chief Magistrate, shall be affixed thereto; and that when such certificate shall be granted by the Chief Judge or Judge of the Supreme Court of any of his Majesty's Colonies or Plantations, or of any of the United States of America, the same shall be verified by the seal of the person administering the government of such Colony, Plantation or State.

IV. And be it further enacted by the authority aforesaid, That so much of the abovementioned Act, intituled, "An Act for the more easy barring of Dower," as relates to the registering of the certificate, required by the said Act, be and the same is hereby repealed.

C H A P. VIII.

An ACT to repeal certain parts of an Act passed in the forty sixth year of his Majesty's reign, intituled, "An Act to continue an Act passed in the forty third year of his Majesty's reign, intituled, "An Act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain Duties therein mentioned."

[Passed 16th March, 1808.]

Preamble.

WHEREAS by an Act passed in the forty sixth year of his Majesty's reign, intituled, "An Act to continue an Act passed in the forty third year of his Majesty's reign, intituled, "An Act for the better securing to his Majesty, his heirs and successors, the due collection and receipt of certain duties therein mentioned," it was thereby enacted that the said Act of the Parliament of this Province, passed in the forty-third year of his Majesty's reign, should be and the same was thereby continued, and it was thereby further enacted that the said Act passed in the forty-sixth year of his Majesty's reign, should be and continue in force for and during the term of two years, and from thence to the end of the then next session of Parliament, and no longer; And whereas it is thought fit that the said recited Act, passed in the forty-third year of his Majesty's reign, should not be subject to any limitation in point of time, but that the same should be made perpetual; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec,



bec, 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 Act passed in the forty-sixth year of his Majesty's reign as limits the continuance of the aforesaid Act to the term of two years, and from thence to the end of the then next session of Parliament, shall be and the same is hereby repealed.

Act of 43d George 3, ch. 9. made perpetual.

CHAP. IX.

An Act for the further encouragement of the Growth and Cultivation of Hemp within this Province, and for the Exportation thereof. [Passed 16th March, 1808.]

Preamble.

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

62 10s. per ton the price for hemp to be purchased under any Act of the Parliament of this Province.

CHAP. X.

An Act to continue an Act passed in the forty-fifth year of his Majesty's reign, intituled, "an Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no patent hath issued for such Lands, and further to extend the benefits of the said Act. [Passed 16th March, 1808.]

Preamble.

WHEREAS an act passed in the forty-fifth year of his Majesty's reign, intituled, "An Act to afford relief to those persons who may be entitled to claim lands in this Province, as heirs or devisees of the nominees of the Crown, in cases where no patent hath issued for such lands," will shortly expire, and it is expedient to continue the said act, and further to extend the benefits thereof; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said act of the forty-fifth year of his Majesty's reign, and every part thereof, and every clause, matter and thing therein contained, shall be and the same is hereby continued.

45th of Geo. 3d, ch. 2, continued.

I. And be it further enacted by the authority aforesaid, That the assignee or assignees of the nominee or nominees of the crown to lands in this Province, who is or are dead, or who have left this Province before the passing of this act, without having obtained his Majesty's letters patent for such lands in his, her or their life times, or before he, she or they did leave this Province, may respectively bring their claim or claims for the said lands before the commissioners herein after to be appointed, who shall and may they are hereby authorized to hear and determine the claim or claims of such assignee or assignees, and to report thereupon to the Governor, Lieutenant Governor, or Person administering the government, in council, in like manner and under the like regulations and restrictions as are in and by the said act passed in the forty-fifth year of his Majesty's reign, and hereby continued, directed to be observed respecting the claim or claims of the heir or heirs, devisee or devisees of the nominee or nominees of the crown to lands, brought before the commissioners under that act, and that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government, in council, to issue his Majesty's letters patent for the lot or lots, parcel or parcels of land specified in the said report, to or in trust for such person or persons, his, her or their heirs and assigns, as is or are therein declared, by the said commissioners to be appointed under and by virtue of this act, to be the assignee or assignees of the nominee or nominees of the crown, as aforesaid, to such lot or lots, parcel or parcels of land; and that all and every the provisions, regulations, restrictions, matters and things, which in and by the said act of the forty-fifth year of his Majesty's reign, are enacted and contained, of and concerning, or in any wise touching or relating to the claim or claims of the heir or heirs, devisee or devisees of the nominee or nominees of the crown, mentioned in that act, shall be and are hereby extended to the assignee or assignees of such nominee or nominees.

Persons who are entitled to bring their claims for lands before the commissioners under this Act.

Commissioners under this Act to hear and determine claims and to report thereupon in like manner as directed by the 45th of Geo. 3d, ch. 2.

Patents to issue to persons entitled under that report.

Provisions of 45th Geo. 3d, ch. 2 extended to persons claiming under this Act.

A Commissioner to be appointed in every district to take testimony relative to claims under this Act.

III. And be it further enacted by the authority aforesaid, That for the better procuring of evidence to be laid before the commissioners to be appointed under this act, respecting any claim or claims that may be brought before them by virtue thereof, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the government of this Province, for the time being, to appoint some person in each and every district of this Province to be a commissioner for taking upon oath (which

oath the said commissioners are hereby authorized to administer) the testimony of any person or persons relative to such claim or claims to be brought before the said commissioners.

Penalty for swearing falsely before such Commissioner.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall swear him, her or themselves before any such commissioner, he, she or they shall on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

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, at any time during the continuance of this act, to issue such and so many commissions, under the Great Seal of this Province, to the Members of the Executive Council thereof, his Majesty's Chief Justice of the said Province, the Justices of the Court of King's Bench, and such and so many other persons as the said Governor, Lieutenant Governor, or person administering the government shall think fit, which said commissioners, or any three of them, of whom the said Chief Justice or one of the said Justices shall be one, shall have full power and authority to carry into force and effect all and every the powers and provisions, matters and things, specified and contained in the said act of the forty-fifth year of the reign of his present Majesty, and in this act; and that the said commissioners shall hold their sittings at the same place, and at the like times and in like manner as are specified and declared by the said first mentioned act, respecting the sittings of the said commissioners therein mentioned, under and by virtue of the same.

VI. And be it further enacted by the authority aforesaid, That the clerk of the peace in each and every district of this Province, shall once in every three months make a list of the claims set up in his office, specifying the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the township or townships in which the lands so claimed do lie, and affix the said list on some conspicuous part of the court-house, or place where the courts are usually held at each general Quarter Sessions.

VII. And be it further enacted by the authority aforesaid That this act shall be and it is hereby declared to be in force for and during the term of four years, and no longer.

C H A P. XI.

An Act for the better Representation of the Commons of this Province in Parliament, and to repeal part of an Act passed in the fortieth year of his Majesty's reign, intituled, "An Act for the more equal representation of the Commons of this Province, and for the better defining the qualification of Electors"

[ Passed 16th March, 1808 ]

Preamble.

WHEREAS it is necessary to increase the Representation of the Commons of this Province in Parliament; Be it Enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of an Act passed in the fortieth year of his Majesty's reign, intituled, "An Act for the more equal representation of the Commons of this Province in Parliament, and for the better defining the qualification of Electors," as relates to the number of members to represent the Commons of this Province in the House of Assembly, shall be repealed, and the same is hereby repealed accordingly

Part of the 40th of Geo 3d, ch 3, repealed.

Representation of the Commons in the House of Assembly of this Province.

II. And be it further enacted by the authority aforesaid, That from and after the end of the present Parliament, the representation of the Commons of this Province in the House of Assembly, shall be in manner following, that is to say, That the County of Prescott shall be represented by one Member; that the county of Glengary shall be represented by two Members; that the counties of Stormont and Russell shall be represented by one Member; that the counties of Dundas, Grenville, Leeds, Frontenac and Prince Edward, except the township of Ameliasburgh, be each represented by one Member; that the incorporated counties of Lenox and Addington, be together represented by two Members; that the county of Hastings, and the township of Ameliasburgh, in the county of Prince Edward, be represented by one Member; that the counties of Northumberland and Durham, shall together be represented by one Member; the East Riding of the County of York and the County of Simcoe by one Member; that the West Riding of the county of York shall be represented by one Member; that the first Riding of the county of Lincoln and the county of Haldimand shall be represented by two Members, in manner following, viz. the Townships of Saltfleet, Ancaster, Barton, Glanlord and Bimbrook, with so much of the county of Haldimand as lies between Dundas Street and the Onondaga Village, (commonly called Bearsfoot) on the River Ouse, by one Member, and the Townships of Grimsby, Clinton, Gainsborough and Caistor, with so much of the county of Haldimand as lies between the Onondaga Village aforesaid and the mouth of the River Ouse, by one Member; that the second Riding of the county of Lincoln shall be represented by one Member; that the third Riding of the county of Lincoln shall be represented by one Member; that the fourth Riding of the county of Lincoln shall be represented by one Member; that the counties of Oxford and Middlesex be together represented by one member; that the county of Norfolk shall be represented by one member; that the county of Kent shall be represented by one member; that the county of Essex shall be represented by two members.

At the expiration of 6 days the poll to be closed by the Returning Officer.

III. And be it further enacted by the authority aforesaid, That no returning officer or officers who may be hereafter appointed, shall continue any election more than six days, but shall at the expiration of that time, close the poll, notwithstanding any law, usage or custom to the contrary.

C H A P. XII.

An Act for the better regulating the Statute Labour in the Counties of Essex and Kent, in the Western District.

[Passed 16th March, 1808.]

Preamble.

WHEREAS it is necessary to amend and keep in repair the public highway leading through part of the Counties of Essex and Kent in the Western District; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Magistrates of the Western District, in Quarter Sessions assembled, or the major part of them, and they are hereby empowered to appoint one or more overseer or overseers, and to direct him or them when they shall deem it expedient, to order such inhabitants of the county of Kent as are liable to perform Statute labour upon the highways and roads, to keep in good and sufficient repair that part of the road and also the bridges upon the same, beginning at the upper or second fork of the river Thames, in the township of Tilbury, thence leading down the said river Thames, and continuing along Lake Sinclair to Belle River, and the said Magistrates in manner aforesaid shall appoint one or more overseer or overseers and direct him or them to order such inhabitants liable to perform Statute labour on the highways and roads, living between M'Kee's Creek and Belle River in the County of Essex, to keep in good and sufficient repair the road and bridges between Pike's Creek and the said Belle River, and across the same.

Road and bridges to be kept in repair by the inhabitants of the county of Kent. Road and bridges to be kept in repair by persons living between M'Kee's creek and Belle river in the county of Essex.

II. And be it further enacted by the authority aforesaid, That the said Magistrates in manner aforesaid, shall direct the overseer or overseers of the townships of Howard and Harwich in the county of Kent, to order the inhabitants of the said townships jointly to make and keep in repair a good and sufficient bridge over the creek running through lot number twenty two in Harwich, commonly called and known by M Kirgan's creek, and shall also direct the overseer or overseers of the townships of Camden and Chatham in the said County, to order the inhabitants of said townships jointly to make and keep in repair a good and sufficient road leading from the landing place on lot number three in Howard, back to Arnold's Mill, and the said Magistrates are in like manner empowered to direct the overseer or overseers of the upper half or division of the township of Raleigh in the said county, to order the inhabitants living within the same, to keep in good and sufficient repair the bridge over the main fork near the town of Chatham, in the township of Harwich.

Bridge to be kept in repair by the inhabitants of the townships of Howard and Harwich. Road to be kept in repair by the inhabitants of Camden and Chatham.

Bridge to be kept in repair by the inhabitants of the upper half of the township of Raleigh.

III. And be it further enacted by the authority aforesaid, That if any person who shall have been appointed overseer in the manner aforesaid, shall refuse or neglect to perform the several and respective duties required of him by this Act, he shall for each neglect or refusal thereof, forfeit and pay the sum of twenty shillings; and if any inhabitant as aforesaid, shall refuse or neglect to work on such roads, or towards the repair of such bridges as aforesaid, aliter he shall have had from such overseer four days notice so to do, he shall for every such offence forfeit and pay the sum of five shillings.

Penalties for refusing or neglecting to do the duties required by this Act.

IV. And be it further enacted by the authority aforesaid, That the penalties inflicted by virtue of this Act, shall be levied and recovered by warrant under the hand and seal of some justice of the peace of the said district, which warrant such justice is hereby empowered and required to grant, upon conviction of the offender by confession or upon oath of one credible witness, and in default of payment, to levy the same by distress and sale of the offender's goods, rendering the overplus, if any, to the owner thereof, the necessary charges of making such distress and sale, being first deducted, which said penalty shall be applied towards the making and keeping in repair the said roads and bridges abovementioned, and in default of such distress, it shall and may be lawful for any such justice to commit the person so refusing or neglecting, to the common goal for any time not exceeding one month, unless the penalty, forfeiture, costs and charges shall respectively be sooner by him paid.

Mode of conviction and levying the penalties.

Application of the same.

V. And be it further enacted by the authority aforesaid, That the work to be done upon the said roads and bridges as aforesaid, shall be considered as a part of the annual statute labour, and shall be required only at such times as the said statute labour may be by law required.

The work done on the said roads and bridges, part of the statute labour.

C H A P. XIII.

An Act for the better regulation of Special Juries.

[Passed 16th March, 1808.]

Preamble.

WHEREAS the existing laws of this Province are found insufficient to give Special Juries in the Court of King's Bench; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by authority of the same, That the tenth, eleventh, twelfth and thirteenth clauses of an Act passed in the thirty fourth year of his present Majesty's reign, intituled, An Act for the regulation of juries," and the whole of an Act passed in the fourth year of his present Majesty's reign, intituled, "An Act for the regulation of special juries," shall be and the same are hereby repealed.

Part of the 94th of Geo 3, ch. 2, and the whole of 40th Geo. 3d, ch. 2, repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by

Special jury may be obtained without any motion in court.

Clerk of the Peace shall deliver to the Sheriff a list of persons assessed for 200l. and upwards.

Notice for appearance of the parties at the office of the Sheriff for the district.

Manner in which 40 names of the persons assessed shall be drawn.

Each party may strike out 12 out of the 40 names remaining 16 persons shall be summoned by the Sheriff to appear the next assizes.

If either of the parties do not appear to strike out the twelve names, Sheriff or his deputy shall do so for such party.

5s. to be given to each special jurymen.

Manner in which the fees for striking a special jury shall be paid.

Preamble.

Part of the 46th of Geo. 3d. ch. 5. repealed.

Bond to be entered into by every collector of rates.

by his attorney general, or by any other person duly authorized in that behalf, or for any prosecutor or defendant in any indictment or information for any misdemeanor now pending or hereafter to be brought or prosecuted in his Majesty's Court of King's Bench in this Province, or for any plaintiff or plaintiffs, defendant or defendants in any action, suit or cause whatsoever, now pending or hereafter to be brought and carried on in the said court, to have and obtain a special jury for the trial of such indictment, information, action, suit or cause, without any motion in court.

III. And be it further enacted by the authority aforesaid, That the Clerk of the Peace of each and every district shall annually on or before the fifteenth day of July, deliver or cause to be delivered to the Sheriff of the district, a list of such men throughout the district as shall be assessed on the several assessments rolls, for the sum of two hundred pounds and upwards, for which services the said Clerks of the Peace respectively shall be entitled to receive the sum of five shillings, by an order from the Justices in quarter sessions assembled, upon the district treasurer.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his said Majesty, his heirs and successors, as aforesaid, or for any prosecutor or defendant in any such indictment or information, or for any plaintiff or plaintiffs, defendant or defendants in any action, suit or cause now pending or hereafter to be brought and carried on in the said Court of King's Bench, for the purpose of having and obtaining a special jury for the trial of such indictment, information, action, suit or cause by themselves or their attorneys respectively, to serve or cause to be served on the opposite party or parties, his, her or their attorney or attorneys, a written notice, for him, her, or them, to appear by themselves or their respective attorney or attorneys, at the office of the Sheriff of the district in which the said indictment, information, action, suit or cause is to be tried, on some certain day, which shall not be less than four days from the actual service of such notice, and such actual service shall be made either personally upon the opposite party or parties, his, her, or their attorney, or by a copy of such notice, to be left at the usual place of abode of the opposite party or parties, or at the usual place of abode of his, her, or their attorney.

V. And be it further enacted by the authority aforesaid, That the name of each and every man assessed as aforesaid, shall be written on separate and distinct pieces of paper, being all as near as may be of equal size, and shall be put together in a box or glass to be provided for that purpose, from which the Sheriff, his deputy, or any indifferent person appointed by the Court, may draw out forty of the said papers, and the said Sheriff or his deputy shall forthwith make a list of the names written upon the said forty papers, from which list each party, his, her, or their attorney or attorneys, shall and may alternately strike out twelve names, and the Sheriff shall summon or cause to be summoned, the sixteen persons whose names shall remain on such list, to appear on the first day of the next ensuing assizes, from whom a special jury shall be taken for the trial of the respective indictment, information, action, suit or cause.

VI. And be it further enacted by the authority aforesaid, That if any party or parties who shall be served with such written notice, or his, her, or their attorney, shall neglect to appear at the Sheriff's office at the said day appointed, it shall and may be lawful for the Sheriff or his deputy, in behalf of such party, to strike out of the said list, twelve names in manner aforesaid.

VII. And be it further enacted by the authority aforesaid, That every person who shall serve on a special jury as aforesaid, shall be entitled to receive the sum of five shillings.

VIII. And be it further enacted by the authority aforesaid, That the person or party who shall apply for such special jury, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all expenses occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same upon taxation of costs, than such person or party would be entitled unto in case the issue had been tried by a common jury, unless the judge before whom the cause is tried shall immediately after the trial certify in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

C H A P. XIV.

An Act for the better regulation of Parish and Town Officers throughout this Province.

[ Passed 16th March, 1808 ]

WHEREAS the provisions contained in the seventh, eighth and tenth clauses of an Act of the Parliament of this Province, passed in the forty sixth year of his present Majesty's reign, intitled, "An Act to alter and amend an Act passed in the thirty third year of his Majesty's reign, intitled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," have been found inexpedient; 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 of Parliament Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 seventh, eighth and tenth clauses be and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That each and every collector of rates for the respective townships of this Province, hereafter to be chosen, nominated and appointed, shall within one month after such nomination, or before he shall collect any money, enter into a bond jointly and severally, with two sufficient freeholders, to the treasurer of the district for which he shall be so nominated or appointed, in the sum of two hundred pounds lawful money of this Province; which bond shall be in the following form:

KNOW

KNOW all men by these presents, that I A. B. collector of the rates for the township of \_\_\_\_\_ in the district of \_\_\_\_\_ C. D. and E. F. of the same place, yeomen, (or as the case may be) are held and firmly bound to I. O. treasurer of the district of \_\_\_\_\_ in the sum of two hundred pounds lawful mone-  
 jointly and severally, our and each of our heirs, executors and administrators, firmly by these presents. Scaled with our seals. Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ &c. &c.

Form of the Bond and Condition.

THE Condition of the above obligation is such, that if the above bounden A. B. shall collect and levy all the rates and assessments of the township or townships of \_\_\_\_\_ for the present year, ending on the first Monday in March next, so far as the law may enable him to do, and shall pay all the money which he shall so collect and levy, to the treasurer of the said district on or before the eighth day of March next, then this obligation to be void, otherwise to remain in full force and effect. Signed, &c.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerks in their respective townships, and they are hereby required to provide such bond and transmit the same to the treasurer of said district, within one month after the said bond shall be executed, for which each and every of them shall be allowed the sum of five shillings, to be paid out of the district treasury.

Town Clerks to provide the said bonds.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this act if any person who shall be chosen or nominated as a collector, shall die, or leave the parish or township, within the year for which he shall be chosen or nominated, it shall and may be lawful for the justices of the peace in quarter sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal, and such collector so nominated, shall be and he is hereby declared to be vested with the same power and liable to the same penalties as any collector nominated and appointed under any act or acts of the legislature of this Province.

If Collector should die or leave the Parish or Township to fill the vacancy.

C H A P. XV.

An Act for building a Court House and Gaol in the Township of Elizabethtown, in the District of Johnstown.

[Passed 16th March, 1808.]

WHEREAS the present court house and gaol in the town of Johnstown in the district of Johnstown, is situate at the lower extremity of the said district, which renders it inconvenient, and whereas the inhabitants of said district are desirous of building a new court house and gaol in a more central situation; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same; That it shall and may be lawful for the justices of the peace of the said district of Johnstown, in general quarter sessions assembled, or the greater part of them, to fix upon a site or situation on the front end or ends of lots number ten, eleven or twelve in the first concession of Elizabethtown, adjoining the King's highway, where a court house and gaol may be built.

Preamble.

Quarter Sessions to fix the place where the court house and gaol of the district of Johnstown shall be erected within the township of Elizabethtown.

II. And be it further enacted by the authority aforesaid, That a gaol and court house for the said district of Johnstown shall and may be erected and built on lot number ten, eleven or twelve in the first concession of Elizabethtown, within the said district of Johnstown, in such manner and under such rules, regulations and directions as in that respect are made and provided in and by a certain act passed in the thirty-second year of his Majesty's reign, intituled, "an act for building a gaol and court house in every district throughout this Province, and for altering the names of the said districts," and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited act contained, shall under the same penalties as therein are contained in all cases and in respect to all persons, extend and be extended to the district of Johnstown aforesaid, except in as far as the same may be varied and altered by this act.

The said court house and gaol shall be erected according to the rules, &c. enacted by the 3d Geo 3. ch. 8, except in so far as varied by this act.

III. And be it further enacted by the authority aforesaid That as soon as the justices of the peace for the said district, in general quarter sessions assembled, or the majority of them, shall be satisfied that the said court house and gaol are sufficiently finished, the said court house and gaol shall be and they are hereby declared to be the gaol and court house of the said district of Johnstown.

When the said court house and gaol shall be by the quarter sessions be declared to be such for the district of Johnstown,

IV. Provided always, that nothing in this act contained shall extend or be construed to extend to authorize the justices as aforesaid to build said court house and gaol on land belonging to any person or persons without first obtaining a good and sufficient title from such person or persons.

good title to be obtained to the land on which it is to be built.

V. Provided always, and be it further enacted by the authority aforesaid, That unless such gaol and court house shall be built and finished within three years from the passing of this act, so that persons may be confined in the one, and the different courts of justice be properly accommodated in the other, then and in such case this act shall be and the same is hereby declared to be null and void.

Said court house and gaol to be finished within 3 years.

VI. Provided always, and be it further enacted by the authority aforesaid, That it shall not be lawful for the justices aforesaid to apply any part of the assessments and rates of the said district to or for the purpose of this act.

No part of the assessments of the district to be applied for the purpose of this act

C H A P. XVI.

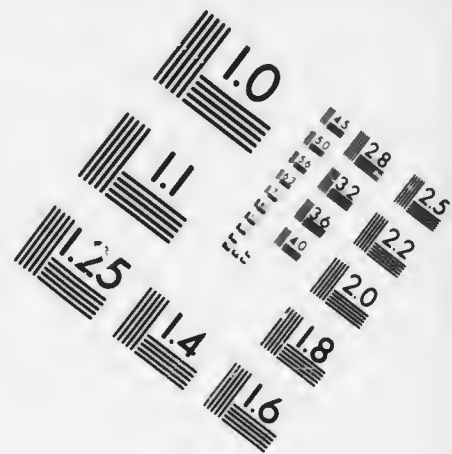
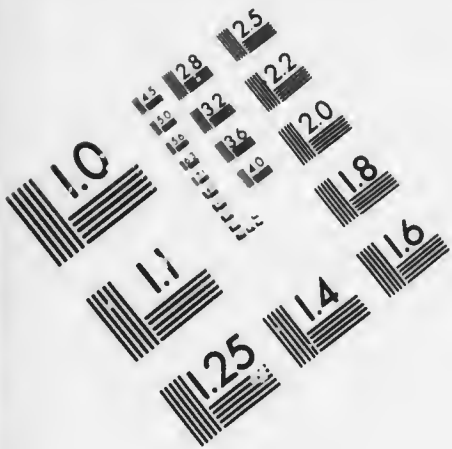
An Act to amend an Act passed in the forty seventh year of his Majesty's reign, intituled "an act to establish Public Schools in each and every District of this Province."

[Passed 16th March, 1808.]

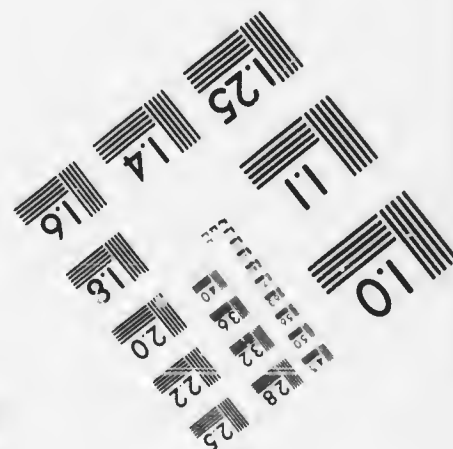
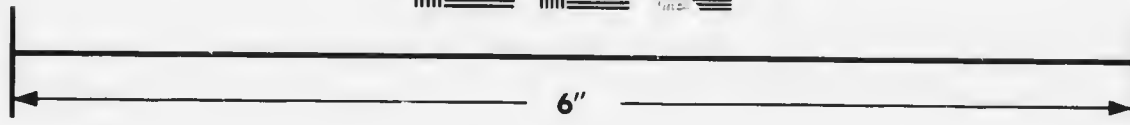
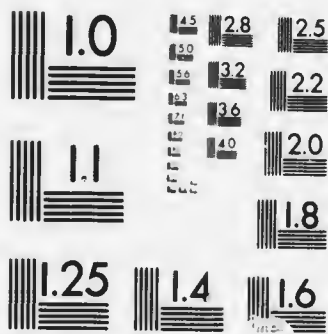
WHEREAS an Act passed in the forty seventh year of his Majesty's reign, intituled "an Act to establish public Schools in each and every District of this Province," requires to be amended; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legi-

Preamble





# IMAGE EVALUATION TEST TARGET (MT-3)



Photographic  
Sciences  
Corporation

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

8  
25  
22





lative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of the said Act as enacts that the public School for the District of London shall be opened and kept in the Township of Townshend, shall be and the same is hereby repealed.

Such part of the 47th Geo. 3, ch. 6, as respects the district of London repealed.

Place where the School for that district shall be opened and kept.

Such part of the said 47th of Geo. 3, as limits its duration repealed.

II. *And be it further enacted by the authority aforesaid,* That the public school for the said District of London shall be opened and kept at such place as the Trustees of the Public School for the said District, or the majority of them for the time being, shall order and direct.

III. *And be it further enacted by the authority aforesaid,* That so much of the said act as limits the duration of it to four years and from thence to the end of the then next ensuing session of parliament, shall be and the same is hereby repealed.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

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

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

C H A P. I.

*An Act for the continuing for a limited time the Provisional Agreement entered into between this Province and Lower Canada at Montreal, on the fifth day of July, in the year one thousand eight hundred and four relative to Duties, also for continuing for a limited time the several Acts of the Parliament of this Province now in force relating thereto.* [Passed 9th of March, 1809.

M O S T G R A C I O U S S O V E R E I G N ,

Preamble.

**W**H E R E A S an Act passed in the forty-fifth year of his Majesty's reign, intituled, "an Act to ratify and confirm certain Provisional Articles of Agreement entered into by the respective Commissioners of this Province and Lower Canada, at Montreal, on the fifth day of July one thousand eight hundred and four relative to duties, and for carrying the same into effect, also to continue an Act passed in the thirty-ninth year of your Majesty's reign, and continued by an Act passed in the forty-first year of your Majesty's reign, and also to continue an Act passed in the forty-seventh year of your Majesty's reign, intituled, "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, which Provisional Agreements and Acts will shortly expire, and whereas it is found expedient to continue the same, May it therefore please your most excellent 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Provisional Agreement and the said Acts of the forty-fifth and forty-seventh years of his Majesty's reign, and every part thereof, and every clause, matter and thing therein contained, shall be, and the same are hereby continued.

Provisional agreement with the Province of Lower Canada and the 45th & 47th of Geo. 3d continued.

Continuance of this act to the 25th of March, 1811.

II. *And be it further enacted by the authority aforesaid,* That this Act shall continue to be in force to the twenty-fifth day of March in the year of our Lord one thousand eight hundred and eleven and no longer.

C H A P. II.

*An Act for Quartering and Billeting on certain occasions his Majesty's Troops and the Militia of this Province.* [Passed 9th March, 1809.

Preamble.

**W**H E R E A S the laws now in force for Quartering and Billeting his Majesty's Troops, and the Militia of this Province, are not sufficiently applicable to the situation thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed

passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, when and as often as the said troops or militia shall be on a march within the said Province, each and every householder therein, shall furnish them when required, in manner hereinafter mentioned, with houferoom, fire, and utensils for cooking, and in cases of emergency, by actual invasion or otherwise, it shall and may be lawful for the Officer commanding his Majesty's troops, or militia, or in cases where orders cannot be received from him in due time, for the officer commanding any regiment, battalion or detachment of troops or militia, to direct, and authorize any officer of the same, having first obtained a warrant for such purpose from one of his Majesty's Justices of the Peace, to impress such horses, carriages and oxen as the service may require, for the use of which, the owner or owners thereof, shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage, with two horses or oxen, during such time as they shall be employed in such service, and when, and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day.

What shall be furnished to the militia, when on a march.

In case of actual invasion or emergency, horses, carriages and oxen to be impressed.

Hire to be allowed for such horses, carriages and oxen.

Militia to be billeted on their march.

II. And be it further enacted by the authority aforesaid, That when the said troops or militia, or any regiment, battalion or detachment of the same, are on a march as aforesaid, the officer commanding such troops or militia, or any regiment, battalion or detachment thereof, shall present to one of his Majesty's Justices of the Peace, the order received by him from the commander of the said troops or militia, authorizing him the said officer commanding as aforesaid to make, and when upon extraordinary emergencies, such order cannot be obtained, it shall and may be lawful for him the said officer commanding as aforesaid, to make a requisition in writing to such Justice to Billet, who shall immediately thereupon, so billet the said troops or militia, as to facilitate their march, and in such manner as may be most commodious to the inhabitants, and that every inhabitant householder, who shall refuse to receive the said troops or militia so billeted on them as aforesaid, shall for every such offence, forfeit and pay the sum of forty shillings.

The mode of billeting the militia when cantoned.

III. And be it further enacted by the authority aforesaid, That when the safety of this Province, should be cantoned in any part or parts of the said Province, then and in such case, it shall and may be lawful for one of his Majesty's Justices of the Peace in the respective Districts, where such troops or militia may be cantoned, upon receiving an order from the commander of the said troops or militia, or by a requisition from the officer commanding any such cantonment, to quarter and billet, and the said Justice is hereby required to quarter and billet the officers, non commissioned officers, and privates of the said troops or militia, upon the several inhabitant householders, as near as may be, to the place of cantonment, so that the said troops or militia billeted on each inhabitant householder, shall not exceed six in number, avoiding as much as possible, to incommode the said inhabitants, and taking due care, to accommodate the said troops or militia, and if any inhabitant householder shall refuse to receive such troops or militia, so billeted on him as aforesaid, he shall for each and every offence, forfeit and pay the sum of forty shillings. And if any inhabitant shall consider himself aggrieved by having a greater number of the said troops or militia billeted upon him than he ought to bear in proportion to his neighbours, by the said Justice, on complaint being made to two or more Justices of the District where such troops or militia shall be cantoned, it shall and may be lawful for such Justices, and they are hereby authorized to relieve such inhabitant, by ordering such and so many of the said troops or militia, to be removed and quartered upon such other person or persons as they shall see cause, and such other person or persons shall be obliged under the penalty of forty shillings, to receive such troops or militia accordingly. Provided, that no Justice or Justices of the Peace having any military office or commission in the said troops or militia, shall directly or indirectly, be concerned in the quartering or billeting of any officer, non-commissioned officer, soldier, or soldiers of the regiment, company or detachment, under the immediate command of such Justice or Justices.

Redress in case any person shall think himself aggrieved.

IV. And be it further enacted by the authority aforesaid, That when the said troops or militia, or any part of them, shall be so cantoned as aforesaid, any one of his Majesty's Justices of the Peace, of and in the District where such cantonment is made, upon receiving an order from the Commander in Chief of said troops or militia in that behalf, or a requisition in writing from the officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said troops or militia, shall and may be hereby required, to issue his warrant, to such person or persons as may be possessed of carriages, within his jurisdiction, requiring him or them, to furnish the same, for the service aforesaid, at and after the rate of payment allowed to carriages furnished to the said troops or militia when on a march, herein before mentioned, and if any such person or persons shall neglect, or refuse, after receiving such warrant, to furnish his or their carriage or carriages, for that service, each and every such person or persons, shall forfeit and pay the sum of forty shillings. Provided always, That such carriage or carriages, horses or oxen, or the carriage or carriages mentioned in the first clause of this Act, shall not be compelled to proceed more than thirty miles, unless in cases where other carriages, horses, or oxen, cannot immediately be had to replace them.

Carriages to be furnished to the militia when in cantonment.

Rate of payment to be allowed for such carriages—distance to which they are to proceed.

V. And whereas in cases of emergency, it may sometimes become necessary to provide proper and speedy means for the conveyance by water, of the said troops or militia, and also of their ammunition, provisions and baggage. Be it therefore further enacted by the authority aforesaid, That any one of his Majesty's Justices of the Peace, of and in the District where such troops or militia may be either on a march, or in cantonment, upon receiving an order from the Commander in Chief of the said troops or militia in that

Boats or other craft to be furnished in cases of emergency.

that behalf, or a requisition in writing from the officer commanding any regiment or detachment of the same, for such boats or other craft, as may be requisite for the conveyance of the said troops or militia, and their ammunition, provisions and baggage shall and may, and he is hereby required, to issue his warrant to such person or persons, as may be possessed of such boats or other craft, within his jurisdiction, requiring him or them, to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such boats, or other craft, and if any such person or persons shall neglect, or refuse, alter receiving such warrant, to furnish his or their boats, or craft for that service, each and every such person or persons, shall forfeit and pay the sum of five pounds.

Mode of recovering penalties under this Act.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this Act inflicted, or authorized to be imposed, shall be levied and recovered, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of any Justice of the Peace, and such Justice is hereby empowered and required, to grant the same upon the confession of the party or parties, or upon the evidence of any one or more credible witnesses or witnesses, upon oath, and the overplus if any, of the money arising by such distress and sale, shall be returned upon demand, to the owner or owners of such goods and chattels, deducting therefrom the costs and charges of such distress and sale, one half of the said penalties and forfeitures shall be paid to the informer, the other half 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, and in such manner and form as it shall please his Majesty to direct.

Ordinance of Quebec, 27th Geo. 3d repealed.

VII. And be it further enacted by the authority aforesaid, That an Act or Ordinance of the late Province of Quebec, passed in the twenty-seventh year of his Majesty's reign, intituled, "An Ordinance for quartering the troops upon certain occasions in the country Parishes, and providing for the conveyance of effects belonging to the Government, be, and the same is hereby repealed.

C H A P. III.

An Act to encourage the Destroying of Wolves in this Province.

[Passed 9th of March, 1809.

Preamble.

WHEREAS the inhabitants of this Province have suffered, and continue to suffer great injury and damage from Wolves, since the discontinuance of the Bounty heretofore granted for the destroying them; I therefore be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, all and every person or persons who shall kill or cause to be killed any Wolf or Wolves, and who shall, after the death thereof, take or cause to be taken the scalp or scalps with the ears on the same, of such wolf or wolves, before any one of his Majesty's Justices of the Peace acting within the division where such town, township or parish where the said wolf or wolves shall have been killed, shall be, and make oath before the said Justice, that the said wolf or wolves was or were killed within the said town, township or parish, or within five miles of any inhabited place next adjoining the said town, township or parish, which oath the said Justice is hereby empowered to administer, the said Justice having first destroyed the said scalp or scalps, shall give to such person or persons a certificate of the fact or facts having been proved to his satisfaction, and such certificate being presented to the Treasurer of the District, shall authorize the person or persons obtaining and presenting the same, to ask for, demand and receive of and from the said Treasurer the sum of Twenty Shillings for the scalp of every wolf so taken and presented. Provided always, That nothing herein contained shall extend, or be construed to extend the said reward to any Indian or Indians who shall kill or cause to be killed, any wolf or wolves as aforesaid.

On presenting a certificate from a Justice the sum of 20s. to be paid for the scalp of every wolf taken and killed.

Exception as to the Indians.

II. And be it further enacted by the authority aforesaid, That when and so often as any person or persons, possessed of any such certificates as aforesaid, shall present the same to the Treasurer of the District wherein such wolf or wolves shall have been destroyed, he, the said Treasurer, shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, provided the district fund in his hands do enable him so to do, and if the district fund in his hands do not enable him the said District Treasurer to pay and satisfy such bounty forthwith, then and in such case, he the said District Treasurer shall pay and satisfy the same out of the monies of the District which shall next hereafter come into his hands.

Payment by the Treasurer of the district.

Certain expences of the district to be paid before payment made by virtue of the certificate.

III. Provided always and be it further enacted by the authority aforesaid, That it shall not be lawful for the Treasurer of any District to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, until he shall have paid the other annual expences of the District arising from the building a court house and gaol, and keeping the same in repair, the salary of the clerk of the peace and gaoler, the maintenance of the prisoners and the fees of the coroners and other officers, any thing herein contained to the contrary notwithstanding.

Under what circumstances the certificate shall be accepted as a discharge for the sum therein contained, of any district indebtedness.

IV. And be it further enacted by the authority aforesaid, That when and as often as the funds of any district will, according to the provisions of this Act, enable the Treasurer of such district to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, it shall and may, be lawful for the Magistrates of such district in Quarter Sessions assembled, to order that each and every

every certificate granted as aforesaid for having destroyed a wolf or wolves, shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any District rate or assessment to be collected of or from any person or persons within the District wherein such wolf or wolves shall have been destroyed, and shall accordingly as such be accepted and taken as equivalent to so much of the current gold or silver coin of this Province, by the Collector of each and every township within such District respectively, and as such shall and may by each and every Collector respectively, be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and equivalent to so much of the aforesaid current coin of this Province.

CHAP. IV.

An Act for the more effectual preventing of Frivolous and Vexatious Suits, and to authorize the Levying of Poundage upon Executions in certain Cases, and to regulate the Sales by Sheriffs and other Officers.

[Passed 9th of March, 1809.]

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That in all actions to be brought in the Province of Upper Canada, from and after the passing of this Act, wherein the Defendant or Defendants shall be arretted and held to bail, and wherein the Plaintiff or Plaintiffs, shall not recover the amount of the sum for which the Defendant or Defendants in such action shall have been so arretted and held to Special Bail, such Defendant or Defendants shall be entitled to costs of Suit, to be taxed according to the custom of the Court, in which such action shall have been brought, provided it shall be made appear to the satisfaction of the Court, in which such action is brought, upon motion to be made in Court for that purpose, and upon hearing the parties by affidavit, that the Plaintiff or Plaintiffs in such action, had not any reasonable or probable cause for causing the Defendant or Defendants to be arretted and held to Special bail, in such amount as aforesaid; and provided that such Court shall thereupon by Rule, or Order of the same Court, direct that such costs shall be allowed to the Defendant or Defendants, and the plaintiff or plaintiffs, shall upon such Rule or Order being made as aforesaid, be disabled from taking out any execution for the sum recovered in any such action, unless the same shall exceed, and then in such sum only, as the same shall exceed the amount of the taxed costs of the Defendant or Defendants in such action, and in case the sum recovered in any such actions shall be less than the amount of the costs of the defendant or defendants to be taxed as aforesaid, that then the defendant or defendants, shall be entitled after deducting the sum of money recovered by the plaintiff or plaintiffs in such action, from the amount of his, her or their costs, to be taxed as aforesaid, to take out execution for such Costs in like manner as a defendant or defendants may now by law have execution for Costs in other cases.

Circumstances under which defendant when held to special bail, shall be entitled to costs of suit.

II. And be it further enacted by the authority aforesaid, That in all actions which shall be brought in the Province of Upper Canada after the passing of this Act, upon any judgment recovered, or which shall be recovered, in any Court of the said Province; the Plaintiff or Plaintiffs in such action, on the judgment shall not recover, or be entitled to any costs of suit, unless the court in which such action on the judgment shall be brought, or some Judge of the same Court shall otherwise order.

In actions on judgments, plaintiff not entitled to costs, unless by rule of Court.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, in every action in which the plaintiff or plaintiffs shall be entitled to levy under an execution, against the goods of any defendant or defendants, such plaintiff or plaintiffs may also levy the Poundage fees and expences of the execution, over and above the sum recovered by the judgment.

Plaintiffs may levy poundage and expence of execution beyond the judgment.

IV. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, if any defendant or defendants shall be taken, detained or charged in custody, at the suit of any person or persons upon mesne process, issuing out of the Court of King's Bench, in the said Province, and shall be imprisoned and detained thereon, after the return of such process, it shall and may be lawful for such defendant or defendants, in vacation time only, and upon due notice thereof given to the Attorney of the Plaintiff or Plaintiffs in such process, to put in and justify Bail before the Chief Justice or any of the Justices of the said Court of King's Bench, who may, if he shall think fit, thereupon order a Rule to issue for the allowance of such Bail, and may further order such defendant to be discharged out of custody, by Writ of Superfideas, or otherwise, according to the practice of the said Court, in like manner as the same is, and may be done, by an order from the Court in Term time.

On mesne process after return thereof, defendants in custody may in vacation justify Bail before one justice.

V. And be it further enacted by the authority aforesaid, That no Sheriff or other Officer, in any district of this Province, shall proceed to the sale of any effects, taken by virtue of any Writ of Execution, until public notice in writing thereof is given, at least eight days previous thereto, at the most public place in the Town or Township where such effects may have been taken in execution, and of the time and place where such effects are to be exposed to sale.

Eight days notice to be given of sale by Sheriff.

CHAP. V.

An ACT for applying certain sums of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor in pursuance of several Addresses.

MOST GRACIOUS SOVEREIGN,

[Passed 9th of March, 1809.]

WHEREAS in pursuance of several Addresses of your Commons House of Assembly, to Francis Gore Esquire, Lieutenant Governor of your Majesty's Province of Upper Canada, bearing date

X x

Preamble.

the eighth, ninth, and fifteenth days of March last past, in the forty eighth year of your Majesty's reign, several sums of Money, amounting in the whole to the sum of one thousand and forty-five pounds four shillings and eleven pence farthing have been issued and advanced by your Majesty, through your Lieutenant Governor to the Clerks and other officers of the two Houses of Parliament, for certain contingent expences attending the last Session of Parliament, and for erecting a Light House on Gibraltar Point; May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of one thousand and forty-five pounds four shillings and eleven pence farthing, to make good the said sum of money which has issued and advanced in pursuance of the aforesaid addresses.

C. 2045 4 10 to be issued from the Provincial Treasury, to make good a like sum paid in pursuance of the addresses of the House of Assembly

How to be accounted for.

II. *And be it further enacted by the authority aforesaid,* That the due application of the said sums 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.

C H A P. VI

An ACT for the relief of Menonists and Tunkers in certain Cases.

[Passed 9<sup>th</sup> of March, 1809.]

Preamble

WHEREAS the Religious Societies of the Menonists and Tunkers from scruples of Conscience against taking an Oath, are subject to many inconveniencies to themselves and families as well as to others who may require their evidence; for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, every Menonist or Tunker in any case in which an oath is required by law, or upon any lawful occasion wherein the affirmation or declaration of a Quaker will by law be admitted, shall be, and is hereby permitted to make his or her affirmation or declaration in the same manner and form as a Quaker by the laws now in force is required to do, having first made the following affirmation or declaration, that is to say:—"I A. B. do solemnly, sincerely and truly affirm and declare, that I am one of the Society of Tunkers or Menonists," (as the case may be) which affirmation or declaration as aforesaid of any Menonist or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes in all Courts of Justice and other places where by law an oath is or shall be allowed, authorized, directed or required, as if such Menonist or Tunker had taken an oath in the usual form, and all and every person or persons who is or are or shall be authorized or required to administer any oath required by any law now in force or hereafter to be made, although no express provision is made for the purpose in any such law, shall be, and is or are hereby required to administer such affirmation or declaration.

Menonists and Tunkers permitted to make the like affirmation with Quakers.

False affirmation subject to the like punishment with that of a false oath.

II. *And be it further enacted by the authority aforesaid,* That if any person making such affirmation or declaration shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any matter or thing which if the same had been deposed in the usual form upon oath, would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures and disabilities as by the laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Disabilities of Menonists and Tunkers.

III. *And be it further enacted by the authority aforesaid,* That no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the government in this Province, any thing herein contained to the contrary notwithstanding.

C H A P. VII.

An ACT for granting a sum of Money in aid of the Building a Bridge across the Grand River.

[Passed 9<sup>th</sup> March, 1809.]

Grant.

WHEREAS it is expedient for the safety of his Majesty's subjects that a Bridge be erected across the Grand River, in the County of Haldimand, in the District of Niagara; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the Justices of the Peace or the majority

majority of them, in General Quarter Sessions assembled, in and for the District aforesaid, shall have full power, and they are hereby authorized and empowered to contract with any person or persons to build a Bridge of durable timber across the Grand River, at the most convenient place near the fording place, at the house of the widow of the late Isaac Brant.

II. And be it enacted by the authority aforesaid, That the person or persons so contracting with the Justices of the Peace as aforesaid, shall give security to the said Justices of the Peace, to erect a good and sufficient Bridge, binding the person or persons so contracting, to complete the same within two years from and after the passing of this Act, and that the same shall stand not less than three years from the time that it may be completed and approved of by the Certificate of any two Justices of the Peace for the said District.

III. And be it further enacted by the authority aforesaid, That a sum of money shall be appropriated and paid out of the provincial funds towards building the said Bridge, not exceeding the sum of Two Hundred and Fifty pounds, to be paid to the order of the Justices of the Peace in Quarter Sessions assembled, to the person or persons contracting to build the same. Provided always, that unless sufficient security shall be given by the person or persons contracting to build the said Bridge as is herein before required, it shall not be lawful to issue any warrant or warrants for the payment of the sum allowed to be applied by virtue of this Act.

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 issue a warrant or warrants to the Receiver General to pay the said sum of Two hundred and fifty pounds out of any monies in his hands applicable to the uses of this Province.

C H A P VIII.

An ACT to repeal and amend certain parts of an Act passed the thirty-sixth year of his Majesty's Reign, intituled, An Act for the better regulation of certain coins current in this Province, to equalize them to the standard weight and value of the like Coins in the Province of Lower Canada.

[Passed 9th of March, 1809.]

WHEREAS an Act passed in the Parliament of this Province in the thirty-sixth year of his Majesty's Reign, intituled, "An Act for the better regulation of certain Coins current in this Province" which it is found expedient to alter and amend in order to equalize them to the current value of the like Coins in the Province of 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of the first clause of the above recited Act, by which it is enacted that the value of the Milled Doubloon or four Pistole piece of Spain, weighing seventeen pennyweights Troy, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, for three pounds and fourteen shillings, and the French Louis D'or piece coined before the year one thousand seven hundred and ninety three, weighing five pennyweights and four grains, at one pound two shillings and six pence, and the French Pistole piece, coined before the same year, weighing four pennyweights and four grains, at eight shillings. Also, the second and eighth clauses of the said recited Act, be and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the gold coins hereinafter mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following, that is to say, the milled Doubloon or four Pistole piece of Spain, weighing seventeen pennyweights Troy, at three pounds fourteen shillings and six pence, the French Louis D'or coined before the year one thousand seven hundred and ninety three, weighing five pennyweights and four grains, at one pound two shillings and eight pence, and the French Pistole piece coined before the same year, weighing four pennyweights and four grains, at eighteen shillings and three pence, and all the higher or lower denominations of the said gold coins shall also pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, in the same proportions respectively.

III. And be it further enacted by the authority aforesaid, That for every grain which any piece of British, Portugal or American gold coins, shall weigh more than the standard required by the before recited Acts when weighed by the single piece, there shall be allowed and added in all payments, two pence and one farthing currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one farthing currency, and for every grain which any Spanish or French gold coins shall respectively weigh more than the standard aforesaid, when weighed by the single piece, there shall be allowed and added in all payments two pence and one fifth of a penny currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one fifth of a penny currency.

IV. And whereas it would be a great facility in making payments, if gold coin in certain cases was weighed in bulk and not by the single piece as herein before mentioned, Be it therefore enacted by the authority aforesaid, that every payment exceeding the sum of twenty pounds currency, which shall be made in gold coin, after the passing of this Act, where one of the party making or receiving the same shall require,

Justices for the District of Niagara authorized to contract or building a bridge across the Grand River.

Persons contracting, to give security for the fulfilling of the terms of the contract.

£ 250 to be paid out of the Provincial funds to the contractors after security being given.

Warrants by the Governor, &c to be issued for the payment of the said £250.

Preamble.

Part of the 36th of Geo. the 3d, ch. 1, repealed

Weight and rates of the gold coin which shall pass current in this Province.

Allowance for every grain which any piece of gold coin shall weigh over or under the standard.

Regulations when in payments gold coin is weighed in bulk, and not in single pieces.

if such gold shall be weighed in bulk and not by the single piece, that is to say, the gold coin of Great Britain, Portugal and America together, and that of Spain and France together, and the gold coins of Great Britain, Portugal and America shall be computed at the rate of eighty nine shillings currency, for each ounce Troy, according to the table hereunto annexed, marked A. and that of Spain and France, at the rate of eighty seven shillings and eight pence halfpenny currency for each ounce Troy, according to the table hereunto annexed marked B. and on each of such weighings, a deduction shall be made of one half of a grain Troy for each piece of gold coin so weighed, as a compensation to the receiver or receivers for the loss that may accrue to him, her, or them in afterwards paying away the same by the single piece, which deduction shall be computed respectively at the rates aforesaid, or according to the table aforesaid, to which the description or descriptions of the gold coin so weighed may belong.

B. TABLE  
Of French and Spanish Gold at 87/8 1/2 per Ounce.

GRS.	VALUE.		Dwt.	VALUE.		OZ.	VALUE.		Lib.	VALUE.		
	Shillings.	Pence.		Shillings.	Pence.		Pounds.	Shillings.		Pence.	Pounds.	Shillings.
1	0	2	1	0	4	1	0	4	1	0	5	12
2	0	4	2	0	8	2	0	8	2	0	10	5
3	0	6	3	0	12	3	0	12	3	0	15	6
4	0	8	4	0	16	4	0	16	4	0	20	6
5	0	10	5	0	20	5	0	20	5	0	25	6
6	0	12	6	0	24	6	0	24	6	0	30	6
7	0	14	7	0	28	7	0	28	7	0	35	6
8	0	16	8	0	32	8	0	32	8	0	40	6
9	0	18	9	0	36	9	0	36	9	0	45	6
10	0	20	10	0	40	10	0	40	10	0	50	6
11	0	22	11	0	44	11	0	44	11	0	55	6
12	0	24	12	0	48	12	0	48	12	0	60	6
13	0	26	13	0	52	13	0	52	13	0	65	6
14	0	28	14	0	56	14	0	56	14	0	70	6
15	0	30	15	0	60	15	0	60	15	0	75	6
16	0	32	16	0	64	16	0	64	16	0	80	6
17	0	34	17	0	68	17	0	68	17	0	85	6
18	0	36	18	0	72	18	0	72	18	0	90	6
19	0	38	19	0	76	19	0	76	19	0	95	6
20	0	40	20	0	80	20	0	80	20	0	100	6

FOR every Grain over or under when weighed by the single piece, add or deduct 2 1/2 and when weighed in Bulk, one half of a Grain to be deducted for each piece so weighed, the value of which deduction may be easily found in the Table.

A. TABLE  
Exhibiting the value of British, Portugal and American Gold when weighed in Bulk

GRS.	PENNYWEIGHTS.		OZS.	POUNDS.		GRS.	VALUE.	
	Pounds.	Shillings.		Pounds.	Shillings.		Shillings.	Pence.
1	0	4	1	0	4	1	0	2
2	0	8	2	0	8	2	0	4
3	0	12	3	0	12	3	0	6
4	0	16	4	0	16	4	0	8
5	0	20	5	0	20	5	0	10
6	0	24	6	0	24	6	0	12
7	0	28	7	0	28	7	0	14
8	0	32	8	0	32	8	0	16
9	0	36	9	0	36	9	0	18
10	0	40	10	0	40	10	0	20
11	0	44	11	0	44	11	0	22
12	0	48	12	0	48	12	0	24
13	0	52	13	0	52	13	0	26
14	0	56	14	0	56	14	0	28
15	0	60	15	0	60	15	0	30
16	0	64	16	0	64	16	0	32
17	0	68	17	0	68	17	0	34
18	0	72	18	0	72	18	0	36
19	0	76	19	0	76	19	0	38
20	0	80	20	0	80	20	0	40

FOR every Grain over or under, when weighed by the single piece, add or deduct 2 1/2, and when weighed in Bulk, one half a Grain so to be deducted for each piece so weighed, the value of which deduction may be easily found in the Table.

## C H A P. IX.

An ACT for granting to his Majesty, a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, opening new ones, and building Bridges in the several Districts thereof. [Passed 9th of March, 1809.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it would very much advance the general prosperity of this Province, if the Public Highways and Roads already laid out in the several Districts thereof were amended and repaired, and new additional roads were laid out and opened in certain parts of this Province, to which at present there is very difficult access, and certain bridges are become indispensibly necessary, the want of which at present much endangers the lives of the King's subjects, and whereas the rates heretofore imposed, and the duty required to be performed on the said highways and roads are altogether inadequate to the several purposes aforesaid, and the imposing additional burthens by levying district rates for the purposes aforesaid, would in the present circumstance of this Province be inconvenient, and the necessary provision can only be had out of the surplus of certain duties as yet unappropriated, in order therefore, to defray the expence of repairing, amending, laying out and opening such highways and roads and making such bridges as aforesaid, May it please your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America; and to make further provision for the government of the said Province;" and by the authority of the same, That from and out of the duties already raised, levied and collected, or hereafter to 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 sixteen hundred pounds, to be issued out of the fund now remaining or hereafter to come into the Receiver General's hands unappropriated and arising from such rates and duties as last aforesaid, which said sum of sixteen hundred pounds shall be disposed of, appropriated and applied in repairing the roads already laid out, and in laying out and opening of new roads and making bridges in the several districts of this Province.

**II** And be it further enacted by the authority aforesaid, That the said sum of sixteen hundred pounds shall be appropriated in the following manner, that is to say, to the Eastern District, the sum of two hundred pounds; to the District of Johnstown, the sum of two hundred pounds; to the Midland District, the sum of two hundred pounds; to the District of Newcastle, the sum of two hundred pounds; to the Home District, the sum of two hundred pounds; to the District of Niagara, the sum of two hundred pounds; to the District of London, the sum of two hundred pounds, and to the Western District, the sum of two hundred pounds.

**III** 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 one or more Commissioners or Commissioners for each and every District of this Province, for carrying the provisions of this Act into execution, which Commissioner or Commissioners shall have full power and authority forthwith to proceed to repair and amend, lay out and open such roads and repair and build such bridges in each and every district of this Province to which he or they are respectively appointed.

**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 direct the money so appropriated and apportioned as aforesaid, for each and every District thereof, to be paid to any one of the Commissioners for such District or Districts, whom it may please the Governor, Lieutenant Governor or person administering the Government to appoint to receive the same. Provided nevertheless, and it is hereby declared that nothing herein contained shall repeal or annul, or be held or construed to repeal or annul any of the provisions in any existing Act or Act of this Province contained for raising or levying the rates thereby imposed or compelling the labour by such Acts or in any of them required to be done and performed on any of the Public Highways and Roads comprised in such Act, but all and every such Act and Acts is and are hereby declared to be and continue in full force. Provided also, that nothing in any former Law or Statute of this Province contained, shall from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or Overseer in any such Law or Statute mentioned, in any manner to interfere or give any directions touching or concerning any Road or Highway to be laid out, opened or repaired under and by virtue of this Act. Nevertheless the said Magistrates and Overseers and every of them, is and are hereby authorized to carry into execution all and every such power and authorities as by such Law or Statutes they are invested, within all cases in which the executing such powers will not impede or interfere with the powers or authorities given in and by virtue of this Act.

**V** And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three Calendar months after the last committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act, and if the same shall appear to have been done, or if any such action or suit shall be brought after the time limited for bringing

Preamble:

£ 1600 to be appropriated for the repairing and laying out of roads and making of bridges.

The manner in which the said £ 1600 shall be appropriated.

Governor, &c. to appoint Commissioners for carrying into effect the provisions of this Act.

To whom the said money is appropriated is to be paid.

Acts for raising and levying of rates for highways &c. still to remain in force.

No Magistrate or overseer by virtue of any former Act, to interfere with the carrying into effect the provisions of this Act.

Limitation of actions for any thing done in pursuance of this Act.



ing the same, then the jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared, or if judgment on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recover treble costs, and have the like remedy for the recovery thereof, as the defendants are in any other cases by law entitled to.

The money how to be accounted for.

VI. *And be it further enacted by the authority aforesaid,* That the money hereby granted by his Majesty, shall be paid by the Receiver General in discharge of such Warrant or Warrants as shall for the purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor or person administering the Government of this Province, and not otherwise, 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.

Commissioners for the Home District first to repair the bridge and causeway over the River Don.

VII. *And be it further enacted by the authority aforesaid,* That the Commissioners to be appointed by virtue of this Act for the Home District, shall attend to the repair of the Bridge and Causeway over the River Don, on Dundas Street, before they expend any of the money granted by this Act, elsewhere.

T H E  
S T A T U T E S  
O F H I S M A J E S T Y ' S P R O V I N C E O F  
U P P E R - C A N A D A .

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

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

C H A P . I .

*An ACT to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose.*

[Passed 12th March, 1810.]

Preamble.

WHEREAS the present mode of laying out, amending, and keeping in repair the Public Highways and Roads within this Province, and the method of performing Statute Labour thereon, is found inconvenient. Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That an Act passed in the thirty-third year of his present Majesty's reign, intituled, "An Act to regulate the laying out, amending and keeping in repair the Public Highways and Roads within this Province"; and also an Act passed in the thirty-eighth year of his present Majesty's reign, intituled, "An Act to alter the method of performing Statute duty on the Highways and Roads within this Province", shall be and the same are hereby repealed.

33d Geo. 3d, ch. 4—30th George 3d, ch. 7, repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his Majesty's Justices of the Peace in General Quarter Sessions assembled in the month of April in each and every year, in the several Districts of this Province, except in the Districts of London and Johnstown, and in the District of London for his Majesty's Justices of the Peace so assembled, in the month of June, and in the District of Johnstown, for his Majesty's Justices of the Peace so assembled, in the month of May, in each and every year, or the majority of them, to appoint as occasion may require, one or more Surveyor, or Surveyors of Highways, in each and every County and Riding, throughout this Province within their respective Districts, to lay out and regulate the Highways and Roads within such County or Riding, in manner herein after mentioned, and such Surveyor or Surveyors, before he or they shall enter upon their office, shall before any Justice of the Peace take and subscribe the following Oath, which Oath the said Justice is hereby authorized to administer. *I A. B. do swear, that I will faithfully and diligently discharge the duty of a Surveyor of Highways, agreeably to the provisions of an Act passed in the Fifteenth year of his Majesty's reign, intituled, "An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Law now in force for that purpose."* And if on complaint made, or otherwise it shall appear to the Justices of the Peace in Quarter Sessions assembled, that any such Surveyor or Surveyors is or are incompetent to the discharge of his or their duty, or negligent in the performance

Surveyors of the Highways to be appointed by the Quarter Sessions.

Oath of the Surveyors of the Highways.

formance thereof, it shall and may be lawful for the said Justices so assembled, to remove the said Surveyor or Surveyors.

III. *And be it further enacted by the authority aforesaid,* That upon application in writing being made to any such Surveyor by Twelve Freeholders of any such County or Riding, stating that any Public Highway or Road in the neighborhood of the said Freeholders now in use, is inconvenient and may be altered so as better to accommodate His Majesty's Subjects and others travelling thereon, or that it is necessary to open a new Highway or Road, it shall and may be lawful for such Surveyor and he is hereby required to examine the same and report thereon in writing to the Justices at their next ensuing Quarter Sessions, describing particularly the alteration intended to be made, or new Highway or Road to be opened, giving at the same time public notice thereof by affixing or causing to be affixed, a copy of the said report in two or more of the most public places next adjacent to the place where the said alteration is intended to be made, or new Highway or Road to be opened, and if no opposition, as hereinafter mentioned, shall be made to such report, it shall and may be lawful for the said Justices or the major part of them, and they are hereby required to confirm the said report, and to direct such alteration to be made, or such new Highway or Road to be opened accordingly. And when and so often as any application shall be made to the said Justices in Quarter Sessions assembled as aforesaid, in opposition to the said report, it shall and may be lawful for the said Justices on its being made to appear to their satisfaction, that due notice hath been given to the Surveyor by whom such report as aforesaid was made, to direct a Jury of Twelve disinterested men to be empaneled out of the persons returned to serve as Jurors at the said Sessions, who after hearing evidence upon Oath, touching and concerning the said intended alteration, or new Highway or Road, shall upon their Oath, either confirm or annul the said report, or so alter and modify the same as the exigency of the case may appear to require, and their Verdict shall be final, and the said Justices shall direct such highway or road to be altered or opened accordingly. And such highway or road so altered or opened, shall be and is hereby declared to be a common and Public highway. And the said report so confirmed or altered, shall remain as a record and description of the said highway or road, in the Office of the Clerk of the Peace, and a copy thereof shall be entered in a book to be by him kept for that purpose, and for every such entry, he shall be allowed the sum of five shillings and no more, to be paid out of the Treasury of the District.—*Provided always,* that it shall not be lawful to lay out or alter any Public highway or road so as to lead the same through any Orchard or Garden, or to remove any Building without the consent of the owner first had and obtained, any thing in this Act contained to the contrary in any wise notwithstanding.

IV. *And be it further enacted by the authority aforesaid,* That when and so often as it shall appear to the Justices of the Peace in Quarter Sessions assembled, that it will be necessary or useful to employ a Surveyor of Lands, in laying out or altering any highway or road as aforesaid, it shall and may be lawful for them to order and direct any Surveyor of highways of the County or Riding in which such highway or road is intended to be laid out or altered, to employ such Surveyor of Lands, who shall be paid out of the District Treasury, by an order of the said Justices, for the number of days in which he shall have been so employed, at the rate of Ten shillings for each day.

V. *And be it further enacted by the authority aforesaid,* That the width of the roads hereafter to be laid out, shall be left to the direction of the Surveyor or Surveyors for the time being, of the County or Riding through which such roads may pass, so that the same shall not be less than thirty feet, nor more than sixty feet. *Provided always,* That the roads in front and between every Concession, shall in no case be less than sixty feet, except in such Township, reputed Township, or place where the allowance for road by Government, shall be less than sixty feet.

VI. *And be it further enacted by the authority aforesaid,* That all Bridges and Causeways hereafter to be built upon any Public highway or road, shall not be less than fifteen feet in width, and in order to provide materials for the same, it shall and may be lawful for the Overseers to direct the labourers performing such duty as hereinafter mentioned, to cut down and make use of any Trees standing upon any uninclosed and unimproved Lands that may be most convenient and best adapted to building or repairing such Bridges or Causeways as aforesaid.

VII. *And be it further enacted by the authority aforesaid,* That when any Public highway or road does pass by any deep water or dangerous precipice, the Overseers shall cause good and sufficient Fences to be erected at the sides of the said highway or road, for the security of his Majesty's subjects, and others who may travel thereon.

VIII. *And be it further enacted by the authority aforesaid,* That every such Surveyor of highways as aforesaid, for the time being, shall be allowed seven shillings and six-pence per day, for every day in which he shall be necessarily employed in carrying into effect the provisions of this Act, an account of which, such Surveyor shall present to the Justices of the Peace in Quarter Sessions assembled, for their inspection, who being satisfied that such account is proper and correct, shall order and direct the Treasurer of the District forthwith pay the same.

IX. *And be it further enacted by the authority aforesaid,* That in all cases when it shall be found necessary to alter the direction of any such highway or road already laid out, so that the Land through which it formerly passed, shall become unnecessary for a Public highway, that in such case it shall and may be lawful for any Surveyor or Surveyors to be appointed under and by virtue of this Act, and he or they are hereby fully authorized and required to sell such Land, and to grant the same under his hand and seal, or their hands and seals to any purchaser, which sale and grant as aforesaid, shall convey a legal Title to such purchaser. *Provided nevertheless,* that if the owner or owners of the Land through which such new road may

The Surveyors, on application to alter or open a road, shall report thereupon to the Quarter Sessions—*if no opposition, the report to be confirmed—if opposition, the report to be confirmed, annulled or modified by a Jury.*

No highway to be altered so as to lead through any Orchard, &c. or to remove any building without the consent of the owner.

Quarter Sessions may authorize the Surveyor of Highways to employ a Surveyor of Lands.

Pay of Surveyor of Lands.

Width of the roads.

Width of the Bridges and Causeways, trees to be cut down for building of the same.

Fences to be erected where there are waters or precipices.

Pay to be allowed to the Surveyors of Highways.

Surveyor to sell the Land through which an old road formerly passed, unless the owners of the Land through which the new road may pass, shall take the same as a compensation.

pass, shall be willing to accept the old road as a compensation, such owner or owners, shall and may take the same by a conveyance under the hand and seal of the Surveyor or Surveyors as aforesaid, which he or they are hereby fully authorized to give.

X. *And be it further enacted by the authority aforesaid,* That when any sale shall take place as aforesaid, the money arising therefrom, shall be given to the owner or owners of the Land through which the new road may pass, as an indemnification for the same, and if such owner or owners shall not be satisfied therewith, it shall and may be lawful for him, her, or them, to signify the same to the said Surveyor or Surveyors, who are hereby required to report the further claim for compensation of such owner or owners, to the Justices of the Peace at the next ensuing Quarter Sessions, assembled, and to give notice to the said owner or owners to appear at the said Sessions, and the Justices so assembled, shall direct a Jury of Twelve disinterested men to be empannelled out of the persons returned to serve as Jurors, at such Quarter Sessions, and the said Jury shall upon their oaths determine whether any, and what further sum shall be allowed to such owner or owners as aforesaid, and their verdict shall be final; and in case such Jury shall award any further sum to such owner or owners, the said Justices so assembled as aforesaid, are hereby authorized and required to order and direct the Treasurer of the District, forthwith to pay the same.

XI. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace acting within their respective Counties or Ridings for the time being, shall and may (at a special Sessions in the month of March, to be holden for that purpose,) divide their respective Parishes, Townships or Ridings, into divisions, which they shall allot to the Overseers of the Highways and Roads, and the said Overseers shall superintend, repair, and keep in order the Highways and Roads, Streets and Bridges in their several divisions, and the said Justices, or the majority of them, may from time to time, order any Overseer to work upon any highway or road within his division, as they shall think necessary, and the said Overseer shall within ten days after having received such order, summon such persons within his division, as are obliged to perform Statute Duty or labour, and order them to work on such part of the road or highway, as they shall be directed to amend or repair, and shall direct all persons performing such labour, to destroy as much as may be in their power, all weeds that are hurtful to husbandry, and every person neglecting or refusing to obey such order, shall be subject to the like penalties, as if he had been a wilful defaulter for that day, or for such time as he shall have neglected or refused, and if any Overseer shall refuse or neglect to summon such persons as aforesaid, and let them to work on such road or highway as he shall be directed to amend or repair, he shall for every such neglect or refusal, forfeit the sum of forty shillings, to be recovered in manner hereinafter set forth.

XII. *And be it further enacted by the authority aforesaid,* That all allowances for roads, made by the King's Surveyors in any Town, Township or place already laid out, or which shall be made in any town, township or place within this Province, and also all roads laid out by virtue of any Act of the Parliament of this Province, or any roads whereon the Public Money hath been expended for opening said roads throughout this Province, or whereon the Statute labour hath been usually performed, or any roads passing through the Indian Lands, shall be deemed common and Public highways, unless any such Roads have been already altered according to Law, or until such road or roads shall be altered according to the provisions of this Act.

XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall wilfully stop up or encumber any such road or roads as aforesaid, or shall pull down or destroy any Fences along canals or preceptices, or railing of Bridges, that have been or shall be put up according to Law, for the security of travellers; he, she, or they shall forfeit and pay for every such offence, the sum of two pounds, to be recovered in manner hereinafter mentioned.

XIV. *And be it further enacted by the authority aforesaid,* That the persons to be employed as Overseers of the highways and roads in every Parish, township or place within this Province, shall be nominated and appointed according to the provisions for that purpose made, in a certain Act of the Legislature of this Province, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," and also by an Act intituled, "An Act to alter and amend an Act passed in the thirty third year of his Majesty's reign, intituled, "An Act to provide for the nomination and appointment of Parish and Town officers, and also to repeal certain parts of an Act passed in the thirty third year of his present Majesty's reign, intituled, "An Act to authorize and direct the laying and collecting the 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."

XV. *And be it further enacted by the authority aforesaid,* That the Overseers of every Township, reputed Township or place, shall severally make out and keep a list of every person who is the owner of a Cart, Waggon, Plough, Sled or Team, within their division, and likewise of all the Inhabitants of such division, who are liable, under the directions of this Act, to work upon the highways; a copy of which list shall be subscribed by the said Overseers respectively, and delivered to the Justices of the Peace acting within the County or division to which they the said Overseers belong, within twenty days after they shall have been appointed Overseers as aforesaid, and the said Overseers for every Township, reputed Township or place, and each of them shall carefully and diligently collect the several compositions, forfeitures and sums of Money directed and allowed to be received and taken within the same, by virtue of this Act, within the year for which he is appointed Overseer, and shall also keep one or more Book or Books containing an account of the duty or labour done, compounded for or unperformed by every person liable to discharge the same within his division, and also, a just, true and fair account to be verified on oath, if required, which

Oath,

The price of the Land sold, to be given to the owner of the Land through which the new road may pass.  
—If he is not satisfied with the same, a Jury to determine what compensation he shall receive.

Justices to ascertain the divisions which they shall allot to the overseers in Parishes, Townships &c.—may give orders to the overseers.

Duty of the overseer.

Penalty for not obeying the summons and order of the overseer

Penalty if the overseer shall neglect to summon.

What shall be deemed a common and public highway.

Penalty for stopping or encumbering roads, destroying fences and railing of bridges.

Manner of appointing Overseers, of the highways.

List to be made of persons liable to work on the highways.

Copy to be delivered to the Justices of the Peace.

Overseers to collect compositions and forfeitures

—to keep an account of the duty done, compounded, or unperformed.

Oath the Justices are hereby authorized to administer, of all such money as shall have come into his hands in respect to such division, by virtue of and for the purposes of this Act, and to whom and on what occasion he shall have paid and applied the same, and also, of the sums of money that shall then remain due and owing, from any person or persons in respect of payments, compositions and forfeitures, to be taken and received for and in respect of the said highways, by virtue of this Act; which Book or Books shall be delivered to the said Justices, acting within their respective Divisions or Counties, at some special Sessions to be holden for that purpose, in the month of March in every year.

Also of such money as he shall have received by virtue of this Act, and how applied—also of what money is due—such account to be delivered to the Justices at special Sessions.

XVI. And be it further enacted by the authority aforesaid, That the roads and highways in, and through every Township, reputed Township, or place, shall be cleared, repaired, and maintained by the Inhabitants thereof, and that every person liable to work by virtue of this Act, shall either in person or by a sufficient man in his stead, be obliged to work on the said road, and shall have and bring with him, one spade, pick axe, bar, or such other tool or instrument, useful for the purposes aforesaid, as he may be owner of, and he directed by the Overseers to bring for and during any space of time he may be liable to work on the said roads in each and every year, allowing eight hours to each days work, and that every person within each Township, reputed Township or place, keeping a Cart, Waggon, or Team of two horses, oxen or beasts of burthen or draught, fited to draw the same, shall send on every day to be appointed by the said Overseers, a Car, Waggon or Team, and one able man to drive the same, for such space of time as he shall be held liable to work on the said roads by this Act, to work on the highways, roads, streets or bridges, allowing eight hours to each days work, which said days work shall be held equivalent to two days personal labour, and if any labourer or driver shall refuse or neglect to work, or to carry good and sufficient loads during the time above mentioned, it shall and may be lawful for the said Overseer to discharge such labourer or driver, team, and cart, and each labourer or driver of such team or cart, shall be liable to the forfeiture which every such person would have incurred by virtue of this Act, in case such labourer had not attended, or such team, cart and driver had not been sent.

Persons who shall work on the highroads,

to bring Tools for that purpose.

Hours of working.

Manner of working.

Penalty for negligence, &c. in working.

Notice from the Overseer to work.

Penalty for not working in pursuance of such notice, with cart, waggon, &c. and also for not performing personal labour.

Application of such forfeitures.

Recovery of forfeitures before making up of accounts.

Roll of composition for labour.

Composition money to be paid to Overseer.

Application of the same.

Surveyor, when money is wanting for any work of advantage on the public highways, to certify, &c.

Justices in Quarter Sessions, may order such work to be performed, and money not exceeding £50 to be paid for it.

XVII. And be it enacted by the authority aforesaid, That each Overseer shall from time to time give to every person, or leave, or cause to be left at the house, or usual place of abode of every person within his division liable to perform the duty and labour by this Act directed, three days notice at least, either verbally or in writing, of the day, hour and place upon which each of the said days duty shall be performed, and every person possessed of a cart, waggon, or team, having been duly notified as aforesaid, and not having paid such composition as hereinafter is mentioned, who shall make default in sending such cart, waggon, or team, with an able man to drive the same, or in performing the said duty at the time and place to be notified to him in manner aforesaid, shall for every such default, forfeit and pay the sum of Ten shillings, and that every person as hereinafter mentioned, liable to such personal labour, having been duly notified, and not paid such composition money as directed by this Act, who shall not appear or send a sufficient man in his stead, with such tool or instrument, at such time and place as by the said notice shall be directed, shall forfeit and pay for every such default, the sum of five shillings; all which forfeitures shall be applied to the use of the highways of the Townships, reputed Townships or places respectively, in which such default shall have been made, and the said Overseers shall fairly and equally demand and require such duty and labour from every person liable to perform the same, according to the directions of this Act, without favor or partiality to any person or persons whatever, and every Overseer shall and may, and he is hereby required with all convenient speed, after default made as aforesaid, to proceed to the recovery of the fines and forfeitures hereby inflicted in manner hereinafter directed, so that the same may be recovered before he makes up his accounts in manner directed by this Act.

XVIII. Provided also, and be it enacted by the authority aforesaid, That any person liable to perform the said duty by sending a cart, waggon, or team, with a driver to the same, in manner aforesaid, may compound for such duty if he or she may think fit, by paying to the said Overseer, at the time and in the manner hereinafter mentioned, the sum of six shillings for each cart, waggon or team and driver, for each day; and every person liable to perform such labour as aforesaid, may compound for the same, if he or she shall think fit, by paying to the Overseer the sum of three shillings for, and in lieu of every such days duty or labour respectively, at the time and in the manner directed by this Act.

XIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person who may be desirous of compounding for any Statute labour as aforesaid, to pay the composition money allowed by this Act, to the Overseer of the highways, of the division in which such person shall reside, within two months after the appointment of the said Overseer, which payment shall be in full satisfaction of the Statute labour of such person, for the current year, in which the same shall be made, and the Overseer of each and every division, shall apply such composition money, to the use of the highway, within the year of his appointment.

XX. And be it further enacted by the authority aforesaid, That when the said Surveyors of the highways, or any of them acting within their said Counties, shall be of opinion that a further sum will be wanting, to undertake any particular work of manifest general advantage, on the public highways, that he or they may and is and are hereby required to certify the same, by a writing under their hands, to the Justices of the Peace in General Quarter Sessions assembled, within their respective Districts, and may report to them an estimate, of the additional sum required to complete such work, and if it shall appear to the majority of the said Justices, then and there assembled, that such proposed work is necessary, and that it is expedient to undertake the same; they may come to a resolution to such effect, and declare they will take the matter into consideration at the next ensuing General Quarter Sessions, advising such resolution in each respective

**District Treasury for performance of the same.**

**Trees cut down or falling out of inclosed Lands, across the highway, shall be removed by the owner of such Lands.**

**Penalty for neglecting to remove.**

**Mode of recovering forfeitures under this Act.**

**Application of the same.**

**Overseer neglecting to apply composition money to the use of the highways, or refusing to account for the same, liable to imprisonment, &c. until he shall render an account, and pay over to the Justices that money.**

**Such money to be paid by the Justices to the overseer for the ensuing year, to be applied as other composition money.**

**Swearing falsely liable to the punishment of wilful perjury.**

**Seasons in the year in which no Statute labour is to be performed.**

**Duty of Overseers in case any highways shall be obstructed by snow.**

**Stakes and beacons to be stuck on each side of the roads and over frozen waters when necessary.**

**Penalty for neglect.**

**Special Sessions may be held for the purpose of this Act, by two or more Justices.**

**Persons shall be liable to work on the highways in proportion to the assessment**

to the District to which they may belong, and in case it shall be deemed advisable by the greater number of the Justices, at such subsequent Quarter Sessions assembled, upon further consideration, that such resolution should be confirmed, it shall and may be lawful for the said Justices to order and direct such work to be performed, and when performed, to order and direct the Treasurer of the District, to pay the amount of the same, (provided it do not exceed fifty pounds) out of the District Treasury.

**XXI. And be it further enacted by the authority aforesaid,** That if any Tree shall be cut down after the passing of this Act, or fall out of any inclosed Land, into, or across any of the public highways, that the owner or occupier of such inclosure, shall within the space of twenty four hours after he shall receive notice of its having so fallen, remove the same; and if aliter such notice thereof is given to such owner or occupier as aforesaid, he shall neglect to remove such Tree out of such road, within the space of twenty four hours, he shall forfeit and pay the sum of ten shillings, for every day such Tree shall be unremoved after receiving such notice as aforesaid.

**XXII. And be it further enacted by the authority aforesaid,** That all fines and forfeitures accruing by virtue of this Act, shall be recovered before any two or more of his Majesty's Justices of the Peace, by confession, or upon the Oath of one credible witness, and shall be levied by Warrant, under the hand and seal of either of the said Justices, by distress and sale of the goods and chattels of the person so offending, (rendering the overplus money, if any there be) to the owner or owners, after deducting the necessary charges of such distress and sale, and in default of such distress, it shall and may be lawful for any Justice as aforesaid, to commit the person so offending, to the common gaol for any time not exceeding one month, unless the fines and forfeitures, costs and charges shall respectively be sooner by him paid; and the produce of all compositions, fines and forfeitures, shall be applied towards the making or repairing of the public roads and bridges, within the Township and division where the same shall arise.

**XXIII. And be it enacted by the authority aforesaid,** That if any Overseer of the highways, shall neglect to apply any composition money to the use of the highways in such manner as he shall have been directed, by the Justices of the division at their special Sessions, or refuse to account to the Justices for the same; it shall and may be lawful for such Justices upon conviction of the offender, by confession or on Oath of one credible witness, to commit him to the common gaol of the District, until he shall render a true account of such composition money, under Oath, and shall pay or cause the same to be paid into the hands of such Justices, provided such imprisonment shall not exceed three months.

**XXIV. And be it further enacted by the authority aforesaid,** That such money as shall be received by the Justices as aforesaid, shall by them be paid to the Overseer, for the next ensuing year, to be by him applied in like manner as other composition money.

**XXV. And be it further enacted by the authority aforesaid** That if any Overseer who shall be sworn to an account of composition money under and by virtue of this Act, shall swear falsely, he shall upon conviction thereof, suffer all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable.

**XXVI. And be it enacted by the authority aforesaid,** That in order to prevent as much as possible, any inconvenience to persons liable to work on the highways and roads in each and every year; there shall be two periods or times in the year, in which no Statute duty shall be performed, that is, from the tenth day of May, to the tenth day of June, and from the first day of July, to the first day of October, except in such cases where the highways be obstructed by the fall of any tree or trees, or by any other accident.

**XXVII. And be it further enacted by the authority aforesaid,** That after any fall of Snow by which any highway shall be obstructed, it shall and may be lawful for the said Overseers of the Town or Township through which the said highway may run, and they are hereby required in their respective divisions, to order and direct such and so many persons liable to work on the said highways and roads next adjoining the same, being persons possessed of a sleigh or sledge and team, to open a free passage through the said highway, by driving or causing their sleighs or sledges to be driven, over and through the said highway. Provided always, that the said labour shall not interfere, or be construed a part of the Statute labour, herein after mentioned.

**XXVIII. And be it enacted by the authority aforesaid,** That it shall and may be lawful for the said Overseers, and they are hereby required to cause the inhabitants liable to work on the said highways and roads, to set up or cause to be set up, on each side of the said highways and roads, or over any frozen waters, stakes or beacons, so as to direct travellers, when and so often as occasion may require, by reason of great falls or drifts of snow; and any person refusing or neglecting so to do, when thereunto required by the said Overseer, shall be liable to the same fines and forfeitures, as those neglecting to perform their proportion of Statute labour on the highways or roads, as herein after mentioned, and to be recovered in manner aforesaid.

**XXIX. And be it further enacted by the authority aforesaid,** That it shall and may be lawful, for any two or more Justices of the Peace within their respective divisions, and they are hereby empowered from time to time, whenever they shall judge proper, to hold any special Sessions, besides that which is herein before directed in the month of March, for executing the purposes of this Act, and to adjourn the same as they shall think fit, causing six days public notice to be given of the time and place of holding such special Sessions, and the adjournments thereof.

**XXX. And be it further enacted by the authority aforesaid,** That from and after the passing of this Act every person included or inserted in or upon the Assessment Roll of any Township, reputed Township or place, shall in proportion to the estimate of his real and personal property, be held liable to work on the

the highways or roads in each and every year, as follows: that is to say, if his property be not rated at more than twenty five pounds, then his proportion of labour on the highways, shall be three days; if at more than twenty five pounds, and not more than fifty pounds, four days; if more than fifty pounds, and not more than one hundred pounds, six days; if at more than one hundred pounds, and not more than two hundred pounds, eight days; if at more than two hundred pounds, and not more than three hundred pounds, ten days; if at more than three hundred pounds, twelve days. Provided always, that every person possessed of a waggon, cart, or team of two horses, oxen or beasts of burthen or draught, used to draw the same, shall be liable to work on the highways not less than six days, any thing herein contained to the contrary, in any wise notwithstanding.

XXXI. *And be it enacted by the authority aforesaid,* That if through inadvertence or otherwise, the name of any person or persons having real or personal property, shall not have been inserted on any Assessment Roll, such person or persons shall nevertheless be liable to work on the highways or roads, in proportion to the amount of the sum for which he or they ought to have been assessed.

XXXII. *And be it enacted by the authority aforesaid,* That when and so often as it may appear to the Justices in special Sessions assembled, for the purposes of this Act, that the full amount of Statute labour will not be wanted in any Town, Township, reputed Township or place, within their division, it shall and may be lawful for the Justices to lessen the same, in proportion to the labour required by law, from each and every inhabitant thereof.

XXXIII. *And be it further enacted by the authority aforesaid,* That the Overseers of the highways, and all persons acting, or who shall have acted under their directions, in the execution of such orders as they shall have received from the Justices of the Peace, acting as commissioners of highways, relative to the performance of their duty on such highways, are hereby discharged from any action of trespass, now pending or hereafter to be brought in any of his Majesty's Courts within this Province, for any act or acts that the said Overseers, or any person or persons acting under their direction as aforesaid, may in the execution of such orders and directions, have committed or done.

XXXIV. *Provided always, and be it further enacted by the authority aforesaid,* That if any action or suit, shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three Calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at the trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant or defendants, or if the plaintiff or plaintiffs, shall become nonsuit or discontinue his, her, or their action, after the defendant or defendants have appeared, the defendant or defendants, shall and may recover treble costs, and have the like remedy for the recovery thereof, as in any other cases by law.

XXXV. *And be it further enacted by the authority aforesaid,* That when any highway or road shall be altered, amended or laid out, under the provisions of this Act, that the soil and freehold of such highway or road, shall be thereby vested in his Majesty, his heirs and successors.

#### C H A P. II.

*An Act for granting to his Majesty, a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof.* [Passed 12th March, 1810.]

#### MOST GRACIOUS SOVEREIGN,

WHEREAS it would very much advance the general prosperity of this Province, if the Public Highways and Roads, already laid out in the several Districts thereof were amended and repaired, and new and additional Roads were laid out and opened in certain parts of the Province to which at present there is very difficult access, and certain Bridges are also become indispensably necessary, the want of which at present much endangers the lives of the King's Subjects; May it please your Majesty that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 use of this Province, there be granted to his Majesty, his heirs and successors, the sum of two thousand pounds to be issued out of the funds now remaining, or hereafter to come into the Receiver General's hands, unappropriated, and arising from such Rates and Duties as last aforesaid, which said sum of two thousand pounds shall be disposed of, appropriated and applied in repairing the Roads already laid out, and in laying out and opening of new Roads and making Bridges in the several Districts of this Province

II. *And be it further enacted by the authority aforesaid,* That the said sum of two thousand pounds shall be appropriated in the following manner:—To the Eastern District, the sum of three hundred pounds, to be expended on the Road commencing at the Province line between Upper and Lower Canada, at the bottom of the large bay above Point a Bodet, near where the now road is cut out, from thence to Mac-

of their real and personal property.

The number of days on which labour is to be performed on the highways aforesaid according to the assessment.

If the name of any person is omitted in the assessment Roll through mistake, he shall nevertheless be liable to work.

When the whole of the Statute labour not required, Justices may lessen the same.

Protection of overseers in the discharge of their duty.

Actions founded on things done in pursuance of this Act to be commenced within three months.

Plaintiff to pay treble costs on nonsuit or discontinuance

Soil and Freehold of Roads under the provisions of this Act vested in his Majesty his heirs and successors.

REAMS,

£2000 to be applied in repairing roads already laid out and laying out and opening of new roads and making bridges in the several Districts of this Province

Appropriation in certain proportions of the said sum of £2000 to each of the respective Districts of this Province.

Pherson's

The Roads in each District on which the said sum so appropriated, shall be laid out.

Pherson's Inn, and from thence to M'Dougall's Inn, and from thence to the Bridge at the mouth of the River aux Raisin, and from thence to the widow Cameron's Inn. To the District of Johnstown, two hundred pounds, which sum shall be expended on the Roads as follows: one hundred and fifty pounds on the main travelling road, commencing at Charles Jones's Mills in the Township of Yonge, and to continue on upwards to the Easternmost Boundary of the Midland District; and fifty pounds on the Road leading from the Iron Works in Landsdown, to Kingston, to commence at Levy Hotchkiss's in Leeds, thence to continue on to the Easternmost Boundary of the Midland District: To the Midland District, two hundred and fifty pounds, which sum shall be expended on the Roads as follows, that is to say, from the Eastern Boundary of the Township of Pittsburg, by the King's Mills, to the Town of Kingston, the sum of fifty pounds; from the East side of Collins's Creek in the Third Concession of the Township of Kingston to the road passing through the Fourth Concession of Earnestown forty pounds; from the Western Boundary of the Township of Richmond, to the Eastern Boundary of the Township of Thurlow seventy pounds; to the Bridge to be built at the Floating Bridge Bay in the First Concession of Ernestown sixty pounds; from Isaac Garret's to the Carrying Place in the Township of Amcliaburgh thirty pounds: To the District of Newcastle two hundred and fifty pounds, which sum shall be expended on the roads in the said District, as follows; on the road leading from the Carrying Place at the head of the Bay of Quinty, to the Mills on Lot Number Thirty-Four in the First Concession in the Broken Front of Murray, sixty pounds; on Dundas Street from the River Trent, to the East Line of the Township of Cramahe, forty pounds; on the road near the line in the front of the second Concession of the Township of Cramahe twenty five pounds; on the front Road in the township of Clark, fifty pounds; on Dundas Street, leading through the township of Darlington, seventy-five pounds: To the Home District, two hundred and fifty pounds, which sum shall be expended in the following manner, that is to say, the sum of one hundred and twenty pounds, to be expended towards the erecting and building a bridge across the River Credit, adjoining Dundas Street, between the township of Etobicoke and Toronto; and that the sum of fifty pounds be expended on the road leading from the River Etobicoke to the Head of Lake Ontario, commonly called the Middle Road, and eighty pounds be also expended between the River Ouse or Nen, and the District of Newcastle on Dundas Street: To the Niagara District, the sum of two hundred and fifty pounds, which said sum of money shall be expended as follows, from Buchner's Bridge in Willoughby, to William Street's in Humberstone, the sum of fifty pounds; from Queenston Westerly to the junction with the Black Swamp road, twenty pounds; from Peint's Tavern to Lockwood's Tavern in Silfleeet, eighty pounds; on the Grand River Swamp, one hundred pounds, from Vandelp's Tavern in Ancaster, to Fowler's Tavern in the County of Halldimand: To the District of London three hundred pounds, which said sum shall be expended as follows, on the public road leading through the Township of Burford to Oxford, and to the Western District of this Province, between John Yeigh's now dwelling house in Burford, and Captain Canfield's in Oxford, fourteen miles, the sum of forty-five pounds; between the said Captain Canfield's and Jaskens's, eight miles, forty pounds; and between Cartwright's now dwelling house and Reynolds's Mills in Dorchester, fifty pounds; from Reynolds's Mills in Darcheller, to M'Millen's in Wellminster, sixty-five pounds; West of the Delaware Town in the Wilderness, the sum of one hundred pounds: To the Western District, two hundred pounds, which said sum shall be expended as follows, from the Moravian Line on the public highway now travelled to Amherstburgh.

Governor, Lieut. Governor, or Person administering the Government, to appoint Commissioners. Power of the Commissioners.

III. *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 one or more Commissioner or Commissioners, for each and every District of this Province, for carrying the provisions of this Act into execution, which Commissioner or Commissioners, shall have full power and authority to proceed to repair and amend, lay out, and open such roads, and build such bridges in each and every District of this Province, as herein before described, to which he or they are respectively appointed; and the said Commissioner respectively, shall cause the work required by this Act, to be done or performed between the first day of May, and the first day of November.

Governor, Lieut. Governor, &c. to direct the money so appropriated for each District to be paid to one of the Commissioners for that 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 direct the money appropriated and apportioned as aforesaid, for each and every District thereof, to be paid to any one of the Commissioners for such District or Districts, whom it may please the Governor, Lieutenant Governor, or Person administering the Government to appoint to receive the same.

Oath of the Commissioners.

V. *And be it further enacted by the authority aforesaid,* That before any Commissioner shall proceed to carry into execution the several powers and authorities by this Act conferred, he shall take the following oath: *I A. B. do swear that I will faithfully and impartially, to the best of my skill and judgment, perform and carry into execution the several powers and authorities in me vested, in and by a certain Act of the Legislature of this Province, intitled, "An Act for granting to his Majesty, a certain sum of Money out of the funds applicable to the uses of this Province, to defray the expences of amending, and repairing the public highways and roads, laying out and opening new roads, and building bridges in the several Districts thereof;" without favor or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands for the purpose of carrying the provisions of this Act into execution. SO HELP ME GOD.* Which said oath shall be taken before any one of his Majesty's Justices of the Peace in and for the District for which such Commissioner shall be appointed, and a certificate of such oath the

the Justice administering the same is hereby required to transmit to the Clerk of the Executive Council of this Province with all convenient speed after such oath shall have been by him administered: Provided nevertheless, and it is hereby declared, that nothing herein contained shall repeal or annul, or be held or construed to repeal or annul any of the provisions of in any existing Act, or Acts of this Province contained, for raising or levying the rates thereby imposed, or compelling the labour by such Acts, or in any of them required to be done and performed on any of the public highways and roads comprised in such Act; but all and every such act and acts, is, and are hereby declared to be and continue in full force. Provided also, that nothing in any former law or statute of this Province contained shall, from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or Overseer in any such law or statute mentioned, in any manner to interfere or give directions touching or concerning any road, or highway to be laid out, opened, or repaired under and by virtue of this Act: Nevertheless, the said Magistrates and Overseers, and every of them, is, and are hereby authorized to carry into execution all and every such power and authorities as by such law, or statutes, they are invested with in all cases in which, the executing such power will not impede, or interfere with the powers or authorities given in, and by virtue of this Act.

No Magistrate or Overseer by virtue of any former Act, to interfere with the carrying into effect the provisions of this Act.

VI. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then, and in every such case, such action or suit shall be commenced or prosecuted within three calendar months after the fact committed, and not afterwards; and the Defendant or Defendants in any such action or suit, shall and may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon; and that the same was done in pursuance & by the authority of the present Act, and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the Defendant, or Defendants; or if the Plaintiff or Plaintiffs shall become non suit, or discontinue his, her, or their action, after the defendant or defendants shall have appeared, or if judgment on demurrer shall be pronounced for the defendant or defendants, the defendant or defendants in all and every the several cases aforesaid, shall and may recoverable costs, and have the like remedy for the recovery thereof, as the Defendants are in any other cases by law entitled to.

Limitation of actions for any thing done in pursuance of this Act.

VII. *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 purposes herein before set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person administering the government of this Province, and not otherwise, 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.

The money how to be paid and accounted for.

C H A P. III

An ACT to extend the provisions of an Act passed in the forty-seventh year of his Majesty's reign, intituled, "An Act for the preservation of Salmon." [Passed 12<sup>th</sup> March, 1810.]

WHEREAS the provisions of an Act passed in the forty seventh year of his Majesty's Reign, intituled, "An Act for the preservation of Salmon," are found inadequate. Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That no person or persons, shall within the Home District of this Province, from and after the Twenty fifth day of October in each and every year hereafter, take, catch, or attempt to take, catch, or kill, in any manner whatever, any Salmon or Salmon Fry, until the first day of January in each succeeding year, nor in any time whatever, in any River or Creek in the said District, within one hundred yards of any Mill or Mill Dam already erected, or to be hereafter erected.

Preamble.

No person in the Home District after 25<sup>th</sup> of October, shall kill any Salmon or Salmon Fry, until the 1<sup>st</sup> of January, nor at any time within 100 yards of any Mill or Mill Dam erected, or to be erected.

Penalties for offending against this Act.

How to be recovered.

11. *And be it further enacted by the authority aforesaid,* That any person or persons convicted in the manner and form as prescribed by the above mentioned Act, of any offence under this Act, shall suffer all the pains and penalties, fines and forfeitures, as by the above mentioned Act are inflicted upon offenders against the provision of the said Act, to be levied and recovered in like manner as by the said Act is directed.

C H A P. IV.

An Act for preventing the Forging and Counterfeiting of Foreign Bills of Exchange, and of Foreign Notes and Orders for the payment of Money. [Passed 12<sup>th</sup> March, 1810.]

WHEREAS it is expedient that effectual provision should be made to prevent Forging and Counterfeiting of Foreign Bills of Exchange, Foreign Promissory Notes and Foreign Orders for the payment of Money 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the

Preamble.



Persons forging, &c. foreign Bills of Exchange, &c. or uttering the same, guilty of Felony—punished by fine or imprisonment, not exceeding two years, &c. corporal punishment or banishment, or by one or more of the said punishments at the discretion of the Court.

No person shall engrave plates for foreign Bills of Exchange, &c. nor print them without written authority, or have the same in his custody without lawful excuse.

For the first offence punishment of imprisonment not exceeding six months, fine, publicly or privately whipped or one or more of the said punishments.

For second offence fine, imprisonment, not exceeding 2 years or by other corporal punishment banishment or by one or more of the said punishments at the discretion of the Court.

This Act not to alter the Laws in force against Forgery.

Persons indicted, shall not be allowed to traverse to a subsequent Assizes.

Certificates of former conviction shall be evidence in trial of second offences.

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 person from and after the passing of this Act, shall within this Province, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or knowingly aid or assist in the false making, forging or counterfeiting, any Bill of Exchange or Promissory Note, Undertaking or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking or Order for the payment of Money, of any Foreign Prince, State or Country whatsoever, or of any Minister, or Officer intrusted by, or employed in the service of any Foreign Prince, State or Country, or of any Person or company of Persons resident in any Foreign State or Country, or of any body Corporate and Politick, or body in the nature of a body Corporate and Politick, created or constituted by any Foreign Prince or State, with intent to deceive, or to defraud his Majesty, his heirs and successors, or any such Foreign Prince, State or Country, or with intent to deceive or defraud any Person or company of Persons whomsoever, or any body Corporate or Politick, or body in the nature of a body Corporate and Politick whatsoever, whether the same be respectively resident carrying on business, constituted or being in any part of this Province, or in any Foreign State or Country, or if any person from and after the passing of this Act, shall within any part of this Province, tender in payment or in exchange or otherwise, utter or publish as true, any such false, forged, or counterfeited Bill of Exchange, Promissory Note, Undertaking or Order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud his Majesty, his heirs and successors, or any Foreign Prince, State or Country, or any Person or company of Persons, or any body Corporate and Politick, or in the nature of a body Corporate and Politick as aforesaid; then every Person so offending, shall be deemed and taken to be guilty of Felony, and being thereof lawfully convicted, shall be punished by fine or imprisonment, not exceeding 2 years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from this Province, or by one or more of the said punishments, at the discretion of the Court.

II. *And be it further enacted by the authority aforesaid,* That no person after the passing of this Act, shall within any part of this Province, engrave, cut, etch, scratch, or by any other means or device, make, or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making in or upon any plate whatsoever, any Bill of Exchange or Promissory Note, or Undertaking, or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, or Undertaking, or Order of any Foreign Prince, State or Country, or of any Minister or Officer entrusted by, or employed in the service of any Foreign State or Country, or of any Person or Company of Persons resident, or being in any Foreign State or Country, or of any body Corporate and Politick, or in the nature of a body Corporate and Politick, or constituted by any Foreign Prince or State, or any part of such Bill of Exchange, Promissory Note, Undertaking or Order, without an authority in writing for that purpose, from such Foreign Prince, State or Country, Minister or Officer, Person, Company of Persons, or Body Corporate and Politick, or Body in the nature of a Body Corporate and Politick, or from some person duly authorized to give such authority, or shall in any part of this Province without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such Foreign Bill of Exchange, Promissory Note, Undertaking, or Order for the payment of Money or any part thereof, or knowingly, wilfully, and without lawful excuse (the proof whereof shall lie upon the party accused) have in his or her custody, any such plate or device, or any impression taken from the same, and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof convicted according to Law, shall be liable for the first offence, to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the second offence, shall be punished by fine or imprisonment, not exceeding 2 years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from the said Province, or by one or more of the said punishments, at the discretion of the Court. *Provided always,* That nothing in this Act contained, shall extend or be construed to extend in any manner whatsoever, to repeal or alter any law or statute now in force for the prevention and punishment of the crime of Forgery in any respect whatsoever, within any part of the said Province.

III. *And be it further enacted by the authority aforesaid,* That no person against whom any bill of indictment shall be found at any Assizes, for any offence against this Act, shall be entitled to traverse the same to any subsequent Assizes, but the Court at which such bill of indictment shall be found, shall forthwith proceed to try the person or persons against whom the same shall be found, unless he, she, or they shall shew good cause to be allowed by the Court, why his, her, or their trial should be postponed.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall be convicted of any offence against this Act and shall afterwards be guilty of the like offence in any other District within this Province, the Clerk of the Crown where such former conviction shall have been had, shall at the request of the prosecutor, or any other on his Majesty's behalf, certify the same by a transcript in few words, containing the effect and tenor of such conviction, for which certificate, two shillings and sixpence and no more, shall be paid; and such certificate being produced in Court, and the hand writing of such Clerk of the Crown thereto being proved, shall be sufficient evidence of such former conviction.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one Justice of the Peace on complaint made before him upon the Oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are, or hath, or have been concerned in

in the making, forging, or counterfeiting such foreign bills of exchange, promissory notes, undertakings or orders for the payment of money as aforesaid; or in engraving, cutting, etching, scraping, or by any other means or device-making upon any plate whatsoever, any of the said foreign bills of exchange, promissory notes, undertakings, or orders for payment of money as aforesaid, or by means of any such plate, or by any other device, or means of making or printing the same, or that the said suspected person or persons hath, or have in his, her, or their custody any such plate or device for the purpose aforesaid, or any impression taken from such plate, or otherwise printed, or made of the said foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, by warrant under the hand and seal of the said Justice, to cause the dwelling house, room, workshop, out-house, or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, forging, counterfeiting, engraving, cutting, etching, scraping or printing as aforesaid, to be searched for any such false, forged and counterfeited foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, and for the tools, plates, or devices for the making, forging, printing or counterfeiting of the same. And if any such tools, plates, implements or devices shall be found in any place so searched, or in the custody of any person or persons whomsoever not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whatsoever discovering the same to seize, and he or they are hereby authorized and required to seize such false, forged, and counterfeited foreign bills of exchange, promissory notes, undertakings, or orders for the payment of money, tools, plates, implements and devices, and to carry the same forthwith before a Justice of the Peace of the District where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid; and after the same shall have been so produced in evidence, they shall forthwith by order of the Court where such offender or offenders shall be tried, or by order of some Justice of the Peace in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such Court, or such Justice shall direct.

Houses and other premises of suspected persons may be searched, and counterfeited Bills of Exchange &c. and tools, &c. seized and carried to a Justice of the Peace to be produced in evidence against the person or persons to be prosecuted for such offences.

VI. *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 three 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 judgment shall be given for the defendant or defendants, or the plaintiff or plaintiff shall become nonsuited, 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 plaintiff, and have the like remedy for the same as any defendant or defendants hath, or have in other cases, to recover costs at law.

Limitation for matters done under this Act, three months.

General issue.

Treble costs.

CHAP. V.

*An Act to declare the Common Gaols in the several Districts of this Province to be Houses of Correction for certain purposes* [Passed 12th March, 1810.]

WHEREAS it is expedient that until Houses of Correction shall be erected in the several Districts of this Province, that the Common Gaol in each and every of the said Districts shall be held and taken to be for certain purposes, a House of Correction; 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 until such Houses of Correction shall be erected as aforesaid, the common Gaol in each of the said several Districts respectively shall be, and the same is hereby constituted a house of correction; and that all and every idle and disorderly person, or rogues and vagabonds, and incorrigible rogues, or any other person or persons who may by law be subject to be committed to a House of Correction, shall be committed to the said common gaols in the said Districts respectively, any law or usage to the contrary in any wise notwithstanding.

Preamble.

Until houses of Correction shall be erected, the common Gaols in each respective District are constituted Houses of Correction.

CHAP. VI.

*An Act for granting to his Majesty a Duty upon Billiard Tables.* [Passed 12th March, 1810.]

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 Province, have freely and voluntarily resolved to give and grant to your Majesty, your heirs and successors, a duty on Billiard Tables; therefore, 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 twenty ninth day of September next, there shall be raised, levied, collected, and paid yearly, and every year unto his Majesty, his heirs and successors, to and for the uses of this Province, and towards

Preamble.

Every person having a Billiard Table in this Province, set up for hire or gain,

towards

shall pay yearly the sum of £40 for keeping of the same.

towards the support of the Civil Government thereof, of and from all and every person or persons having in his, her, or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, whether such person or persons shall use, or permit the same to be used or not; the sum of forty pounds.

Form of a Licence to be obtained for setting up such Billiard Tables.

II. And be it further enacted by the authority aforesaid, That after the said twenty-ninth day of September next, it shall not be lawful for any person or persons to have in his, her or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, unless a Licence shall have been obtained for such Billiard Table, as undermentioned:—*Licence to A. B. to keep one Billiard Table, for the space of one year only from the date hereof, he having paid forty pounds, by virtue of an Act of the Provincial Parliament of the Province of Upper Canada, intituled, "An Act for granting to his Majesty a duty on Billiard Tables," dated this day of*

Form of a requisition to the Inspector of the District for the obtaining of a Licence for setting up such Billiard Tables.

III. And be it further enacted by the authority aforesaid, That every person desirous of obtaining such Licence as aforesaid, shall on or before the twenty ninth day of September in this present year, and on or before the twenty-ninth day of September in each and every subsequent year, deliver to the Inspector of the District, where such Billiard Table is set up and kept, a requisition in writing in the following form: I do hereby require a Licence to be granted to me for keeping one Billiard Table, in the Town or Township of \_\_\_\_\_ in the County of \_\_\_\_\_ and in the District of \_\_\_\_\_ for which I am ready to pay the sum of forty pounds Provincial Currency; dated the \_\_\_\_\_ day of \_\_\_\_\_. And shall pay unto such Inspector, the sum of forty pounds, on receipt of which, the said Inspector shall deliver to the said person such licence; and if any person or persons after the twenty ninth day of September next, shall have in his, her, or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, without first having obtained such licence, such person or persons shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information in his Majesty's Court of King's Bench in this Province.

The date and expiration of such Licences.

IV. And be it further enacted by the authority aforesaid, That all such licences to be granted for the purposes aforesaid, after the said twenty-ninth day of September next, shall be dated on the twenty ninth day of September in the year in which they are to be issued, and shall expire on the twenty eighth day of September next ensuing the date thereof; and that it shall and may be lawful for the said Inspector, and he is hereby authorized to receive from every person requiring such licence, the sum of five shillings for receiving such application for a licence, and also the sum of five shillings and no more as his fee for issuing the same.

Fee to the said Inspector for issuing of the same.

V. And be it further enacted by the authority aforesaid That all monies which shall be received by the said Inspector of each District, under and by virtue of this Act, except what he shall be entitled to receive for his own benefit under the authority of the same, shall be paid by the said Inspector into the hands of the Receiver General of this Province, on or before the thirty first day of December in each and every year, to and for the uses aforesaid, and that one moiety of all fines, forfeitures and penalties that shall be incurred under this Act, shall be immediately paid into the hands of the Receiver General, for the use of his Majesty, his heirs and successors, towards the support of the Civil Government of this Province, and shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors shall please to direct, and the other moiety to the person who shall sue for the same.

Time when the monies received for the said Licences shall be paid by the Inspector to the Receiver General.

One half of the fines and forfeitures incurred by this Act shall be paid to the Receiver General for the uses of the Province, and accounted for to his Majesty, through the Lords of the Treasury, the other half shall be paid to the person who shall sue for the same.

C H A P. VII.

An Act for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty, through the Lieutenant Governor in pursuance of several Addresses of this House.

MOST GRACIOUS SOVEREIGN, [Passed 12<sup>th</sup> March, 1810.]

Preamble.

WHEREAS in pursuance of two Addresses of your Commons House of Assembly to FRANCIS GORE Esquire, Lieutenant Governor of your Majesty's Province of Upper Canada, bearing date the ninth day of March, one thousand eight hundred and eight; and the seventh day of March, one thousand eight hundred and nine, in the forty-eighth and forty ninth years of your Majesty's reign, several Sums of Money, and also the sum of Ten Pounds seven shillings and six-pence, paid for Printing the Laws over and above the sum appropriated for that purpose by an Act passed in the forty-fourth year of your Majesty's reign, intituled, "An Act to promulgate the Provincial Statutes," and also, to repeal so much of an Act passed in the forty-first year of his present Majesty, as relates to Printing the Journals, amounting in the whole, to the sum of Six hundred and six pounds, fifteen shillings and nine pence one farthing, have been issued and advanced by your Majesty, through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, and for erecting a Light-House on Gibraltar Point, also, for an additional sum for Printing the Laws of the last Session: May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of six hundred and six Pounds fifteen shillings and nine pence one farthing, to make good the said sum of Money which has been issued and advanced in pursuance of the aforesaid Addresses.

£606 16 9½ to make good the like sum of money issued and advanced through the Lt. Governor in pursuance of Addresses of the House of Assembly.

The application of the said money to be accounted for thro' the Lords of the Treasury.

II. *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 direct.

C H A P. VIII.

*An Act to amend an Act passed in the forty fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty, a certain sum of Money for the further encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof."* [Passed 12th March, 1810.]

WHEREAS it is expedient to extend the powers vested in the Commissioners constituted and appointed under and by virtue of a certain Act passed in the Parliament of this Province, in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of Money for the further encouragement of the growth and cultivation of Hemp within this Province, and the exportation thereof;" Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for each, and any of the said Commissioners not only to export for sale to that part of Great Britain called England, in manner as by the said Act is required, the Hemp to be purchased by any and each of the said Commissioners by virtue thereof; but also, that it shall and may be lawful for each, and every of the said Commissioners to sell and dispose of the said Hemp so to be purchased, to any person or persons in this Province, at a rate or price not less than that paid by the said Commissioner or Commissioners, under and by virtue of a certain Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of Money for the further encouragement of the growth and cultivation of Hemp within this Province, and for the exportation thereof," and that the said Commissioner or Commissioners, shall take from the said person or persons, to purchasing from him, or them, a Bond or Obligation in double the amount, that the Hemp so purchased shall be manufactured in this Province, any law or usage to the contrary notwithstanding.

Preamble.

Commissioners under Stat 44th Geo. the 3d, empowered to sell Hemp purchased by them under that Act, to any person in this Province at a price not less than that paid by them for the same.

A Bond to be given that such Hemp shall be manufactured in this Province.

II. *And be it further enacted by the authority aforesaid,* That the Commissioner or Commissioners appointed, or to be appointed by virtue of the said recited Act, shall be allowed for their trouble in purchasing, storing, weighing, and packing the same, five per centum on the value of such Hemp purchased by them respectively, according to the provisions of the said recited Act.

Allowance to the Commissioners for storing &c. the Hemp purchased by them, under the authority of the said Act.

C H A P. IX.

*An Act to repeal an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act to repeal certain parts of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal, and to authorize his Majesty's Court of King's Bench in this Province, to regulate certain Fees, Costs, and Charges therein mentioned."* [Passed 12th March, 1810]

WHEREAS an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act to repeal certain parts of an Act passed in the thirty-fourth year of his Majesty's reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal, and to authorize his Majesty's Court of King's Bench in this Province, to regulate certain Fees, Costs and Charges therein mentioned," is found inexpedient: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act be, and the same is hereby repealed.

Preamble.

Statute 44th Geo. 3d ch. 3, repealed.

C H A P. X.

*An Act further to extend the benefit of an Act passed in the thirty seventh year of his Majesty's reign, intituled, "An Act for the more easy Barring of Dower."* [Passed 12th March, 1810]

WHEREAS by an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the more easy Barring of Dower," it is enacted that no Release of Dower by any Deed executed in manner therein mentioned, of any Land, Tenements or Hereditaments, shall have any force or effect to Barr the person so entitled to Dower and executing the same, unless such person shall come before his Majesty's Chief Justice of this Province, or one of the Justices of the Court of King's Bench, or shall appear at some General Quarter Sessions of the Peace for the District in which she shall reside, and shall have been examined by the said Chief Justice, or Justice, or by the Chauman or presiding Magistrate of such Quarter Sessions, touching her consent to be Barr'd of Dower; and whereas much inconvenience has arisen to his Majesty's Subjects thereby: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Ma-

Preamble.

Dower may be barred before Judge of the District Court or Chairman of the Quarter Sessions, in like manner as before the Chief Justice or any of the Justices of the Court of King's Bench, or before the Court of Quarter Sessions.

Fee to be paid for obtaining such certificate.

jefty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person entitled to Dower, to appear before the Judge of the District Court, or the Chairman of the Quarter Sessions of the District in which the party resides, and being privately examined by the said Judge or Chairman, touching her consent to be barred of Dower; it shall and may be lawful for the said Judge or Chairman to certify the same in like manner as the same may at present be certified by the Chief Justice or any Justice of the Court of King's Bench, and the said certificate shall have the same force and effect and be as valid in Law as if the person had been examined by the Chief Justice, or Justice, or Court of Quarter Sessions; any Law or Usage to the contrary in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That the Judge of the District Court, or Chairman aforesaid, or their Clerk respectively, shall be entitled to receive the sum of five shillings for such certificate, and no more.

C H A P. XI.

An Act for the Relief of Minors of the Societies of Menonists and Tunkers.

[Passed 12th March, 1810.]

Preamble.

WHEREAS the Sons of Menonists and Tunkers who are minors, cannot avail themselves of the indulgence intended to be granted them by the twenty-seventh clause of an Act passed in the forty-eighth year of his present Majesty, intituled, "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," by reason of not being able to obtain the certificate required by the above mentioned Act, until they shall have attained the age of twenty-one years, according to the rules and regulations of the said Societies, for remedy whereof; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the Sons of Menonists and Tunkers liable to serve in the Militia, under the age of twenty-one years, shall instead of the certificate required by the above mentioned Act, produce a certificate, stating his name, that is Father is a Menonist or Tunker (as the case may be) and that such minor is brought up and educated in the principles of the Menonists or Tunkers (as the case may be) which certificate shall be signed by the clerk of the Meeting of such Society, or by any three or more of the people called Menonists or Tunkers, such minor shall then be entitled to all the benefits and indulgencies in the said clause mentioned; subject nevertheless to all other restrictions and provisions of the said clause.

Certificate to be produced by the sons of Menonists and Tunkers under the age of 21 years, to entitle them to the indulgence granted to them from serving in the Militia by the 48th of George 3d, ch. 1, Sect 27, in place of the Certificate required by the Statute.

C H A P. XII.

An Act to authorize the Inhabitants of the County of Haldimand, to hold annual Meetings for the purpose of Electing Town and Parish Officers.

[Passed 12th March, 1810.]

Preamble.

WHEREAS that part of the County of Haldimand comprised within the District of Niagara, contains a large number of white inhabitants, and is not divided into Townships, whereby the said inhabitants are unable to elect Parish and Town Officers, 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, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for any Justice of the Peace, acting within the said District, to issue his Warrant, giving eight days previous notice, to any Constable or Constables within the said County, authorizing him or them on the first Monday in April in this present year, and on the first Monday in March in every succeeding year, to assemble the white inhabitant householders of the said County, residing between Dundas Street and the Onondoga Village, (commonly called Beas Foot) including said Village, in one division; and the inhabitants as aforesaid, residing between said Village and the mouth of the Grand River within said County, in the other division, in some convenient place, for the purpose of electing Town and Parish Officers.

Justice of the Peace of the District of Niagara to issue his warrant authorizing any Constable of the County of Haldimand to assemble certain inhabitants thereof for the purpose of electing Town and Parish Officers.

Such inhabitants so assembled, may appoint Town and Parish Officers.

Such Officers to be subject to all the duties, &c as any other Parish and Town Officers.

The said inhabitants to be subject to the provisions of Stat 46, Geo. 3d, ch. 5.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants so assembled, to nominate and appoint proper persons to serve as Town and Parish Officers, and to do and perform the several duties directed and required by law to be done by the inhabitants of the respective Townships in this Province, at their Town Meetings.

III. And be it further enacted by the authority aforesaid, That the several Officers so appointed within the limits of the said divisions respectively, be subject to all the duties, and be liable to all the penalties, that all or any Parish and Town Officers are by law now subject and liable to perform in this Province.

IV. And be it further enacted by the authority aforesaid, That the said inhabitants of the said divisions respectively, shall be and they are hereby declared to be, subject to all the provisions of an Act passed in the forty-sixth year of his Majesty's reign, intituled, "an Act to alter and amend an Act passed in the thirty-third year of his present Majesty's reign, intituled, "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

year of his present Majesty's reign, intituled, "an Act to authorize and direct the laying and collecting the assessments and rates in each and every District in this Province, and for the payment of Wages to the Members of the House of Assembly.

C H A P. XIII.

An Act for granting an additional sum of Money for erecting a Bridge across the Grand River.

[Passed 12th March, 1810.]

WHEREAS by an Act passed in the forty-ninth year of his Majesty's reign, intituled, "an Act for granting a sum of Money in aid of the building a Bridge across the Grand River," it is enacted, that a sum of Money shall be appropriated and paid out of the Provincial Funds towards building the said Bridge, not exceeding the sum of Two hundred and Fifty Pounds, and whereas the said sum has been found totally insufficient to enable the inhabitants to complete the said Bridge; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That in addition to the said sum of Two hundred and Fifty Pounds which by the said Act is directed to be paid, there shall be issued and paid, a further sum of Two hundred and Fifty Pounds, in the same manner and under the same conditions and restrictions as in the above recited Act it is enacted, and the said sum of Two hundred and Fifty Pounds, which is directed to be paid by the aforesaid Act, as well as the sum of Two hundred and Fifty Pounds granted under and by virtue of the present 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.

Preamble.

The further sum of £250 granted in addition to the like sum of £250 appropriated by Stat. 49. Geo. 3d. ch. 7. for erecting a bridge across the Grand River.

The said several sums of £250 to be accounted for to his Majesty, through the Lords Commissioners of the Treasury.

T H E  
S T A T U T E S  
OF HIS MAJESTY'S PROVINCE OF  
U P P E R - C A N A D A.

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

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

C H A P. I.

An Act for granting to his Majesty a certain sum of Money, out of the Funds applicable to the use of this Province, to defray the expenses of amending and opening the Public Highways and Roads, and building of Bridges in the several Districts thereof.

[Passed the 13th of March, 1811.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it would much advance the general prosperity of this Province, if the Public Highways and Roads were amended; 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, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the use of this Province, there be granted to his Majesty, his heirs and successors, the sum of three thousand four hundred and fifty pounds, to be issued out of the Funds now remaining, or hereafter to come into the Receiver General's hands, unappropriated, and arising from such rates and duties as last aforesaid, which said sum of three thousand four hundred and fifty pounds, shall be disposed of, appropriated and applied in repairing the roads already laid out, and building bridges in the several Districts of this Province.

Preamble.

£3,450 to be applied in the repairing the roads already laid out and building of bridges.

11. And be it further enacted by the authority aforesaid, That the said sum of three thousand four hundred and fifty pounds shall be appropriated in the following manner. To the Eastern District four hundred pounds, which said sum of four hundred pounds shall be laid out and expended on the following roads: commencing at Sutherland's Creek, in Lancaster, from thence to the Point Au Bodet, one hundred pounds;

The manner in which the said sum of 3450l. shall be laid out and expended Eastern District.

District of Johnstown

Midland District.

District of Newcastle.

Proviso respecting the roads in the Districts of Newcastle and Johnstown.

Home District.

District of Niagara.

District of London.

Western District.

pounds; and seventy-four pounds sixteen shillings and ten pence three farthings to be laid out on the aforesaid road, that is now in the Commissioners' hands in the Eastern District; and one hundred pounds in the County of Dundas; fifty pounds to be laid out in building a bridge at Captain McMartin's, and fifty pounds to build a bridge near Minrow's Mills, across the Creek; and one hundred pounds to be laid out on the Post Road, to commence at John Marice's, in the Township of Cornwall, and continue on said road to the Province line, County of Prescott; on the front road of East and West Hawkesbury, beginning at the Lower Canada Line, from thence to the West line of Hawkesbury, near Alexander Grant's, one hundred pounds. To the District of Johnstown, four hundred pounds, County of Grenville, on the bridge in Johnstown, fifty pounds; to build a bridge over the River Rideau, from lot number twenty-six in the Township of Marlborough, to lot number five in the Township of Oxford one hundred pounds; from James Humphrey's, in Edwardburgh, to Lewis Grant's Mill, twelve pounds ten shillings; from Johnstown to Gideon Adams's, Esquire, twelve pounds ten shillings; on the bridges between Thomas Frazer's, Esquire, and Johnstown, twenty five pounds; twenty pounds on the front road leading from Adam Cole's in Elizabethtown, to Charles Jones's Mills in the Township of Yonge; and one hundred pounds on the road leading from the aforesaid Mills to the Easternmost boundary of the Midland District; and eighty pounds on the road leading from the Iron Works in Lansdown, to Stephen Washburn's in Lansdown aforesaid, thence to Solomon Conley's, thence to Abraham Randall's, thence to Nathaniel Brown's, thence to Abraham Coon's, on such part of the aforesaid roads as shall by the said Commissioners be deemed most necessary. To the Midland District four hundred pounds, which sum shall be expended on the roads as follows, that is to say, from the Eastern boundary of the Township of Pittsburgh by the King's Mills to the Town of Kingston, the sum of one hundred pounds; from the East side of Collins's Creek in the third Concession of the Township of Kingston, to the Road passing thro' the fourth Concession of Ernestown, forty pounds; from the Western boundary of the Township of Richmond to the Eastern boundary of the Township of Thurlow, one hundred and twenty pounds; seventy pounds on the bridge to be built or repaired, on the second Concession road of the Township of Kingston; fifty pounds from Townsend Carman's house to the carrying place, in the Township of Ameliasburgh; twenty pounds from the Western boundary of the District of Johnstown, on the road leading from the Iron Works in the Township of Lansdown, until it intersects the road in the Township of Pittsburgh near the Kingston Mills. To the District of Newcastle, four hundred pounds, that the said sum shall be laid out as follows, on the road leading from the carrying place at the head of the Bay of Quinty, to the Mills on lot number thirty-four in the first Concession of the Township of Murray, one hundred pounds; on the road leading from the River Trem to the East line of the Township of Cramahe, one hundred pounds; on the road near the line in front of the second Concession of the Township of Cramahe, forty pounds; on Dundas Street, leading through the Townships of Clark, and Darlington, in the County of Durham, one hundred and sixty pounds.

Provided always, That if any part of the above named roads in the District of Newcastle and the District of Johnstown, shall be altered agreeable to the provisions of an Act passed in the fiftieth year of his Majesty's reign, intuled, "An Act to provide for the laying out, amending, and keeping in repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," before any of the sums above granted, shall be expended on them, it shall and may be lawful for the said Commissioners to open and amend the said road so altered, any thing in this Act to the contrary notwithstanding. That the sum of six hundred pounds appropriated for the Home District, be expended as follows, viz one hundred and fifty pounds on the road from the Eastern boundary of the Home District on Dundas Street, to the bridge over the River Rouge, or Nen; two hundred pounds on the road known by the name of the Middle Road from the Town of York to the River Credit; two hundred and fifty pounds for building of bridges over the Rivers of Humber and Credit, near the mouth of each River respectively, on the line of road called the Middle Road as aforesaid. To the District of Niagara the sum of four hundred and fifty pounds, from Vanderlip's through the Grand River Swamp, to Alexander Westbrook's, one hundred and twenty-five pounds; from Brady's Tavern, through Saltfleet to the Forty mile Creek, fifty pounds; on the new Lake Road from the Forty mile Creek, to the Beach at Jones's, ten pounds; from the Forty mile Creek Easterly to Shipman's Tavern at the Twelve mile Creek, sixty pounds; from Shipman's on the Middle Road leading to Niagara until that road intersects the Lake road, forty-five pounds; from Shipman's Tavern on the Road leading to Queenston, ten pounds; from William Steel's in Humberston, to Elijah Doane's in Crowland, fifty pounds; and that the Commissioners of Public Highways for the District of Niagara, are hereby authorized and required to apply on the building a bridge across the outlet of Burlington Bay, being on the division line between the Home District and District of Niagara, one hundred pounds. To the District of London the sum of four hundred pounds, the money in the District of London shall be applied on the Public Road leading through the Townships of Burford, Oxford, and Delaware Town, in the following manner, that is, from the now dwelling house of John Yeighs in Burford, to the junction of the roads on a Westerly course, about one mile from Samuel Kiney's, twenty pounds; from the West part of the Pine Wind Falls to the Cooly Place, thirty pounds; from thence to the Township line of Oxford, forty five pounds; from thence to Captain Canfield's, eighty-five pounds; from thence to Haskins's, thirty pounds; from Cornwright's now dwelling house to Reynolds's Mills in Dorchester, forty pounds; from thence to Archibald M'Millan's in Westminster, sixty pounds; from the West side of the River La Tranch in the Wilderness, twenty pounds. To the Western District the sum of four hundred pounds, from the Moravian Village to Amherstburgh, two hundred and fifty pounds; from Amherstburgh to John Cornwell's, one hundred pounds; from the Moravian Town on the Delaware Wilderness, fifty pounds.

III. 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 one or more Commissioner or Commissioners for each and every District of this Province, for carrying the provisions of this Act into execution; which Commissioner or Commissioners shall have full power and authority, and they are hereby required to proceed to repair and amend such roads, and build such bridges in each and every District of this Province, as herein before described, to which he or they shall be respectively appointed, and the said Commissioner or Commissioners respectively, shall cause the work required by this Act to be done or performed between the first day of May and the first day of November.

Appointments of Commissioners.

When the work required by this Act to be done.

IV. And be it further enacted by the authority aforesaid, That the said Commissioners respectively appointed by this Act, shall once in every year, on or before the first day of January, transmit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a true account of the expenditures of the money by him or them received, under and by virtue of this Act (in detail) with proper vouchers accompanying the same, to be laid before the Legislature for their inspection.

Account of the expenditures of Money received by the Commissioners, to be transmitted to the Governor, &c. with Vouchers.

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 direct the money appropriated and apportioned as aforesaid, for each and every District thereof, to be paid to any one of the Commissioners for such District or Districts, applying for the same.

Governor, &c. to direct the Money to be paid to the Commissioners.

VI. And be it further enacted by the authority aforesaid That before any Commissioner shall proceed to carry into execution the several powers and authorities by this Act conferred, he shall take the following Oath, *I A. B. do swear, that I will faithfully and impartially, to the best of my skill and judgment, perform and carry into execution, the several powers and authorities in me vested in and by a certain Act of the Legislature of this Province, intitled, "An Act for granting to his Majesty, a certain sum of money out of the funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, and building Bridges in the several Districts thereof," without favor or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands for the purpose of carrying the provisions of the said Act into execution, so help me God.* Which said Oath shall be taken before any one of his Majesty's Justices of the Peace, in and for the District for which such Commissioner shall be appointed, and a certificate of such oath, the Justice administering the same, is hereby required to transmit to the Clerk of the House of Assembly of this Province, with all convenient speed, after such oath shall have been by him administered: *Provided nevertheless*, and it is hereby declared, that nothing herein contained, shall repeal or annul any of the provisions of any existing Act or Acts of this Province contained, for raising or levying the rates thereby imposed, or compelling the labour by such Acts, or in any of them required to be done and performed, on any Public Highways and Roads comprised in such Acts; but all and every such Act and Acts, is and are hereby declared to be and continue in full force; *Provided also*, that nothing in any former Law or Statute of this Province contained shall from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or Overseer in any such Law or Statute mentioned, in any manner to interfere or give directions, touching or concerning any Road or Highway to be laid out, or repaired under and by virtue of this Act; Nevertheless, the said Magistrates and Overseers, and every of them, is and are hereby authorized to carry into execution, all and every such power and authority, as by such Law or Statute they are vested with, in all cases in which the executing such power will not impede or interfere with the powers or authorities given in and by virtue of this Act. And whereas an Act passed in the fiftieth year of his Majesty's reign, intitled, "An Act for granting to his Majesty, a certain sum of Money out of the funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, laying out and opening new Roads, and building Bridges in the several Districts thereof;" it is by the second clause of the above recited Act enacted, that fifty pounds be appropriated on the road leading from the Iron Works in Lansdown, to Kington, to commence at Levy Hatenkuffes in Leeds, thence to continue on to the Easternmost boundary of the Midland District; And whereas the above recited part of the second clause of the said Act is found inconvenient, so far as it relates to fifty pounds being expended on the Road commencing at Levy Hatenkuffes, and to continue on to the Easternmost boundary of the Midland District: Therefore he it enacted by the authority aforesaid, that the above recited part of the said Act be, and the same is hereby repealed.

Oath to be taken by the Commissioners.

Nothing in this Act to repeal any Highway Act.

No Magistrate or Overseer under any Highway Act, to interfere or give directions to be laid out or repaired under this Act.

Part of the second clause of the 50th of Geo 3d, ch 2, repealed as to the appropriation of 50l.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners appointed by the above recited Act, to lay out the said sum of fifty pounds, on the Road leading from the aforesaid Iron Works, to the Eastern boundary of the Midland District, any law to the contrary notwithstanding.

The said 50l. otherwise appropriated

VIII. 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 purposes 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, in such manner and form, as his Majesty, his heirs and successors, shall be graciously pleased to direct.

The Money how to be paid and accounted for.

IX. And be it further enacted by the authority aforesaid, That each and every Commissioner appointed under the authority of any former Act, or Acts of the Parliament of this Province, for laying out, amending and keeping in repair the Public Highways and Roads in this Province, in whose hands any balance



Payment to be made by Commissioners under any former Act, but not under this Act, of such balances as they may have in their hands unexpended.

Appropriation of such balances.

remaining unexpended, and who shall not be appointed a Commissioner under and by virtue of this Act, shall on or before the first day of May next, pay over every such balance, into the hands of any one Commissioner appointed under and by virtue of this Act, in their respective Districts, in which such Commissioners heretofore appointed may reside, and the said balances, the Commissioner or Commissioners appointed under or by virtue of this Act, are hereby authorized and required to expend in their respective Districts, as by the Act of the fiftieth year of his Majesty's reign is required.

CHAPTER II.

An Act to repeal an Act passed in the forty-seventh year of his Majesty's reign, intituled, "An Act for granting to his Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned," and further, for granting to his Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other Trading Persons therein mentioned. [Passed 13th March, 1811.]

MOST GRACIOUS SOVEREIGN,

WHEREAS an Act passed in the forty seventh year of your Majesty's reign, intituled, "An Act for granting to his Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned," was limited to be and continue in force, for and during the space of 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, is now about to expire; and whereas for the welfare of this Province, it is expedient and necessary, that an alteration of the several duties on Licences contained in said Act, should take place; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Act of the forty-seventh year of his Majesty's reign, shall, from and after the fifth day of April next ensuing, be repealed, and the same is hereby repealed accordingly.

Preamble.

47th of Geo. 3d, ch 9, repealed.

Licences to be taken out by Hawkers, Pedlar, Petty Chapmen and certain other trading persons.

Sums to be paid for such Licences.

Cases in which the money paid for such Licences shall be repaid.

Time when the Licences are to be taken out.

Cases when no Licence is required.

II. And be it further enacted by the authority aforesaid, 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 herein mentioned, for and upon the several respective Licences, to be taken out in the manner, and by the persons herein after mentioned, that is to say, from and after 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 on foot, or with a horse, or horses, ass, or asses, mule, or mules, or other beasts bearing or drawing burthen; boat, or boats, decked vessels, or other craft, or otherwise, within this Province, carrying to sell, or exposing to sale, any goods, wares, or merchandize; for which licences there shall be paid hereafter, at the time such licence shall be taken out, for every man travelling on foot, the sum of five pounds current money of this Province; for every horse, ass or mule, or other beast bearing or drawing burthen, the sum of forty shilling yearly, for every beast he so shall travel with, over and above the first mentioned sum of five pounds; for every person sailing with a decked vessel, trading and exposing for sale, any goods, wares or merchandize on board, or from the same, the sum of twelve pounds ten shillings; for every person trading with a boat, or other craft, and exposing for sale, goods, wares or merchandize, for each boat or craft he shall so trade with, the sum of eight pounds; for every person other than such persons as herein before described, who may come into the 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 and during the space of one year previous to the passing of this Act, the sum of ten pounds.

III. 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 purpose of trade, for and during the term of one year, and shall not during that time, either by himself, his servant or agent, have travelled from house to house, for the purpose of vending goods, wares or merchandize, and 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 to grant the same; it shall and may be lawful for such Collector, and he is hereby required to repay to such person, the sum of nine pounds ten shillings, 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.

IV. 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 hawkers, pedlars or petty chapmen, or other trading persons, 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 the same, in packages unopened, or for driving cattle for market, or sale, or otherwise through this Province.

V. And

V. *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.

Fee to be paid to the Collector.

VI. *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, A. B. do swear, that I will well and truly execute, do and perform, the duty of Collector of his Majesty's Revenue, arising on Licences on Hawkers, Pedlars, and Petty Chapmen, and other Trading Persons described by an Act passed in the fifty first year of his Majesty's reign, intitled, "an Act to repeal an Act passed in the forty-seventh year of his Majesty's reign, intitled, "an Act for granting to his Majesty, duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned, and further for granting to his Majesty, certain duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned," and will duly and impartially superintend the collection thereof, 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 of Office to be taken by Collector.

VII. *And be it further enacted by the authority aforesaid,* That every Collector acting under and by virtue of this Act, shall within three months, from and after the passing thereof, give security, by two sureties in one hundred pounds each, and himself in two hundred pounds, current money of this Province, to his Majesty, his heirs and successors, for the due performance of his office.

Security to be given by the Collector

VIII. *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, & 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 five pounds for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this Act, and all monies so paid by the said Collectors into the hands of the Receiver General, shall be by him 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.

Collector to account with the Inspector General every three months and pay the money collected twice in every year to the Receiver General.

Compensation to Collectors.

IX. *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 empowered 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 fifteen pounds, with reasonable costs, to be forthwith levied by the distress and sale of the goods, wares and merchandize 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 goal, for such time, not exceeding six months, or less than one month, as such Justices of the Peace shall think most proper.

Penalty for Hawkers and Pedlars trading without Licence.

How recovered.

X. *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 leather, hollow ware, farming utensils, or any printed papers published by authority, nor any fish, fruits or vittuals, nor to hinder any persons 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 part 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

Cases to which this Act does not extend.

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 confined 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, fruit, 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.

This Act does not preclude the necessity of taking out Licences for selling of Brandy, &c. Actions to recover penalties under this Act, to be commenced within 12 months after the offence committed.

Penalty for refusing to appear as a witness.

Distribution of the penalties recovered.

Limitation of actions for any thing done in pursuance of this Act.

Costs.

Continuance of this Act.

XI. *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.

XII. *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.

XIII. *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 goal, for such time, not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

XIV. *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 of his Treasury for the time being, in such manner 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.

XV. *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 judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, 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.

XVI. *And be it further enacted by the authority aforesaid,* That this Act shall be, and continue to be in force two years from and after the fifth day of April next, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

C H A P. III.

*An Act to extend Personal Arrest to the sum of Forty Shillings, and otherwise to regulate the Practice in cases of Personal Arrest.* [Passed 13th March, 1811.]

Preamble.

WHEREAS doubts have arisen, whether by the Laws now in force in this Province, any person can be arrested for any sum of money under Ten Pounds Sterling. And whereas the inhabitants of this Province have suffered, and still continue to suffer much injury from persons leaving this Province without paying their Debts; for remedy thereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act 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 to and for every person or persons who now, or hereafter shall have any debt or debts owing to him, her or them, exceeding the sum of forty shillings Provincial Currency, by any person or persons whatsoever inhabiting this Province, to sue out a Writ of Capias ad Respondendum, and cause the person of the said debtor or debtors to be arrested in the same manner and under the same conditions, restrictions, and limitations, as by the laws now in force in this Province, any person or persons may now be arrested for any sum above ten pounds Sterling.

Arrest for Debts above 40s in like manner as heretofore for Debts above 10l.

The affidavit requisite before any Capias or Justice's Warrant of Detention shall issue.

It. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in all cases as well above as under ten pounds Sterling, no Capias ad Respondendum, nor Justice's Warrant of Detention shall issue, unless the affidavit to be made by the Plaintiff, his servant or agent, shall state that

that the Deponent verily believes that the Defendant is about to leave the Province with an intent to defraud his Creditors.

III. *And be it enacted by the authority aforesaid,* That on such affidavit being made before any one of his Majesty's Justices of the Peace, by any Plaintiff, his servant or agent, before action brought, it shall and may be lawful for such Justice to issue his warrant, and cause the said Defendant to be arrested, and detained until he can be served with the proper process, in like manner as is by law provided in cases where any action shall have been previously commenced.

On such affidavit being made, Justice may before action brought, issue his said Warrant in like manner as aforesaid when commenced.

IV. *And be it enacted by the authority aforesaid,* That where the sum sworn to, shall not exceed the sum of ten pounds Sterling, it shall and may be lawful for the Defendant at the expiration of one month after having been committed to prison, to make oath before a Commissioner for taking Affidavits in the Court of King's Bench (having given four days previous notice to the plaintiff, his attorney, or agent, of his intention to make such oath that he is not worth the sum for which he hath been arrested, and that he hath not directly or indirectly, sold, or otherwise disposed of any money, goods, debts, or other personal estate, to defraud any of his creditors; and he the said Defendant, shall thereupon, be discharged from such imprisonment; Provided nevertheless, that such discharge, shall not operate as a discharge from the Debt.

How defendant shall be discharged from imprisonment, if the debt sworn to does not exceed sol. Sterling.

V. *And be it further enacted by the authority aforesaid,* That no Writ of Capias ad Satisfaciendum shall issue in any action now pending, or hereafter to be brought, unless an affidavit be first made and filed by the Plaintiff, his servant, or agent, that the Deponent verily believes that the Defendant is about to leave the Province with an intent to defraud his creditors, or that he hath reason to believe that the Defendant hath secreted, or removed his effects, or hath made some secret and fraudulent conveyance thereof, in order to prevent the same from being taken in execution, any law or usage to the contrary in any wise notwithstanding.

The affidavit requisite before a Writ of Capias ad Satisfaciendum shall issue.

C H A P. IV.

*An Act for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty, through the Lieutenant Governor, in pursuance of an Address of this House.*

[Passed 13th March, 1811.]

MOST GRACIOUS SOVEREIGN,

WHEREAS in pursuance of an Address of your Commons House of Assembly, to FRANCIS GORE, Esquire, Lieutenant Governor of your Majesty's Province of Upper Canada, bearing date the twelfth day of March one thousand eight hundred and ten, and in the fifth year of your Majesty's reign, several sums of Money, amounting in the whole to the sum of four hundred and ninety-two pounds eighteen shillings and ten pence, have been issued and advanced by your Majesty, through your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, and to the Commissioners appointed by his Excellency the Lieutenant Governor, by virtue of an Act passed in the forty-ninth year of your Majesty's reign, intituled, "An Act for granting to your Majesty, a certain sum of money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, opening new ones, and building bridges in the several Districts thereof," to the keeper of the Rolls, to the Clerk attending the Commissioners, under and by virtue of an Act passed in the forty fifth year of your Majesty's reign, intituled, "An Act to afford relief to those Persons who may be entitled to claim Land in this Province, as Heirs or devisees of the Nominees of the Crown, in case where no Patent hath issued for such Land," and paying the Messenger attending on the said Commissioners; May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of the surplus of any fund or funds subject to the disposition of the Parliament of this Province, now remaining in the hands of the Receiver General unappropriated, there shall be issued and applied the sum of four hundred and ninety two pounds eighteen shillings and ten pence, to make good the said sum which has been issued and advanced in pursuance of the aforesaid Address.

Preamble.

The sum of £492 18 10 to be issued from the Provincial Treasury, to make good the like sum paid in pursuance of the Address 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 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 pleased to direct.

How to be accounted for.

C H A P. V.

*An Act to amend and continue for a limited time, an Act passed in the forty-ninth year of his Majesty's reign, intituled, "An Act for continuing for a limited time the Provisional agreement entered into between this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties, also for continuing for a limited time the several Acts of the Parliament of this Province, now in force relating thereto."*

MOST GRACIOUS SOVEREIGN,

[Passed 13th March, 1811.]

WHEREAS an Act passed in the forty-ninth year of your Majesty's reign, intituled, "An Act for the continuing for a limited time, the Provisional Agreement entered into between this Province and

Preamble.

D d d

and

and Lower Canada, at Montreal, on the fifth day of July, in the year one thousand eight hundred and four, relative to duties, also for continuing for a limited time the several Acts of the Parliament of this Province now in force relating thereto," will shortly expire, and whereas it is found expedient to continue 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 virtue of and under the authority of an Act passed in the Parliament of Great Britain, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 that the said Act and every part thereof, and every clause, matter and thing therein contained, shall be, and the same are hereby continued. Provided nevertheless, That the Legislature of the Province of Lower Canada have passed, or shall pass a Law or Laws for continuing on their part the said Provisional Agreement, and also for continuing in the whole or in part, certain duties payable on goods and merchandize brought into that Province from the United States of America, by the Laws now in force in Lower Canada.

49th of Geo. 3d, ch. 1, continued, provided that the provisional agreement shall be continued by Lower Canada, and also certain duties on goods, &c. brought into that Province from the United States.

The like duties to be levied on goods, &c. brought into this Province from the U. States as in Lower Canada, and as are now paid in this Province.

Continuance of this Act to be 25th of March, 1812.

II. *Provided also, and be it further enacted by the authority aforesaid,* That no higher or other duties shall be levied or paid on goods and merchandize brought into this Province from the United States of America, after the twenty-fifth day of this present month of March, than shall be levied or paid on the like goods and merchandize imported into the Province of Lower Canada from the United States of America, after the twenty-fifth day of this present month of March, or other or higher duties than are now paid on goods and merchandize brought into this Province from the said United States of America, by the laws now in force.

III. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue to be in force until the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and thirteen, and no longer.

C H A P. VI.

*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.* [Passed 13th March, 1811.]

Preamble.

WHEREAS it is expedient that certain amendments should be made in the process of Summons issuing from the respective District Courts of this Province, and also that certain Regulations should take place, respecting the Proceedings of the Sheriffs in the sale of Goods and Chattels taken by them in Execution; 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, intitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intitled, "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 June, in the year of our Lord one thousand eight hundred and eleven, the course and proceedings in the respective District Courts in this Province, shall be by summons issuing in the King's name, directed to the Sheriff of the District where the Court shall be held, and Telled in the name of the first Judge of the said Court, which may be in the following form:—

Process to be issued from the District Court.

Form of the Writ of Summons.

DISTRICT } GEORGE the THIRD by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith.  
To wit. }  
To the Sheriff of the District, GREETING:—

WE command you that you summons A. B. to appear either in person or by his Attorney, at our District Court, to be holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ to answer the complaint of C. D. in a plea of \_\_\_\_\_ contract, whereby the said A. B. hath promised to pay to the said C. D. the sum of \_\_\_\_\_ for (the consideration) and which the said A. B. doth refuse to pay him as he says.

An Inventory of the goods seized in Execution to be given by the Sheriff, &c. before they be removed.

II. *And be it further enacted by the authority aforesaid,* That when and so often as Goods and Chattels are seized by the Sheriff, his Deputy Officer or Officers, under and by virtue of Execution, issued out of the Court of King's Bench, or District Courts, the said Sheriff, his Deputy Officer or Officers, shall on request, deliver to the person or persons to whom the said Goods and Chattels did belong, his, her, or their Agents or Servants, an Inventory of the said Goods and Chattels, before they shall be removed from the premises on which they were so seized as aforesaid.

Sheriff, &c. shall not purchase any goods sold in execution.

III. *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 Sheriff or his Deputy, or any Bailiff or Constable, directly or indirectly, to purchase any goods or chattels exposed by him to sale, under and by virtue of any Execution from the said Court of King's Bench, or District Court in this Province respectively.

C H A P. VII.

*An Act to amend an Act passed in the forty eighth year of his Majesty's reign, intitled, "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."* [Passed 13th March, 1811.]

27th section of the 48th of Geo. 3d, is part rectified.

WHEREAS by the twenty seventh section of an Act passed in the forty eighth year of his Majesty's reign, intitled, "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," it is enacted, that the people called Quakers,

Quakers, Menonists, and Tunkers, who from certain scruples of conscience decline bearing arms, shall not be compelled to serve in the Militia, but every person professing that he is one of the people called Quakers, Menonists, or Tunkers, and producing a certificate of his being a Quaker, Menonist, or Tunker, signed by the Clerk of the Meeting of such Society, or by any three or more of the people called Quakers, Menonists, or Tunkers, shall be excused and exempted from serving in the said Militia. Provided nevertheless, that every such person or persons that shall or may be of the people called Quakers, Menonists, or Tunkers, from the age of sixteen to sixty, shall on or before the first day of December in each and every year, give in his name and place of residence, to the Treasurer of the District where he or they shall reside, and pay to such Treasurer, to and for the Public uses of such District, in time of Peace, the sum of twenty shillings, and in time of Invasion or Insurrection, or when any part of the Militia of that District shall be called out on actual service, the sum of five Pounds, and in default of such payment, it shall and may be lawful on information or complaint on Oath, made by the said Treasurer before any Justice of the Peace of such District, for the said Justice to issue his Warrant under his hand and seal, to levy the same by the distress and sale of the offenders goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of Peace, and five Pounds per annum in time of actual Invasion or Insurrection, or when any part of the Militia of that District shall be called out on actual service, deducting therefrom the charges and all other incidental expences of such distress and sale. And whereas the people called Quakers, cannot avail themselves of the indulgence intended to be granted them, as by their said scruples of conscience, they cannot pay any commutation or composition, to be exempt from bearing arms, nor in case of distress and sale of their goods and chattels in consequence of non payment of fines and forfeitures incurred under and by virtue of the said Act, can they receive the surplus (if any) after such distress and sale: 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, intitled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That when and so often as the goods and chattels of any Quaker taken by distress and sale, for or on account of any exemption money, fine, forfeiture or penalty under or by virtue of the said Act, shall exceed the amount thereof, the overplus, after deducting the amount of such distress, together with the costs and charges of sale, shall be paid by the Constable or other person making such distress and sale, to the Treasurer of the District in which such Quaker shall reside, which overplus shall be and remain, and be accounted for as so much for future exemption money, for the person whose goods and chattels have been so distrained as aforesaid, and if any Constable or other person making such distress and sale as aforesaid, and refusing or neglecting within one Month after such sale, to pay such overplus as herein before directed, shall forfeit and pay the sum of twenty five pounds, over and above the said overplus, upon confession or conviction by the oath of one credible witness, before any two of his Majesty's Justices of the Peace, for the District wherein such distress and sale were made, and in default of payment, it shall and may be lawful for such Justices, by Warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods and chattels of the offender, and if no such distress can be found, to commit the offender by Warrant as aforesaid, to the common Gaol of the District, until the same shall be paid, or for a space of time not exceeding six Calendar Months. Provided always, that no sale of any effects so taken, shall be made, until public notice is given thereof, at least eight days previous thereto, at the most public place in the Town or Township where such effects may have been taken in execution, and of the time and place when such effects are to be exposed to sale.

II. And be it further enacted by the authority aforesaid, That so much of the said Act passed in the forty-eighth year of his Majesty's reign, as relates to the returning to any Quaker, such sum or sums of money levied by distress and sale, under and by virtue of that Act, as shall exceed the exemption money required by the said Act to be paid by him for not serving in the said Militia, with the costs and expences incident to the making such distress and sale, shall be and the same is hereby repeated. Provided nevertheless, that if the sum or sums of money, so levied by distress, shall exceed the said exemption money, but shall not be equal to the exemption money to be paid by the said Quaker, for the year succeeding that for which such distress and sale were made, that then and in such case the residue of the exemption money so to be paid for that succeeding year, if not paid when due, shall be levied by distress and sale of the goods and chattels of the offender.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of every Constable or other person levying or taking any distress of the goods and chattels of any Quaker under and by virtue of this Act, to take as near the value as may be sufficient to satisfy the Warrant for levying such distress, with the costs and expences incident to the sale thereof, and shall stop and discontinue the sale when a sufficiency is sold to satisfy the amount of such Warrant and costs as aforesaid, and shall return the residue of the goods and chattels so taken and remaining unsold, if any, to the person from whom they were taken, or in default thereof, shall forfeit and pay a sum double the amount of such distress and sale, to be recovered as before mentioned.

IV. And be it further enacted by the authority aforesaid, That all fines, forfeitures and penalties, incurred under and by virtue of this Act, shall be paid into the hands of the Treasurer of the District, in which they may be incurred, to and for the uses of such District, and every such Treasurer upon information thereof, is hereby authorized and required to prosecute for and receive the same.

Preamble.

If the levy by distress and sale shall exceed the exemption money of any Quaker, the overplus shall remain as future exemption money, and shall be paid to the Treasurer of the District, &c.

Penalty for not so paying the said overplus.

Mode of recovering the said penalty.

No sale without eight days previous notice.

Repeal of such part of the 48th Geo. 3d, as relates to the returning of the overplus of the exemption money to Quakers.

If the overplus of the exemption money shall not be equal to the exemption money of the succeeding year, the residue to be paid shall be levied by distress, &c.

Regulations in taking distress under this Act.

Penalty for transgressing the same.

Fines and forfeitures to whom paid, and how applied and recovered.

Justices to direct the Summons, &c. to a Constable in the Township, or if none, to a Constable living nearest the person to be so summoned.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of all Justices of the Peace issuing or granting any Summons or Warrant under and by virtue of this Act, or of the said Act of the forty-eighth year of his Majesty's reign, and they are hereby required to direct every such Summons or Warrant as aforesaid, to the Constable living in the Township where the person or persons to be Summoned, or against whose goods and chattels such Warrant shall be issued or granted, may reside, or in case of no Constable living in such Township, then and in that case such Summons or Warrant shall be directed to the Constable living nearest to the residence of the person or persons to be Summoned, or against whose goods and chattels such Warrant shall be issued or granted, and every Constable shall in computing his costs upon every such service, charge his mileage, from the place where he received such Summons or Warrant, and no more.

C H A P. VIII.

An Act to repeal an Act passed in the forty-seventh year of his Majesty's reign, intituled, "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," and to make further provision for the same. [Passed the 13<sup>th</sup> March, 1811.]

Preamble.

WHEREAS the present mode of laying Assessments has been found inconvenient; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, Enacted and after the first Monday in the month of March, one thousand eight hundred and twelve, an Act passed in the forty-seventh year of his present Majesty, by which Rates have been imposed, intituled, "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," shall be, and the same is hereby repealed.

A. 47th Geo. 3d, ch. 7, repealed.

Property that is Ratable.

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, one thousand eight hundred and twelve, and for every subsequent year during the continuance of this Act, be deemed ratable property throughout this Province, and shall be rated at the rate and valuation hereinafter set forth, (that is to say,) every acre of arable, pasture, or meadow land, twenty shillings—every acre of uncultivated land, four shillings—every town lot situate in the towns herein after mentioned, Queenston, Niagara, York and Kingston, twenty pounds—Cornwall, Sandwich and Johnstown, ten pounds—every house built with timber squared or hewed on two sides, of one story in height and not more than two fire places, twenty pounds—every additional fire place, four pounds—every dwelling house built of squared or flatted timber on two sides, 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, with not more than two fire places, thirty-five pounds, and every additional fire place, five pounds—every brick or stone house of one story in height and 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 and not more than two fire places, sixty pounds, 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, fifty pounds—every saw mill, one hundred pounds—every merchants shop, two hundred pounds—every store house owned or occupied for the receiving and forwarding of goods, wares or merchandize, for hire or gain, two hundred pounds—every stone horse kept for the purpose of covering wares for hire or gain, one hundred and ninety nine pounds. Provided also, that if any person shall bring into any Township in this Province, any horse as aforesaid, after the Assessment Bill shall have been made up for such Township, it shall and may be lawful for the Collector of any such Township, and he is hereby required, to demand and receive of any such person the rate for such horse as aforesaid, unless the owner can satisfy such Collector, that the rate for such horse has been returned or paid for that year, and in case of refusal of payment, to proceed to the recovery of such rate by distress and sale of such horse as aforesaid.—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—milk cows per head, three pounds—horned cattle from the age of two years to four years per head, one pound. Provided always, That every stove crecked and used in a room where there shall be no fire place, be deemed and considered as a fire place. Provided also, that nothing herein contained, shall extend, or be taken or construed to extend to any property, goods or effects, matters or things herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of his Majesty, his heirs or successors, except the lands and tenements in the possession of the tutees of the Crown and Clergy Reserves, which shall be liable to the same rates and assessments as other lands herein before mentioned.

Proviso as to rate after the Assessment Bill is made up in any Township.

Exception as to any property belonging to his Majesty, unless the property consists of the Crown and Clergy Reserves.

Assessors to demand lists of the ratable property, which they shall return to the Clerks of the Peace, to be laid before the Quarter Sessions.

III And be it further enacted by the authority aforesaid, That the persons nominated and chosen as Assessors in each and every parish, township, reputed township, or place, shall during the continuance of this Act have power and authority, and they are hereby authorized, empowered and required to demand and receive of and from each and every ratable inhabitant, resident within the parish, township, or place

for which they shall be so nominated and chosen, a list of all the ratable 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 ratable inhabitants, with a true List of all their ratable property as aforesaid, and the said Assessors shall include their own ratable 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 in 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.

IV. *And be it further enacted by the authority aforesaid,* That all lands shall be considered as ratable property, which are holden in fee simple, or promise of a fee simple, by Land Board Certificates, Order of Council, or Certificate of any Governor of Canada.

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 four pounds for every hundred pounds contributed and raised in and by their respective townships, reputed townships, or places, for the year 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.

VI. *And be it further enacted by the authority aforesaid,* That the several Courts of Quarter Sessions are hereby authorized, empowered 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 Rolls named and liable to pay rates as aforesaid, so that every person shall be assessed in just proportion to the list of his, her, or their ratable 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 shall 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 to him the sum of twenty shillings, 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 one penny in the pound in the sum herein specified, on the valuation at which each species of the property before mentioned shall be rated and assessed.

VII. *And be it further enacted by the authority aforesaid,* That no new Assessments shall be made until it shall appear to the Justices at their respective General Quarter Sessions, or the greater part of them then and there assembled, by the accounts of their Treasurer or otherwise, that one half of the money collected by virtue of the presiding Rate, together with the whole of the monies collected under and by virtue of any Act or Acts now, or hereafter in force in this Province, shall have been expended for the public uses of the District.

VIII. *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 rates assessed and the legal charges of the distress and sale.

IX. *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 every mile in travelling to execute the warrant of distress, four pence; and for every selling and making returns, two shillings.

X. *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, intituled, "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, intituled, "An Act to alter and amend an Act passed in the thirty-third year of his present Majesty's reign, intituled, "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, intituled, "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 the 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 ratable property, real and personal, to the Assessors in manner and form herein before specified, or shall wilfully mitigate such ratable property, every such person or persons shall forfeit and pay a sum of money not less than two pounds, 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

Assessors shall make a return of the ratable Inhabitants and of their property together with a return of their own property

Lands that shall be considered as ratable property.

Compensation to the Assessors.

Apportionment of Rates by the Quarter Sessions.

Clerks of the Peace to transmit certified copies of the Assessment Rolls to the Collectors.

Sum to be levied, not to exceed one penny in the pound.

When new Assessments shall not be made.

The Rates how to be recovered.

The Fees to be taken for the recovering of the same.

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 ratable property to the Assessors, or shall mitigate such property wilfully.



Mode of recovering such penalties.

assembled, shall hear and determine the same; and upon sufficient proof being made of such wilful neglect, refusal, or mistatement, they shall issue such warrant as aforesaid (unless such fine shall be immediately satisfied) 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.

Clerks of the Peace to transmit an account of the Assessments to the Governor, &c.

XI. *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 is hereby required to transmit before the end of the month of November in each and every year, to the Governor, Lieutenant Governor, or Person administering the Government, an aggregate account of the said Assessment, in order that the same may be laid before the Legislative Council and House of Assembly, 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 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 Collectors.

XII. *And be it further enacted by the authority aforesaid,* That the Collector may deduct at the rate of five pounds for every hundred pounds and 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, who shall be accountable for the moneys received and pay the moneys ordered.

XIII. *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 within the District, to be Treasurer of said District, which Treasurer shall give sufficient security in such sum 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 true 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 order direct and appoint, for the purposes therein recited, and for any other uses and purposes to which the public stock of said District is or shall be applicable by law, reserving at all and every time or times, to and for his own use, 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.

Compensation to the Treasurer.

XIV. *And be it further enacted by the authority aforesaid,* That the said Treasurer shall and is hereby required to keep Books of Entries of the several sums respectively received and paid by him, in pursuance of this or any other Act, now or hereafter in force in this Province; and also to deliver in a true and exact Account upon oath, 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 Quarter Sessions to be holden for the District, and shall lay before the Justices of such Sessions the proper Vouchers for the same, and also transmit once in each and every year a certified copy thereof on oath, to the Governor, Lieutenant Governor, or Person administering the Government, in order that the same may be laid before the Legislative Council and House of Assembly; 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 Treasurer, shall be taken and allowed as good and sufficient acquittance to the full amount thereof.

Duty of the Treasurer.

XV. *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.

Treasurer to hold his office at the pleasure of the Quarter Sessions.

Form of the Assessments and Rates.

XVI. *And be it further enacted by the authority aforesaid,* That the Assessments and Rates hereby imposed, may be in the form hereunto subjoined.

Continuance of this Act.

XVII. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue to be in force for four years and no more.

Form of an Assesment for the Township for the Year commencing and ending the

NAMES.	Acres of Land		HOUSES.										MILLS.				ASSESSMENT.							
	Uncultivated.	Arable, Pasture, or Meadow	Two Lots in Queenston, Niagara York and Kingston, or Twenty Pounds each	Two Lots in Colwall, Sandwich and Johnstone, at 10: each	Square or Hewed Timber 100	Additional Fire Places	Square Timber, 120 Story.	Additional Fire Places	From Junction to Six	Additional Fire Places	Brick or Stone of one Story with not more than two Fire Places	Additional Fire Places	Brick or Stone of two Story with not more than two Fire Places.	Additional Fire Places.	Wrought by Water with one pair of Stones	Additional pair of Stone		Saw Mills.	Mills in Shops	Stone Mills, three years old and upwards.	Horses of three years old and by wards.	Additional pair of Stones	Additional pair of Stones	Rate per pound
A																								£. s. d.
B																								
C																								

Two Hundred Perions, (or as the case may be in the above named District, have the Property hereunder enumerated.				Aggregate.	Valuation	Rate per Pound.	£. s. d.

CHAP. IX.

An Act to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of his Majesty's reign, intituled, "An Ordinance for ascertaining damages on Protested Bills of Exchange, and fixing the rate of Interest in the Province of Quebec;" also to ascertain damages on Protested Bills of Exchange, and fixing the rate of Interest in this Province.

WHEREAS an Ordinance Passed in the Province of Quebec, in the seventeenth year of his Majesty's reign, intituled, "An Ordinance for ascertaining damages on Protested Bills of Exchange, and fixing the rate of Interest in the Province of Quebec," is in part inapplicable to 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, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the said Ordinance, as far as it relates to, or affects this Province, be, and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, all Bills of Exchange drawn or hereafter to be drawn by any person or persons residing in this Province, upon any person or persons in Europe or the West Indies, that may return under Protest for non-payment thereof, shall be subject to ten per cent. damages, and six per cent. per annum interest, upon the principal sum furnished here, from the day of the date of the Protest to the time of payment, which said principal sum shall be reimbursed to the holder of the Bill at the par of exchange, that is to say, at the rate of one hundred and eleven pounds and one ninth Currency, for one hundred pounds Sterling.

III. And be it further enacted by the authority aforesaid, That all and every Bill or Bills of Exchange drawn or hereafter to be drawn by any person or persons residing in this Province, on any person or persons in North America, the West Indies excepted, and shall be returned Protested, shall be subject to four per cent. damages, and six per cent. per annum interest upon the principal sum furnished here, from the day of the date of the Protest to the time of payment.

IV. And be it further enacted by the authority aforesaid, That all Bills, Orders, or Mandates, drawn after the passing hereof, by any person or persons residing in this Province, or any person or persons living in the same, and Notes of Hand, given in this Province, if Protested for non-payment, shall be subject to six per cent. per annum interest, from the date of the Protest, to the time of payment.

V. And be it further enacted by the authority aforesaid, That in all the said causes of Protest, the expence of Noting and Protesting the Bill, and the Postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest and damages.

VI. And be it further enacted by the authority aforesaid, That it shall not be lawful upon any contract, to take directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the advance or forbearance of one hundred pounds for a year; and so after that rate for a greater or less sum or value, or for a longer or shorter time; and the said rate of interest shall be allowed and recovered in all cases where it is the agreement of the parties that interest shall be paid; and all Bonds, Contracts and assurances whatsoever, whereupon or whereby a greater interest shall

Ordinance passed in the 17th of Geo 3d in the Province of Quebec, for ascertaining damages on Protested Bills of Exchange, and fixing the rate of interest in that Province repealed.

Damages and interest on protested bills of exchange drawn in this Province, on Europe or the West Indies.

Damages and interest on Protested Bills of Exchange drawn in this Province on North America, the West Indies excepted.

Interest on Protested bills, orders or mandates, drawn in this Province, on persons living therein, and on notes of hand given in this Province.

Expence of noting, protesting, by whom to be paid.

Interest for the loan of any monies, &c. shall not be taken above the rate of six pounds, per centum for a year.

All bonds, contracts, &c. whereupon a

greater interest shall be reserved shall be void. Penalties for receiving a higher rate of interest. How recovered.

shall be reserved and taken, shall be utterly void, and every person who shall either directly or indirectly take, accept, and receive a higher rate of interest, shall forfeit and lose for every such offence, treble of the value of the monies, wares, merchandize, and other things lent, or bargained for, to be recovered by action of debt in the Court of King's Bench in this Province, a moiety of such forfeiture shall be paid into the hands of his Majesty's Receiver General, for the use of his Majesty, his heirs and successors, towards the support of the Civil Government of this Province, and shall be accounted for to his Majesty, his heirs and successors, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors shall please to direct, and the other moiety to him or them that shall sue for the same.

T H E
S T A T U T E S
O F H I S M A J E S T Y ' S P R O V I N C E O F
U P P E R - C A N A D A .

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

ISAAC BROCK, ESQUIRE, PRESIDENT.

C H A P . I.

An Act to prevent Desertion from his Majesty's Regular Forces, by granting a Bounty for Apprehending Deserters in this Province. [Passed 6th March, 1812.]

Preamble,

WHEREAS from the local situation of this Province, some further provision than the general Laws of the Empire afford, is necessary for the encouragement of persons who apprehend Deserters; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, any person or persons not being in his Majesty's Regular Forces in this Province, who shall apprehend any Deserter or Deserters from such Regular Forces, and deliver up such Deserter or deserters to any Officer Commanding any Military Post in this Province, shall for each and every such Deserter or Deserters, so apprehended and delivered up, be entitled to, and shall receive in the manner hereinafter directed, a Reward of Five Pounds, current money of this Province, upon producing a certificate of such apprehension and delivery, specifying the name or names of such Deserter or Deserters, and to what Regiment or Corps he or they belong, as may appear by confession or otherwise, signed by the Officer so Commanding, and by any Justice of the Peace for the District before whom such Deserter or Deserters shall be brought, which certificate such Officer and Justice of the Peace, are hereby authorized and required to grant; Provided nevertheless, That when any Deserter or Deserters shall be so apprehended in any District of this Province, in which there may be no Military Post at the time, it shall and may be lawful for any Justice of the Peace before whom any Deserter or Deserters may be brought, and he is hereby required to commit by warrant under his hand and seal, every such Deserter or Deserters, to the common gaol of the District wherein he or they may be apprehended, to be therein kept in safe custody, until demanded by and delivered up to any officer or detachment of his Majesty's Forces demanding such Deserter or Deserters, then, and in that case, the certificate of such Justice of the Peace, countersigned by the Keeper of such Gaol, acknowledging the receipt of such Deserter or Deserters, into his custody, shall be deemed sufficient.

Any person not being in his Majesty's regular forces, who shall apprehend and deliver up any deserter therefrom, shall be entitled to a reward of 5l. upon producing a certificate of such apprehension & delivery. By whom certificate to be signed and what it shall state.

How it no military post within the District in which deserter shall be apprehended.

Persons having apprehended deserters may command assistance for their safe keeping, &c.

Allowance to persons so employed.

Penalty for refusing to assist.

II. And be it further enacted by the authority aforesaid, That when any person or persons who may have apprehended any Deserter or Deserters, may require further assistance for the safe keeping and conveying such Deserter or Deserters to the nearest Military Post or common Gaol, such person or persons shall have authority to call upon as many of the inhabitants (not being Quakers, Menonists or Tunkers) as may be required for that purpose, and no more. And each and every person so employed, shall be entitled to receive and demand six-pence per mile for every mile he shall go and return upon such service, to be ascertained if required, by the oath of such person, and the said sum of six-pence per mile, shall be paid under the like certificate, as the aforesaid reward of five pounds is herein directed to be paid.

III. And be it further enacted by the authority aforesaid, That every person not being a Quaker, Menonist or Tunker, who may be required to attend upon such service, and shall refuse so to do, upon due proof

proof being made upon oath, of one credible witness, before any Justice of the Peace, shall forfeit and pay the sum of twenty shillings for every such offence, to be levied by distress and sale of the offender's goods and chattels, and in case of no sufficient distress being found, it shall and may be lawful for such Justice of the Peace, by warrant under his hand and seal, to commit every such offender to the common Gaol of the District wherein the same shall happen, for a space of time not exceeding one Calendar month, and the said sum of twenty shillings so levied as aforesaid, shall be paid into the hands of the Receiver General of this Province, for the support of the Civil Government thereof, to be accounted for by him to the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his heirs and successors may be pleased to direct.

How recovered and applied.

IV. And in order to enable any person or persons entitled thereto, to receive the reward before mentioned, with as much facility and as little expence as circumstances will admit; be it therefore enacted by the authority aforesaid, That any public officer in the District where such Deserter shall be apprehended, holding public monies levied under the authority of any Act of the Provincial Parliament of this Province, is hereby authorised and required to pay the reward before mentioned out of any such monies in his hands, and the certificate aforesaid, together with a receipt for the sum of the person or persons receiving such reward, certified by two witnesses, shall be received and taken by the Receiver General of this Province, in discharge of so much of the account of such public officer as shall pay the same; and all money paid in manner aforesaid, out of any fund by law appropriated, shall be replaced to such fund out of any unappropriated money remaining in the hands of the said Receiver General.

How reward to be paid.

V. And be it further enacted by the authority aforesaid, That this Act shall be in force during the present war, and from thence to the end of the then next Session of the Provincial Parliament, and no longer.

Continuance of this Act.

VI. And be it further enacted by the authority aforesaid, That all monies paid or replaced in pursuance of this Act by his Majesty's Receiver General, shall be accounted for by him to the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his heirs and successors may be pleased to direct.

C H A P. II.

An Act for granting to his Majesty, a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, and building Bridges in the several Districts thereof.

[Passed 6th March, 1812.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it would much advance the general prosperity of this Province, if the Public Highways and Roads were amended, 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That out of the Rates and Duties already raised, levied and collected, or hereafter to be raised levied and collected, to and for the use of this Province, there be granted to his Majesty, his heirs and successor, the sum of two thousand pounds, to be issued out of the funds now remaining, or hereafter to come into the Receiver General's hands or appropriated, and arising from such rates and duties as last aforesaid; which said sum of two thousand pounds shall be disposed of appropriated and applied in repairing the Roads already laid out, and building Bridges in the several Districts of this Province.

Preamble.

£ 2,000 to be applied in repairing Roads and building Bridges.

II. And be it further enacted by the authority aforesaid, That the said sum of two thousand pounds, shall be appropriated in the following manner: To the Eastern District, two hundred and fifty pounds; fifty pounds thereof, together with the sum of eighteen pounds thirteen shillings, & one penny, unexpended in the hands of Alexander Grant, to be expended in the Township of Hawkesbury in the County of Prescott, commencing at the Province line and from thence on the front Road, until it intersects the line of New Longueil, near Alexander Grant's; another fifty pounds thereof on a Creek, formerly called Condas in the said District, for making and repairing Roads and Bridges, one hundred pounds.

To be appropriated as follows: Eastern District £ 450.

III. And whereas by an Act passed in the fifty first year of his Majesty's reign, intituled, "An Act for granting to his Majesty, a certain sum of money out of the funds applicable to the uses of this Province, to defray the expences of amending and opening the Public Highways and Roads, and building Bridges in the several Districts thereof;" it is enacted by the second clause of the above recited Act, "that the sum of one hundred and seventy-four pounds sixteen shillings and ten pence three farthings should be laid out and expended in the Eastern District, on the front Road commencing at Sutherland's Creek in Lancaster to Point au Baudet;" and whereas it is found inexpedient to lay out the said sum of one hundred and seventy-four pounds sixteen shillings and ten pence three farthings on the Road aforesaid, therefore be it enacted by the authority aforesaid, That the second clause of the above recited Act, so far as it relates to the sum of one hundred and seventy-four pounds sixteen shillings and ten pence three farthings, be laid out on the Road leading from Sutherland's Creek to Point au Baudet, and the same is hereby repealed. And that it shall and may be lawful for the said Commissioners appointed under and by virtue of this Act, to lay out the residue of money now in the hands of the

Further appropriation of £ 174 16 10 to Eastern District repealed.

To be the residue to be applied.

Commissioners appointed for one thousand eight hundred and eleven, on the Road in Lancaster, leading from the Widow Cameron's to the Province Line near Point au Bauc, any law to the contrary notwithstanding.

District of Johnstown  
1750.

To the District of Johnstown, two hundred and fifty pounds, to be laid out and expended in the following manner: ten pounds for repairing a Bridge across a creek in front of Elizabethtown, called Grant's Creek; fifty pounds to be laid out in amending the Road leading from Adam Cole's in Elizabethtown, to the Mills belonging to Charles Jones, Esq. in Yonge; forty pounds for repairing the Road leading from the said Mills to the easternmost boundary of the Midland District; forty pounds on the Road leading from the easternmost boundary of the Midland District, passing by the Iron Works in Lansdown to Nathaniel Brown's in Elizabethtown, on such part of the said Road as the said Commissioners shall think most proper; forty pounds for building a Bridge at Johnstown; ten pounds on the Road from the said bridge to Thomas Frazer's, Esq. ten pounds on the Road leading from James Umphreys's to Lewis Grant's Mills; ten pounds on the Road leading from Gideon Adams's to Johnstown; and forty pounds to complete the Bridge from Lot Number Twenty-six in Marlborough, to Lot Number Five in Orford.

Midland District  
1750.

To the Midland District, two hundred and fifty pounds, to be laid out and expended in the following manner: ten pounds from the Western boundary of the District of Johnstown, on the Road leading from the Iron Works in the Township of Lansdown until it intersects the Road in the Township of Pittsburgh near the Kingston Mills; forty pounds from the Eastern boundary of the Township of Pittsburgh by the King's Mills to the Town of Kingston; twenty pounds from the East side of Collins's Creek in the third Concession of the Township of Kingston, to the Road passing through the fourth Concession of Ernestown; six pounds from the Western boundary of the Township of Richmond, to the Eastern boundary of the Township of Thurlow; thirty pounds for the Bridge at the entrance of the River Moira; fifty pounds to the second concession Bridge of the Township of Kingston; twenty pounds for the Kemp Road; twenty pounds from Vanalstine's Mills, on the Road leading to Hallowell Bridge.

District of Newcastle  
1750.

To the District of Newcastle, two hundred pounds, to be laid out and expended in the following manner: thirty pounds on the road leading from the Carrying Place at the head of the Bay of Quinty, to the Mills on Lot Number thirty-four in the first Concession of Murray; thirty pounds on the road leading from the River Trent to the East line of the Township of Cramahe; fifteen pounds on the road near the line in front of the second concession of the township of Cramahe; fifteen pounds on the public road leading through the township of Haldimand; fifteen pounds on the said public road leading through the township of Hamilton; thirty-five pounds on the Dundas Street, leading through the Township of Hope; thirty pounds on the Dundas Street, in the Township of Clarke; thirty pounds on the Dundas Street, in the township of Darlington.

Home District  
1750.

To the Home District, three hundred and twenty-five pounds, to be laid out and expended in the following manner: fifty pounds to be appropriated for the repairs of the bridge over the River Rouge, or New, and if any surplus should remain after completing such repairs, such surplus to be laid out on the road called Dundas Street, between the said river and the Eastern boundary of the Home District, also one hundred pounds to be laid out on the same road; fifty pounds on the road commonly called the Commissioners Road, between the town of York and the River Credit; fifty pounds on the road in the Township of Toronto, on Dundas Street; fifty pounds for building a bridge over the Twelve-mile Creek, on Dundas Street; twenty five pounds on the road leading from Beverly to Block Number Two on the Grand River.

District of Niagara  
1750.

To the District of Niagara, two hundred and twenty five pounds, to be laid out and expended in the following manner: one hundred pounds on the road through the Grand River Swamp; forty pounds on the Road from John Petit's to Edward Brady's, in Saltfleet; twenty-five pounds on the road from Elijah Doan's in Crowland, to W. Steele's in Humberstone; fifteen pounds on the Bridge over Lyons's Creek, near the mouth thereof, in Willoughby; twenty pounds on the main road from Queenston, to the Twenty-mile Creek; twenty-five pounds on the road from the Eight to the Ten-mile Creek in Grantham, leading from Niagara.

District of London  
1750.

To the District of London, two hundred and fifty pounds, to be laid out and expended in the following manner, that is to say, two hundred pounds on the public road leading through the Townships of Burford and Oxford to Delaware Town, pursuing the said road where the public money for the said district was by law directed to be applied the last year, in the following proportions, commencing at the Cooley place in Burford, and from thence to the town line of Oxford: fifteen pounds from thence to Canfield's in Oxford; forty-five pounds from thence to the Widow Haskins's; twenty-five pounds from thence to Archibald M'Millan's, in Delaware Town; forty pounds on the road called Dundas Street, between a bridge about half a mile on a westerly course from Stephen Casis's now dwelling-house in Burford, across a creek called Homer's Mill Creek; the sum of forty-five pounds be applied on the public road between the said bridge and Levy Babit's, in Oxford; in the Wilderness, west of the River La Trenché, fifty pounds.

Western District  
1750.

For the Western District, two hundred and fifty pounds, to be laid out and expended in the following manner: fifty pounds from the Moravian Grant in the Delaware Wilderness; one hundred pounds from the Moravian line to Amherstburg; one hundred pounds from Amherstburg to John Cornwall's.

IV. And he is 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 one or more Commissioner or Commissioners for each and every District of this Province, for carrying the provisions of this Act into execution, which Commissioner or Commissioners shall have full power and authority, and they are hereby required to proceed to repair and amend such roads and build such bridges in each and every District of this Province, as herein before described, to which he or they shall be respectively appointed, and the said Commissioner or Commissioners respectively, shall cause the work required by this Act, to be done or performed between the first day of May and the first day of November, in each and every year.

Appointments of Commissioners.

V. And be it further enacted by the authority aforesaid, That the said Commissioners respectively appointed by this Act, shall once in every year, on or before the first day of January, transmit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a true account of the expenditure of the money by him or them received under and by virtue of this Act, in detail, with proper vouchers accompanying the same, to be laid before the Legislature for their inspection.

Time when work is to be performed.

Accounts of Commissioners to be transmitted to Lieut. Governor's Office.

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, to direct the money appropriated and apportioned as aforesaid, for each and every District thereof, to be paid to any one of the Commissioners for such District or Districts applying for the same.

Governor to authorize payment of the money appropriated by this Act.

VII. And be it further enacted by the authority aforesaid, That before any Commissioner shall proceed to carry into execution the several powers and authorities by this Act conferred, he shall take the following Oath:—I, A. B. do swear that I will faithfully and impartially to the best of my skill and judgment, perform and carry into execution the several powers and authorities in me vested, in and by a certain Act of the Legislature of this Province, intitled, "An Act for granting to his Majesty a certain sum of money out of the moneys applicable to the uses of this Province, to defray the expences of amending and repairing the Public Highways and Roads, and building Bridges in the several Districts thereof," without favour or affection to any person or persons whomsoever, and will duly and faithfully account for all monies which shall from time to time come into my hands, for the purpose of carrying the provisions of the said Act into execution.—So help me God. Which said Oath shall be taken before any one of his Majesty's Justices of the Peace, in and for the District for which such Commissioner shall be appointed, and a certificate of such oath, the Justice administering the same is hereby required to transmit to the office of the Governor, Lieutenant Governor, or Person administering the Government of this Province, with all convenient speed, after such oath shall have been by him administered. Provided nevertheless, and it is hereby declared, that nothing herein contained shall repeal or annul any of the provisions of any existing Act or Acts of this Province, for raising or levying the rates thereby imposed, or compelling the labour by such Acts, or in any of them required to be done and performed on any public highways and roads comprised in such Acts; but all and every such Act and Acts is and are hereby declared to be and continue in full force. Provided also, that nothing in any former law or statute of this Province contained, shall from and after the passing of this Act, be held or construed to empower or authorize any Magistrate or Overseer in any such law or statute mentioned, in any manner to interfere or give directions touching or concerning any road or highway to be laid out or repaired under and by virtue of this Act, nevertheless the said Magistrates and Overseers and every of them, is and are hereby authorized to carry into execution, all and every such power and authority as by such law or statute they are vested with, in all cases in which the executing such power will not impede or interfere with the powers or authorities given in and by virtue of this Act.

Oath to be taken by Commissioners.

Certificate of the said Oath to be transmitted to the Lieut. Governor's Office.

This Act not to interfere with the Statute labour.

Overseers and Magistrates not to meddle with Commissions.

VIII. 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 purposes 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.

Money to be paid by the Receiver General in pursuance of Warrants from the Governor.

IX. And be it further enacted by the authority aforesaid, That each and every Commissioner appointed under the authority of any former Act or Acts of the Parliament of this Province, for laying out, amending, and keeping in repair the public highways and roads in this Province, in whose hands any balance remains unexpended, and who shall not be appointed a Commissioner under and by virtue of this Act, shall on or before the first day of May next, pay over every such balance into the hands of any one Commissioner appointed under and by virtue of this Act, in their respective districts, in which such Commissioners heretofore appointed, may reside, and the said balance, the Commissioner or Commissioners appointed under or by virtue of this Act, are hereby authorized and required to expend in their respective districts, as by the Acts of the thirtieth and fifty-first years of his Majesty's reign is required, with the exception of the Eastern District, as herein before mentioned.

Money unexpended by former Commissioners to be paid over to those appointed under this Act.

CHAP. III.

An ACT to extend the Provisions of an Act passed in the forty eighth year of his Majesty's reign, intitled, "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." Passed 6th March, 1812.

WHEREAS an Act passed in the forty eighth year of his present Majesty's reign, intitled, "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, is found insufficient for the purposes thereby intended, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislature

Enacted.

gillative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That there shall be to every Battalion of Militia now or hereafter to be formed in this Province, (the strength of which will admit thereof) two Flank Companies, to consist of not more than one hundred men each, not in any case to compose more than one third of the strength of such Battalion, and also all independent Companies belonging to any County, Riding or Place, shall provide their quota, to compose one or more Flank Company or Companies, but in no case to exceed one third of such Independent Company or Companies, to be selected and formed from among such Militia men, as shall at any meeting or meetings of any such Battalion or Independent Companies, volunteer for that purpose. And if it should so happen that a sufficient number of persons shall not at any such meeting or meetings, volunteer for the purpose aforesaid, then and in such case the deficiency shall be made up by ballot from the Militia men of such Battalion or Independent Company or Companies, who shall be under the age of forty years.

Two Flank Companies of not more than one hundred men each to every Battalion, but not to compose more than one third of the strength of the Battalion.  
Independent Companies shall provide their quota.  
How such Flank Companies shall be formed.

How when two or more shall be called upon from one family.

Command to call out the Company six days in each month, and the Company shall continue its training six days in every month, all to be duly instructed.

How often it shall be pronounced duly instructed.

No Field Officer, except such as may be specially appointed, shall command or otherwise interfere with the training or exercising of the said Companies.

Governor &c may appoint Officers.

Governor may order the said Flank Companies upon any such duty as may be thought necessary.

Captain to divide Companies into Squads - each shall appoint proper persons to instruct in Military discipline, the men to be assembled at such Squad meetings.

Punishment for insubordination or disobeying Instructions.

Oath to be taken by the President and other Members of Court.

II. *Provided always nevertheless,* That when it shall happen that two or more persons shall be called upon for service from one family, that one of them shall be excused for that time, unless it shall appear to the Officer Commanding such Company of Militia, that there is another person living in the same house, capable of taking care of the said family, who is not then called into actual service; and also that when a widow or aged person, shall at the time of making the said ballot, depend for her, or his maintenance on a Son, Grandson or Apprentice, such Son, Grandson, or Apprentice, shall be excused from service, while supporting such widow or aged person.

III. *And be it further enacted by the authority aforesaid,* That when any such flank Company shall be formed, it shall and may be lawful for the Captain or Officer Commanding the same, to call out such company, and he is hereby required so to do, six days in each Month, for the purpose of being trained and exercised, as may be directed by the Governor, Lieutenant Governor or person administering the Government, and such Company shall continue its training not exceeding the said six days in every Month, until it is found that the men composing the same, are duly instructed in their exercise. *Provided always,* That the Officer Commanding such Company, shall always after the said Company shall be pronounced duly instructed, have it in his power to call out such Company one day in each Month to be exercised and reviewed, and oftener if he shall be so directed by the Governor, Lieutenant Governor, or Person administering the Government. *Provided also,* That such Flank Company or Companies being called out for the purpose of training, it shall not be lawful for any Field Officer, except such as may be specially appointed for that purpose, by the Governor, Lieutenant Governor, or Person administering the Government, to command, or otherwise interfere in the said training or exercising.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government, from time to time, as occasion may require, to appoint such and so many Staff Officers to the Militia of this Province, as he may think necessary, and also from time to time to remove any Militia Officer, now or hereafter to be appointed, and appoint another in his stead.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Governor, Lieutenant Governor, or person administering the Government, as often as occasion shall require to order any and every of the said Companies to march to any part of this Province, upon any such duty as he shall think necessary.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Captain, or other Officer commanding any Company of Militia, if he shall think necessary, to divide his Company into Squads of such number as to him shall seem proper, and the convenience of the men of such Company shall require, and that the Captain, or other Officer Commanding any such Company, as aforesaid, shall always appoint some fit and proper person to exercise and instruct in Military discipline, the men to be assembled at each of the said Squad meetings, and that if any non-commissioned Officer or Private shall refuse to obey the lawful orders of his superior Officer when employed on Militia duty, or shall quarrel with, or insult by abusive words, or otherwise, any Officer, or non-commissioned Officer, being in the execution of his duty, or otherwise misbehave himself while on duty as aforesaid, it shall and may be lawful to and for the Commanding Officer then and there present, to order every such offender or offenders to be taken into custody, and forthwith tried by a Court Martial, to be composed of three or more Officers of the said Militia, who, upon proof of the offence by the Oath of one or more credible witnesses or witnesses, (which Oath the President of the said Court Martial is hereby authorized to administer) shall and may order and sentence every such offender to pay a fine, not exceeding five pounds, nor less than five shillings, at the discretion of the Court, and according to the nature of the offence, and in default of payment, commit such offender to the common Gaol of the District, for a term not exceeding one month, nor less than three days, or until the amount of such fine shall be paid, any law to the contrary in any wise notwithstanding.

VII. *And be it further enacted by the authority aforesaid,* That in all trials by any Court Martial, other than General Courts Martial, the person appointed to be President thereof, shall administer to each of the other Members, the following Oath: *You A. B. do swear that you will administer Justice to the best of your understanding in the matter now before you, according to the Militia Laws of this Province, and the said Oath*

which shall be produced before you, without partiality, favor or affection.—So help you God. And as soon as the said Oath shall have been administered by the President to the other Members, any one of the said Members shall administer the said Oath to the President.

VIII. And be it further enacted by the authority aforesaid, That whenever it shall so happen that there shall not be a sufficient number of Officers present to compose a Court as aforesaid, it shall and may be lawful to and for the Commanding Officer to detain such offender in custody, until a Court can be assembled for the trial of such offender; provided such Court can be obtained within twelve hours from the time of such confinement, and in case a Court as herein before directed, cannot be assembled within twelve hours, such offender shall be released from such confinement, and tried under the provisions of the Act of the forty eighth of the King, intitled, "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."

How if a sufficient number of Officers shall not be present.

If Court cannot be assembled within twelve hours, offender to be released and tried under the provisions of the Act of the 48th of the King.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall presume to disturb, interrupt, or molest any party of Militia, whilst on duty, it shall and may be lawful to and for the Commanding Officer of such party, to order any such person or persons to be carried before any one of his Majesty's Justices of the Peace, who shall be next to the place where the offence may be committed, who upon proof of the offence by the oath of one or more witnesses or witnesses, shall and may order and adjudge every such offender to pay a fine not exceeding five pounds, nor less than ten shillings, and in default of payment, to commit him to the common Gaol of the District, for a term not exceeding one month, nor less than ten days, unless the fine is sooner by him paid.

Penalty for disturbing Militia on duty.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government, from time to time, and as often as occasion shall require, to make such regulations as he shall think necessary, for the care and custody of any Arms and Accoutrements provided and supplied in order to the instruction of the Militia men to be trained and exercised; and also, from time to time as occasion may require, by any order or orders to be made and issued for that purpose, to declare and establish the dress and uniform to be worn by any and every part of the Militia of this Province. Provided always, that nothing herein contained, shall be construed to oblige any Militia men to provide any uniform at their own expence.

Governor to make regulations for the care and custody of Arms and Accoutrements.

and also to establish the dress and uniform

XI. And be it further enacted by the authority aforesaid, That so much of the said Act passed in the forty-eighth year of the King, intitled, "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 directs that no Company of Militia shall consist of more than fifty men, shall be and the same is hereby repealed, and that every Company shall and may consist of a number not exceeding one hundred men.

Companies of Militia to be composed of a number not exceeding 100 men.

XII. And whereas it may be convenient to form one or more Company or Companies of Riflemen in this 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 form and embody such Company or Companies, and employ the same on such duties as the necessity of the service may require.

Governor to form and embody rifle companies.

XIII. And be it further enacted by the authority aforesaid, That every Officer of the Militia of this Province, shall on or before the fourth day of June next, and every Officer who may after that day be appointed, within eight days after he shall have received his Commission, before one or more of his Majesty's Justices of the Peace, for the District to which his Regiment, Battalion or Company shall belong, take and subscribe the following Oath, to wit:—"I A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Third, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, as dependant thereon, and that I will defend him to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his Person, Crown and Dignity, and particularly his Dominions in North America, and that I will do my utmost endeavour to disclose and make known to His Majesty, his Heirs or Successors, all treasons, all traitorous conspiracies and attempts, which I shall know to be against him, or any of them, and to all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatsoever, to the contrary. So help me God.

Oath to be taken by the Officers

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government, to order and direct that the Non-Commissioned Officers and Privates, of any and every Regiment, Battalion, Company or body of Militia in this Province, shall be called upon to take and subscribe the said Oath of Allegiance, and that upon receiving any orders for that purpose, it shall and may be lawful to and for the Commanding Officer of such Regiment, Battalion or Company, and he is hereby required to call upon every Non-Commissioned Officer or Private of his Regiment, Battalion or Company, to take and subscribe the said Oath, before one or more of his Majesty's Justices of the Peace for the District to which such Regiment, Battalion or Company shall belong, which Oath shall be administered free of expence, and that every Justice of the Peace administering such Oath, shall forward a Certificate thereof, to the Clerk of the Peace of the District to be enrolled, which such Clerk of the Peace is hereby required to do free of expence; and if any Officer, Non-Commissioned Officer, or Private, (having been required so to do) shall refuse or neglect to take and subscribe the said Oath in manner hereby directed, upon conviction before any General Quarter Sessions of the Peace: or in time of actual Invasion or Insurrection, before any Court Martial, every such person or persons shall be deemed and taken to be an alien, and shall be liable and subject to any law or laws now in force, or hereafter to be made, respecting or against aliens.

Governor, &c. may order Non-Commissioned Officers and Privates to take the Oath of Allegiance to his Majesty.

How they are to be called upon to do.

Penalty for neglecting or refusing



In such of 48th Geo 3d, ch. 1, as directs that no part of the Militia shall continue in service more than six months repeated

How detachments of Militia to be relieved.

Officers commanding detachments, to be relieved by other Officers when required

Colonels to command Militia Companies

Officers commanding Militia Companies, to be relieved by other Officers when required

Officers commanding Militia Companies, to be relieved by other Officers when required

Provision for the widows and children of non-commissioned officers and privates, who shall be killed in service.

Provision for non-commissioned officers and privates who shall be wounded or disabled.

Part of 48th Geo. 3d, repealed.

How Monies arising from fines, &c. are to be applied of.

Continuance of this Act

XV. *And be it further enacted by the authority aforesaid.* That so much of the said Act as directs that any Body or Detachment of Militia, which may be called out by the Governor, or Lieutenant Governor, or Person administering the Government, shall and may be detained on such service for and during the space of six months at one time, and no longer, shall be and the same is hereby repealed.

XVI. *And be it further enacted by the authority aforesaid.* That at the expiration of six Months from the time of any such Detachment being called out as aforesaid, one third of the men of such Detachment shall be selected by ballot, and if relieved by an equal number of men, shall be discharged, and at the expiration of seven Months from the time of calling out such Detachment, another third shall be selected, and if relieved, discharged in like manner, and at the expiration of eight Months, the remaining third, if relieved, shall be discharged.

XVII. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful to and for any Colonel or other Officer Commanding any Regiment, Battalion or Company, and he is hereby required to call out his Regiment, Battalion or Company, whenever he shall be directed so to do, for the purpose of being Inspected or Reviewed, by any Inspecting Field Officer of Militia, or other Field Officers of the line, who may be sent for that purpose; and that Lieutenant Colonels in his Majesty's Army, serving with any part of the Militia in this Province, shall command all Militia Officers whatever, any thing in the said in part recited Act to the contrary notwithstanding.

XVIII. *And be it further enacted by the authority aforesaid.* That every Militia man whose services may be accepted of in any Volunteer Corps, now or hereafter to be raised, shall be exempted from serving as a Militia man under this or the before mentioned Act, whilst he shall belong to any such Corps as aforesaid, and also, that every person serving in any Flank Company, shall not be liable to any personal Arrest on any Civil Process, or to serve as Juror, or to perform duty as a Town or Parish Officer, or Statute labour on the highways, during the time he shall continue in such Flank Companies, any law to the contrary in any wise notwithstanding.

XIX. *And be it further enacted by the authority aforesaid.* That any Non Commissioned Officer or Private Militia-man, who in any engagement with an enemy, or by any accident or casualty which may occur while on, or performing any duty in actual service, shall be killed, and shall leave a widow, or Child or Children lawfully begotten, his said Widow shall be entitled to receive during her widowhood, and in case of the death of such Widow, then the eldest Child, or Guardian, for the use of the Child or Children of such Non-Commissioned Officer or Private Militia man, until the youngest thereof shall have attained the age of Sixteen years, an annuity of five Pounds lawful Money of this Province; and also, that every Non-Commissioned Officer, or Private of Militia, who in any engagement with an enemy, or by any accident or casualty which may occur while on, or performing any duty in actual service, shall be wounded or disabled, so as to be rendered incapable of earning his livelihood, shall be allowed an annuity of nine Pounds lawful Money of this Province, during the time he shall continue under such incapacity.

XX. *And be it further enacted by the authority aforesaid.* That so much of an Act passed in the forty-eighth year of his Majesty's reign, intituled, "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 directs how Militia fines are to be disposed of, be and the same is hereby repealed.

XXI. *And be it further enacted by the authority aforesaid.* That all sums of Money arising from fines, forfeitures and penalties, by this or the above recited Act imposed, together with a list of such fines, forfeitures and penalties, shall as soon after the thirty-first day of December in every year as practicable, be transmitted by the Magistrate or Officer respectively receiving the same, to the Receiver General of this Province, to be disposed of as the Governor, Lieutenant Governor, or Person administering the Government shall direct to purposes only that shall respect the said Militia, and which shall be accounted for to the Crown, through the Commissioners of his Majesty's Treasury, for the time being, as the Crown shall direct.

XXII. *Provided always,* That this present Act shall continue and be in force until the first day of January next, and from thence to the end of the then next ensuing Session of the Legislature of this Province, and no longer.

CHAPTER IV.

An ACT to prevent Damage to Travellers on the Highways in this Province.

[Passed the 6th of March, 1812.]

WHEREAS evil disposed persons travelling the Highways in this Province with sleds or other carriages, frequently do injury to his Majesty's subjects whom they do meet on the Highways aforesaid, by not giving an equal halt of the width of the Road, or beaten track, or any part thereof, for the conveniency of passing each other; For remedy thereof, and to put an end to such evil practices, 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, continued and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same

Militia

18

That from and after the passing of this Act, it shall be the duty of every person or persons travelling the Highways with sleds or other carriages as aforesaid, when, and as often as they do meet each other, for each person or persons to meeting, to turn out to the right hand with their sleds or other carriages, and give one equal half of said road, highway, or beaten track, for the more easy passing each other, without doing damage to either party's team, sled, or other carriage as aforesaid.

All persons travelling on the highway, and meeting sleds, &c. to turn out to the right hand and give half the road.

II. And be it further enacted by the authority aforesaid, That if any persons travelling as aforesaid, with sleds or other carriages, do meet each other on the roads, and shall refuse or neglect to give the one to the other the one half of the width of the road, highway, or beaten track as aforesaid, the party so refusing, shall forfeit and pay the sum of Ten Shillings with reasonable costs, to be recovered before any one of his Majesty's Justices of the Peace within the District where such offence may be committed, on confession of the party so refusing or neglecting as aforesaid, or on the conviction thereof by the Oath of any one credible witness, when Oath the said Justice of the Peace is here by authorized to administer, to be levied by distress and sale of the offender or offender's goods and chattels, and for want of sufficient distress to satisfy such fine and costs, it shall be the duty of such Justice before whom the cause may be tried, to commit such offender or offenders to the common Gaol of the District, for any time not exceeding three days, unless such fine and costs shall be sooner by him or them paid.

Penalty for disobedience of this Act.

How recovered.

III. And be it enacted by the authority aforesaid, That from and after the first day of December next ensuing, every person or persons travelling with sleighs on any road, highway or beaten track in this Province, shall have affixed two or more bells to the harness thereof, and any person neglecting so to do, shall on conviction thereof by confession, or by the oath of one credible witness, before any of his Majesty's Justices of the Peace within the District where such offence may be committed, which oath the said Justice is hereby authorized to administer, shall forfeit and pay the sum of Ten Shillings, to be levied by distress and sale of the offender or offender's goods and chattels.

Two or more bells to be affixed to the harness of every sleigh.

Penalty for neglect.

IV. And be it further enacted by the authority aforesaid, That all fines levied and collected under and by virtue of this Act, shall be transmitted to the Receiver General of this Province, on or before the first day in October in each and every year, for the support of the Civil Government thereof, and the said Receiver General shall account to his Majesty, his heirs and successors for the same, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner and form as his Majesty, his heirs and successors may be pleased to direct.

How fines to be accounted for and disposed of.

V. And be it further enacted by the authority aforesaid, That all complaints to be made under and by virtue of this Act, shall be made within ten days after the offence has been committed, and not afterwards.

Complaints under this Act to be made within ten days.

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

Act in force for four years.

C H A P. V.

An Act for applying a certain sum of Money therein mentioned, to make good certain Monies issued and advanced by his Majesty, through the Lieutenant Governor, in pursuance of an Address of the House of Assembly.

[Passed 6th March, 1812.]

MOST GRACIOUS SOVEREIGN,

WHEREAS in pursuance of an Address of your Commons House of Assembly, to FRANCIS GORE, Esquire, Lieutenant Governor of your Majesty's Province of Upper Canada, bearing date the thirteenth day of March, one thousand eight hundred and eleven, and in the fifty-first year of your Majesty's Reign, the sum of five hundred and two pounds eighteen shillings and seven 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, and to provide a supply of Stationary for the then ensuing Session: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "an Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That out of the supplies 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 five hundred and two pounds eighteen shillings and seven pence, to make good the said sum which has been issued and advanced in pursuance of the aforesaid Address.

Proviso.

£502 18 7, to be applied to make good a like sum advanced by the Lieut. Governor, in pursuance of an Address from the House of Assembly.

II. And be it further enacted by the authority aforesaid, That the due application of the said sum of Money, pursuant to the 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 pleased to direct.

Due application of the said sum how to be accounted for.

C H A P. VI.

An Act for granting to his Majesty a sum of Money for the Use of the Militia of this Province.

[Passed 6th March, 1812.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is necessary that provision should be made for defraying the expences of Training and Exercising the Militia of this Province, and for furnishing Necessaries for the said Militia when

Proviso.

Embodied for the purpose of Exercise; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That 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 uses of this Province, there be granted to his Majesty, his heirs and successors, the sum of five thousand pounds, to be issued out of the funds now remaining, or hereafter to come into the Receiver General's hands unappropriated, and arising from such Rates and Duties as last aforesaid, which sum of five thousand pounds shall be disposed of for the purpose of defraying the Expence of Training and Exercising the Militia of this Province, and such other Expenses as may be incurred in Training and Exercising the said Militia, in pursuance of the Militia Laws in this Province, in such manner as shall be directed by the Governor, Lieutenant Governor, or Person administering the government for the time being; and the due application of such monies as shall be issued for the purpose aforesaid, 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, in such manner and form as his Majesty, his heirs and successors shall be pleased to direct.

Money to be applied in defraying the expence of training and exercising the Militia, in such manner as the Governor, &c. shall direct.

Due application of Money to be accounted for, &c.

CHAP. VII.

An Act to extend the Provisions of an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of Money for the purposes therein mentioned."

[Passed 6th March, 1812.]

Preamble.

WHEREAS by an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of Money for the purposes therein mentioned," the Governor, Lieutenant Governor, or Person administering the government of this Province, was authorized to draw out of the Provincial Funds, the sum of one hundred and seventy-five pounds, for the purchasing of the Statutes of Great Britain; and whereas the said sum of one hundred and seventy-five pounds, nor any part thereof, has yet been applied to the purpose by the said recited Act intended, and whereas it would be advantageous that the said Statutes, and other books should be purchased for the use of the Provincial Legislature, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the government of this Province, to issue his warrant to the Receiver General of this Province, for the abovementioned sum of one hundred and seventy-five pounds, which said sum of one hundred and seventy-five pounds, shall be appropriated and applied in purchasing the Statute Laws of England, and other Books, for the use of the Legislature of this Province, in such manner as the Governor, Lieutenant Governor, or Person administering the government of this Province shall think proper to direct.

Governor to issue his warrant to the Receiver General for one hundred and seventy-five pounds, to be laid out in the purchase of the Statutes of Great Britain and other Books, for the use of the Provincial Legislature.

II. And be it further enacted by the authority aforesaid, That the Receiver General shall account to his Majesty for the said sum of one hundred and seventy-five pounds, through the Lords Commissioners of his Majesty's Treasury for the time being, in such manner as his Majesty, his heirs and successors shall direct.

CHAP. VIII.

An Act for granting to his Majesty a certain sum of Money, further to encourage the Growth and Cultivation of Hemp in this Province, and for other purposes.

[Passed the 6th of March, 1812.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it would very much encourage and promote the cultivation of Hemp in this Province, if some further provision was made by the Legislature for the purchase thereof; in order therefore to make provision for so beneficial an object, as far as the present resources of the Province will admit, 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 be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and out of any fund or funds now remaining, or which may hereafter come into the hands of the Receiver General, arising from and 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 one thousand pounds, to be disposed of, appropriated, and laid out as a public Stock or Capital, applicable to the purpose of purchasing Hemp, the growth of this Province, and of discharging the expences incident to such purchases, exportation and sale thereof, in such manner, and under such regulations as the Governor, Lieutenant Governor, or Person administering the government of this Province shall direct.

Sum granted to his Majesty, to be disposed of, &c. as a public Stock or Capital, applicable to the purchase of Hemp, and the discharge of the expences incident thereto, and the sale and exportation thereof.

II. And

II. And whereas there appears the sum of four hundred and twenty-three pounds eleven shillings appropriated for the purchase of Hemp Seed, and for the payment of Bounties for the encouragement of the Growth and Cultivation of Hemp, remains unexpended. Be it therefore further enacted by the authority aforesaid, That the said sum of four hundred and twenty-three pounds eleven shillings, be applied to the purchase of Hemp, in conformity to an Act passed in the forty-eighth year of his Majesty's reign, intituled, "An Act for the further encouragement of the Growth and Cultivation of Hemp in this Province, and for the Exportation thereof."

The sum of £423 11 appropriated for the purchase of Hemp Seed and the payment of Bounties, and remaining unexpended, shall be applied to the purchase of Hemp, in conformity to 48th Geo. 3d, ch. 9.

III. And be it further enacted by the authority aforesaid, That all sums of money arising from the sale of Hemp received, or to be hereafter received, by either the Receiver General of this Province, or any Commissioner or Commissioners appointed, or to be appointed to carry into execution the provisions of the before mentioned Act of the forty-eighth year of his Majesty's reign, and also of an Act passed in the fiftieth year of his Majesty's reign, intituled, "An Act to amend an Act passed in the forty-fourth year of his Majesty's reign, intituled, "An Act for granting to his Majesty a certain sum of money for the further encouragement of the Growth and Cultivation of Hemp within this Province, and the Exportation thereof," shall be expended in the future purchase of Hemp, agreeable to the provisions of the said Act.

All sums of Money arising from the sale of Hemp, already or hereafter to be received, shall be expended in the future purchase of Hemp, agreeable to provision of 48th Geo. 3d, chap. 9.

IV. 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 purposes 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 or successors shall be pleased to direct.

How Money here-by granted shall be paid and accounted for.

CHAP. IX.

An Act to amend an Act passed in the forty-eighth year of his Majesty's reign, intituled, "An Act to continue an Act passed in the forty-fifth year of his Majesty's reign, intituled, "An Act to afford Relief to those persons who may be entitled to claim Lands in this Province, as heirs or devisees of the nominees of the Crown, in cases where no Patent hath issued for such lands, and further to extend the benefits of the said Act," and to continue part of the same.

[Passed 6th of March, 1812.

WHEREAS an Act passed in the forty-eighth year of his Majesty's reign, intituled, "An Act to continue an Act passed in the forty-fifth year of his Majesty's reign, intituled, "An Act to afford Relief to those persons who may be entitled to claim lands in this Province as heirs or devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefits of the said Act," will shortly expire, and it is expedient to amend the said Act, and to continue part 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, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That such part of the said Act passed in the forty-eighth year of his Majesty's reign, as requires that the Commissioners therein mentioned, shall hold their sittings at the Town of York twice in the year, shall be, and the same is hereby repealed.

Proviso.

Part of 48th Geo. 3d, chap. 10, repealed.

Time and place of sitting of the Commissioners.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the sittings of the said Commissioners shall be holden in this present year during the first ten days next succeeding the present Session of the Legislature of this Province, and also during fifteen days, to commence on the first Monday of July next, and in each and every other year during the continuance of this Act, the said sittings of the Commissioners shall be holden at the said Town of York, once in the year, to wit, during fifteen days to commence on the first Monday of July. Provided always nevertheless, That when the said Commissioners shall have good reason to believe that there will not be sufficient business to require their daily attendance throughout the term limited for their sittings as last aforesaid, they may be at liberty to adjourn for any time within the same, that may be consistent with the dispatch of such business as may be brought before them.

III. And be it enacted by the authority aforesaid, That the said Act of the forty-eighth year of his Majesty's reign, and every matter and thing therein contained, except such part thereof as is hereby altered and amended, shall be and is hereby continued.

IV. And be it further enacted by the authority aforesaid, That this Act shall be, and it is hereby declared to be in force for and during the space of four years, and no longer.

Act of 48th Geo. 3d, chap. 10 except such part as is by this Act repealed is continued.

Continuance of this Act.

C H A P. X.

An Act to amend an Act passed in the fiftieth year of his Majesty's reign, intituled, "An Act to provide for laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose."

[Passed 6th March, 1812.

WHEREAS by the eighth clause of an Act passed in the fiftieth year of his Majesty's reign, intituled, "An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," it is provided, That all Surveyors of Highways, when employed to act as such, shall be paid out of the District Treasury; and al-

Proviso.

so by the fourth clause of the above recited Act, the Surveyors of Land, when directed by the justices in Quarter Sessions assembled, and employed to Survey any Roads or Highways, are directed to be paid out of the District Treasury; and whereas it is found from experience, that many Roads are unnecessarily laid out; for remedy thereof, Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That when any Roads shall be hereafter laid out under the authority of the above recited Act, that shall not be confirmed by the Justices in General Quarter Sessions, then and in that case the expence or charge of any Surveyor or Surveyors, at the rate and proportion as described in the above recited Act, shall be paid by the party applying for such Survey, any law to the contrary notwithstanding.

When any Road shall be laid out and not confirmed by the Justices in Quarter Sessions the party applying for the Survey shall pay the charge and expence of the Surveyors.

C H A P. XI.

An ACT further to continue an Act passed in the thirty-third year of his Majesty's reign, intituled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province" [Passed the 6th of March, 1812.

Trouble.

WHEREAS an Act passed in the thirty third year of his Majesty's Reign, intituled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," which Act has since been continued by several Laws of this Province, which will shortly expire; and whereas it is necessary that the said Act should be continued; Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the two first clauses of the aforesaid Act of the thirty-third year of his Majesty's reign, and every part thereof, shall continue and be in force for and during the space of four years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Two first clauses of 33 Geo 3d, to provide for the appointment of Returning Officers, continued to four years and from thence to the end of the then next ensuing Session of the Provincial Parlt.

End of the  
*Fourth Session*  
 of the  
*Fifth Parliament.*

# INDEX

## TO THE

# STATUTES

### OF

# UPPER CANADA.

---

<b>A</b>		PAGE	<b>B</b>		PAGE.
<i>Acts.</i> —	ACT to prevent the Acts of the Legislature from taking Effect from a time prior to the passing thereof.	96	<i>Attornies.</i> —	ACT to authorize Attornies to such number of Clerks as therein mentioned	110
<i>Adjutant General.</i>	ACT for granting to his Majesty a sum of Money for the Payment of the Salary of the Adjutant General.	160	<i>Bargain and Sale.</i>	ACT to supply the want of Enrollment of Deeds of Bargain and Sale.	68
<i>Agreement Provisional.</i>	ACT to ratify the same made with the Commissioners of the Lower Province. 51, 81, 88, 132, 168,	195	<i>Bears.</i> —	ACT to encourage the destroying of Wolves and Bears.	30
<i>Appeal Court of.</i>	ACT to establish a superior Court of Civil and Criminal Jurisdiction and to regulate the Court of Appeal.	84	<i>Beef.</i> —	ACT to repeal certain parts of former Act.	59
<i>Arrest.</i> —	ACT to extend Personal Arrest to the sum of Forty Shillings, and otherwise to regulate the Practice in cases of Personal Arrest.	191	<i>Billleting.</i> —	ACT to regulate the curing, packing and inspection of Beef and Pork.	134
<i>Assembly House of</i>	ACT to ascertain the eligibility of Persons to be returned to the House of Assembly.	50	<i>Billiard Tables.</i>	ACT for laying a Duty thereon.	168
<i>Assessments and Rates.</i>	ACT to enable Persons holding the Office of Register to be Elected Members of the House of Assembly.	81	<i>Bills of Exchange.</i>	ACT to ascertain the damages on Protested Bills of Exchange, &c.	183
<i>Assessments and Rates.</i>	ACT to authorize the laying and collecting of &c.	13	<i>Boundary Lines.</i>	ACT to ascertain and establish on a permanent footing the boundary lines of Townships.	70
<i>Assessments and Rates.</i>	ACT to amend former Act.	42, 60	<i>Buildings Public.</i>	ACT appropriating a certain Sum of Money to defray the expences of certain Public Buildings.	197
<i>Assessments and Rates.</i>	ACT particularizing the Property real and personal which shall be subject thereto, &c.	113	<b>C</b>		
<i>Assessments and Rates.</i>	ACT to alter and amend an Act passed in the 33 <sup>d</sup> of the King.	141	<i>Cattle Horned.</i>	ACT to restrain the custom of permitting Horned Cattle &c to run at large.	44
<i>Assessments and Rates.</i>	ACT to repeal the several Acts in force and also to particularize the Property Real and Personal, which shall be subject thereto.	145	<i>Children Orphan.</i>	ACT to extend the Provisions of former Act.	112
<i>Assessments and Rates.</i>	ACT to repeal an Act passed in the 47 <sup>th</sup> year of his Majesty's reign and to make further provision for the same	198	<i>Clerks.</i> —	ACT to provide for the Education and support thereof.	80
<i>Assessments and Rates.</i>	ACT to enlarge the time between issuing and the opening the Commissions of Aulize and Nisi Pitus for the Home District and for altering the time of holding the sittings.	68	<i>Clerks.</i> —	ACT to authorize Attornies to take a certain number of Clerks.	110
			<i>Clerks.</i> —	ACT for the relief of certain Clerks to Attornies.	152
			<i>Clerks.</i> —	ACT to authorize Practitioners in the Law, to take a certain number of Clerks.	143
			<i>Coins.</i> —	ACT for the Regulation of certain Coins.	56, 173

# INDEX

	PAGE.		PAGE.
<i>Commissioners.</i> ACT to authorize the Governor &c. to appoint Commissioners to treat with Commissioners on the part of Lower Canada,	29, 60, 69	on Licences to Hawkers, &c.	148, 192
<i>Common Pleas.</i> ACT to abolish the Court of	3	ACT granting a Duty on Billiard Tables.	185
<i>Collectors.</i> ACT to enable the Governor, &c. to appoint additional Ports of Entry, & to appoint Collectors at the same.	101	<b>E</b>	
<i>Costs.</i> ACT to authorize his Majesty's Court of King's Bench to regulate certain Fees, Costs and Charges.	120	<i>Eastern District</i> ACT to amend an Act passed in the 32 <sup>d</sup> year of the King (for building a Gaol and Court House in the Town of Cornwall)	44
<i>Court House.</i> See Gaol and Court House.		ACT to regulate the payment of certain Debts due by the Eastern District before the establishment of the District of Johnstown.	143
<i>Criminal Law.</i> ACT for the further introduction of the Criminal Law of England.	83	<i>Elections.</i> ACT to regulate the Trial of controverted Elections or Returns of Members to serve in the house of Assembly	132
<b>D</b>			
<i>Debts.</i> ACT to regulate the payment of certain Debts due by the Eastern District before the establishment of the District of Johnstown,	143	<i>Electors.</i> ACT for the more equal Representation of the Commons of this Province in Parliament and the better defining the qualification of Electors.	85
ACT for the more easy recovery of small Debts.	3	<i>Enemies.</i> ACT for the better securing the Province against the King's Enemies,	61
<i>Debtors Insolvent.</i> ACT for the Relief of.	184	continued,	80, 87
<i>Deeds.</i> ACT for the Public Registering of Deeds, &c.	52	<i>Escape.</i> ACT to authorize the apprehending Felons and others escaping from any of his Majesty's Provinces and Governments into this Province.	71
ACT to supply the want of Enrollment of Deeds of Bargain and Sale.	68	<b>F</b>	
<i>Deserters.</i> ACT for the exemplary Punishment of Persons aiding or harbouring Deserters from his Majesty's Service.	118	<i>Fees.</i> ACT to establish a superior Court of Civil and Criminal Jurisdiction &c. (including a Table of Fees.)	34
ACT granting a Bounty for apprehending Deserters.	102	ACT to authorize the Court of King's Bench to regulate certain Fees, Costs and Charges therein.	120
<i>Districts.</i> ACT for building a Gaol and Court House in every District and for altering the Names of the said Districts.	4	ACT to repeal an Act passed in the 44 <sup>th</sup> year of his Majesty's reign, (respecting Fees,)	187
<i>District Courts.</i> ACT to establish a Court for the Cognizance of small causes in each and every District.	39	ACT to establish the Fees of the Clerks of the Peace, and to regulate the Fees in the several Courts of Quarter Sessions.	151
ACT to extend the Jurisdiction and regulate the Proceedings of the District Court, &c.	66	<i>Felons.</i> ACT to authorize the apprehending Felons and others escaping from any of his Majesty's Provinces and Governments into this Province.	71
ACT to repeal part of former Act and to make further provision for the same	74	<i>Ferries.</i> ACT for the regulation of Ferries.	68
ACT to amend the Practice of the District Courts, &c.	196	<i>Fines Forfeitures, &amp;c.</i> ACT to provide for the accounting for all Fines, Forfeitures and Penalties hitherto reserved to his Majesty to and for the uses of this Province.	42
<i>Dower.</i> ACT for the more easy Barring of Dower.	67	<i>Fire.</i> ACT to prevent accidents by Fire.	8
ACT to extend the benefits of former Act.	162, 187	<i>Flour.</i> ACT to authorize the Governor &c. to appoint Inspectors of Flour, Pot and Pearl Ashes.	94
<i>Duty.</i> ACT to lay and collect a duty on Stills	45	<i>Forging.</i> ACT for preventing the forging and counterfeiting of Foreign Bills of Exchange and foreign Notes and Orders for the payment of Money.	183
ACT to establish a further Fund for the payment of the Salaries of the Officers of the Legislative Council, &c. (Duty on Tavern Licences.)	31	<b>G</b>	
<i>Duties.</i> ACT for granting Duties on Goods and Merchandize, brought from the United States of America, &c. 89, 103	150	<i>Gaol and Court House.</i> ACT for building a Court House and Gaol in every District, &c.	4
ACT for the better securing to his Majesty, &c. the due collection and receipt of certain Duties, (respecting Stills)	110	ACT to amend former Act (for building a Gaol in Cornwall in the Eastern District.)	44
ACT to explain and amend the foregoing.	123		
ACT to continue the foregoing.	141		
ACT to make the foregoing perpetual	162		
ACT granting to his Majesty, Duties			

# INDEX

	PAGE.
ACT to alter certain parts of the 42d of the King for building a Gaol, &c. in the District of Newcastle.	133
ACT for building a Gaol, &c. in the Township of Elizabethtown, in the District of Johnstown.	167
<i>Grand River Bridge.</i> ACT granting a sum of Money in aid of building a Bridge across the Grand River.	172
ACT granting an additional sum for that purpose.	189
<i>Grantees.</i> ACT to declare the Rights of certain Grantees of Waste Lands of the Crown.	108
<i>Grant of Money.</i> ACT for applying a certain sum of Money to make good certain Monies issued and advanced by his Majesty through the Lieutenant Governor, in pursuance of Addresses of the House of Assembly, 102, 126, 136, 142, 148, 161, 171, 186, 195 }	}
<b>H</b>	
<i>Haldimand County of.</i> ACT to authorize the Inhabitants to hold annual Town Meetings for the purpose of Electing Parish and Town Officers.	188
<i>Hawkers, Pedlars, &amp;c.</i> ACT for granting Duties on Licences to Hawkers, Pedlars &c. 148,	192
<i>Heirs and Devisees.</i> ACT to afford relief to those Persons who may be entitled to Lands as Heirs and Devisees of the Nominees of the Crown in cases where no Patent hath issued for said Lands, 129,	163
<i>Hemp.</i> ACT granting a sum of Money for the further encouragement of the Growth and Cultivation of Hemp, & the exportation thereof.	126
ACT to amend an Act passed in the 44th of the King,	137, 187
ACT for the further Encouragement of the Growth and Cultivation of Hemp, &c.	163
ACT granting a Sum of Money further to encourage the Growth and Cultivation of Hemp,	110
<i>Highways and Roads.</i> ACT to regulate the laying out, amending and keeping in repair the public Highways and Roads,	17
ACT to repeal certain parts of former Act and to make further provision for the same,	44
ACT to alter the method of performing Statute Duty,	79
ACT for granting a sum of Money to defray the Expenses of Amending and Repairing the Public Highways & Roads, &c. 122, 139, 159, 175, 181,	189
ACT to provide for the laying out, amending and keeping in repair the public Highways and Roads, and to repeal the Laws now in force for that purpose,	176
ACT to amend the foregoing Act,	211
<i>Home District.</i> ACT to enlarge the time between the issuing and the opening the Com-	

	PAGE.
<i>missions of Assize and Nisi Prius</i> in and for the Home District, and for altering the time for holding the Sittings for the said District,	68
ACT to repeal part of the 31th of the King respecting Juries,	109
<i>Horses, Horned Cattle, &amp;c.</i> ACT to restrain the custom of permitting Horses, Horned Cattle, Sheep & Swine to run at large	44
ACT to extend the provisions of the former Act,	112
<i>House of Assembly</i> ACT to ascertain the eligibility of Persons to be returned to the House of Assembly,	50
ACT to enable Persons holding the office of Register to be elected Members of the House of Assembly,	41
ACT for the more equal Representation of the Commons in Parliament, and for the better defining the Qualification of Electors,	86
<i>Houses of Correction.</i> ACT to declare the common Gaols in the several Districts to be Houses of Correction for certain purposes,	185
<b>I</b>	
<i>Indians.</i> ACT to prevent the Sale of Spirituous Liquors in the Tract occupied by the Moravian Indians in the Western District,	94
<i>Inspectors.</i> ACT to authorize the Governor, &c. to appoint Inspectors of Flour, Pot and Pearl Ashes,	94
ACT for the better Securing to his Majesty the due Collection and Receipt of certain Duties therein mentioned—(Inspectors of Stills)	110
<i>Interest.</i> ACT fixing the Rate thereof, &c.	201
<b>J</b>	
<i>Journals.</i> ACT to promulgate the Provincial Statutes and also to repeal so much of the 41st of the King as relates to Printing the Journals,	121
<i>Johnstown District of.</i> ACT for building a Court House and Gaol in the Township of Elizabeth Town, in the District of Johnstown,	167
<i>Jury.</i> ACT to establish Trials by Jury,	2
<i>Juries.</i> ACT for the Regulation of juries,	32
ACT to amend certain parts of an Act for the Regulation of Juries,	58
ACT for the Regulation of Special Juries	85
ACT to repeal for a limited time (in the Home District) part of an Act for the Regulation of Juries,	109
ACT for the better Regulation of Special Juries,	165
<b>K</b>	
<i>King's Bench Court of.</i> ACT to establish a Court of superior Civil and Criminal Jurisdiction,	34
ACT to explain and amend the foregoing Act,	52
ACT to amend certain parts of an Act,	



# INDEX.

	PAGE		PAGE
for the Regulation of Juries and a certain other Act to establish a Court of superior Civil and Criminal Jurisdiction, &c.	58	of certain duties (Still Licences)	110
ACT for regulating the Practice of the Court of King's Bench,	64	ACT to explain and amend the foregoing Act,	120
ACT to amend parts of Acts of 34th and 37th of the King, and to make further provision for the same,	78	ACT for altering the time of issuing Licences for keeping a House of Public Entertainment, &c.	128
ACT the better to adapt the Establishment of the Court of King's Bench to the present situation of this Province,	95	ACT granting to his Majesty duties on Licences to Hawkers, Pedlars, &c.	148
ACT to repeal certain parts of an Act of the 34th of the King, and to authorize the Court of King's Bench to regulate certain Fees, Costs and Charges therein mentioned,	120	<i>Light Houses.</i> ACT to explain and amend an Act of the 41st of the King, and also to establish a Fund for the erecting and repairing of Light Houses,	103
ACT to repeal an Act of the 44th of the King, respecting Fees,	187	<i>Lines.</i> ACT to ascertain and establish on a permanent footing the boundary lines of the different Townships,	78
<i>Kingston.</i> ACT to empower the Commissioners of the Peace for the Midland District to establish and regulate a Market in and for the Town of Kingston in said District,	86	<b>M</b>	
<b>L</b>		<i>Marriages.</i> ACT to confirm and make valid certain Marriages, and to provide for the future Solemnization of Marriage,	22
<i>Lands.</i> ACT for securing Titles to Lands,	62	ACT to extend the Provisions of the foregoing Act,	74
ACT to continue the foregoing Act	80	<i>Married Women.</i> ACT to enable Married Women having real Estate, more conveniently to alien and convey the same,	108
ACT the better to ascertain and secure the Title to Lands,	97	<i>Measure Winchester.</i> ACT to establish the Winchester Measure, &c.	0
ACT to allow Time for the Sale of Lands by the Sheriff,	102	<i>Members of the House of Assembly.</i> ACT to provide for the Payment of Wages to the Members of the House of Assembly,	18
ACT to afford Relief to the Heirs or Devisees of the Nominees of the Crown where no patents have issued for the Lands,	129, 163	ACT to ascertain the Eligibility of Persons to be returned to the House of Assembly,	50
<i>Law English.</i> ACT to introduce,	1	ACT to enable Persons holding the Office of Register to be elected Members of the House of Assembly,	81
ACT for the further introduction of the Criminal Law of England,	83	ACT for the more equal Representation of the Commons in Parliament and for the better defining the Qualification of Electors,	85
<i>Law Practice of.</i> ACT for the better Regulation of	70	ACT the more conveniently to collect the Compensation to Members of the House of Assembly, &c.	112
ACT to authorize the Governor, &c. to Licence,	41, 107	ACT to regulate the Trial of controverted Elections or Returns of Members to serve in the House of Assembly,	132
ACT to authorize them to take a certain number of Clerks,	143	ACT for the better Representation of the Commons in Parliament and to repeal part of an Act of the 40th of the King,	164
<i>Letters Patent.</i> ACT to obviate objections that might arise from a clerical error in some of his Majesty's Letters Patent of Grant lately issued,	71	<i>Militia.</i> ACT for the Regulation of the Militia,	6, 43, 65, 87
<i>Business.</i> ACT to establish a further Fund for the Payment of the Salaries of the Officers of the Legislative Council and House of Assembly, &c. (Duty on Tavern Licences,	31	ACT to explain, amend, and reduce to one Act of Parliament the several Laws now in force for raising and training the Militia,	152
ACT to lay & collect a duty on Stills,	45	ACT to amend an Act of the 48th of the King,	156
ACT to regulate the manner of Licensing Public Houses, and for the more easy convicting Persons selling Spirituous Liquors without Licence,	47	ACT to extend the Provisions of an Act of the 48th of the King,	205
ACT to amend the foregoing Act,	58	ACT granting a Sum of Money for the use of the Militia,	209
ACT to increase the Revenue, &c. (Shop Licence)	60	<i>Mills.</i> ACT to regulate the Toll to be taken at Mills,	4
ACT for the summary conviction of persons selling Spirituous Liquors without Licence,	85		
ACT for the better securing to his Majesty the due collection & receipt			

# I N D E X.

	PAGE		PAGE
<i>Menonists.</i> —ACT for the Relief of Menonists and Tunkers.	172	flour, pot and pearl Ashes,	94
ACT for the Relief of Minors of Menonists and Tunkers,	188	<i>Poundage.</i> —ACT to authorize the levying Poundage upon Executions in certain cases, &c.	171
<b>N</b>			
<i>Newcastle District of</i> ACT to provide for the administration of Justice in the District of Newcastle,	99	<i>Prince Edward</i> ACT for the better division of the County of Prince Edward into Townships,	70
ACT to alter certain parts of an Act of the 42d of the King (for building a Court House and Goal,	133	<i>Probate Court of.</i> ACT to establish a Court of Probate in this Province, also a Surrogate Court in every District,	28
<i>Nisi Prius.</i> —ACT to enlarge the time between the issuing and the opening the Commissions of Assize and Nisi Prius in and for the Home District,	68	<i>Province.</i> —ACT for the better division thereof, <i>Provisional Agreement.</i> See Agreement Provisional.	76
<i>Notaries.</i> —ACT to repeal an Ordinance passed in the 25th year of the King, as far as relates to Notaries,	74	<i>Public Buildings.</i> ACT appropriating a certain sum of Money annually to defray the expences of erecting certain Public Buildings for the uses of this Province,	125
<b>O</b>			
<i>Officers of the Legislative Council and House of Assembly.</i> ACT to establish a Fund for the Payment of their Salaries,	29	<i>Public Houses.</i> ACT for regulating the manner of licensing them,	47
ACT to establish a further Fund for the payment of them,	31	ACT to amend the foregoing Act,	53
ACT granting a certain Sum of Money to defray the payment of them, &c. and to provide for the payment of the same hereafter,	96	ACT to alter the time of issuing Licences for keeping them,	128
ACT granting a sum of Money to increase their Salaries,	161	<b>Q</b>	
<i>Officers Parish and Town.</i> ACT to provide for the Nomination and Appointment of,	11	<i>Quartering and Billeting.</i> ACT for Quartering and Billeting on certain occasions his Majesty's Troops and the Militia of this Province,	168
ACT to enable the Inhabitants of the Township of York to assemble for the purpose of choosing and nominating of,	62	<i>Quarter Sessions.</i> ACT to fix the Times and Places of holding the Courts of General Quarter Sessions of the Peace, &c.	23
ACT to make further Provisions for appointment of,	131	ACT to amend certain parts of the foregoing Act,	59
ACT to repeal an Act of the 33d of the King,	140	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 also to fix the times of holding the General Qr. Sessions,	92
ACT for the better regulation of,	166	<b>R</b>	
ACT to authorize the Inhabitants of the County of Baldwin to hold annual Meetings for electing them,	188	<i>Rams.</i> —ACT to restrain the Owners permitting them to run a large during a certain time of the year,	120
<i>Officers Returning.</i> ACT to provide for the appointment of Returning Officers in the several Counties,	30, 86, 161	<i>Rates.</i> —See Assessments and Rates.	
<b>P</b>			
<i>Pleas Common.</i> ACT to abolish the Court of,	3	<i>Receiver General.</i> ACT to declare and ascertain the Rates which the Receiver General shall take and retain to his own use out of the Monies paid through his hands, subject to the disposition of the Parliament of this Province,	100
<i>Physic and Surgery.</i> ACT to regulate the Practice of,	40	<i>Register.</i> —ACT to enable Persons holding the Office of Register to be elected Members of the House of Assembly,	82
ACT to repeal former Act,	138	<i>Registering.</i> —ACT for the public Registering of Deeds, Conveyances, Wills, &c.	52
<i>Ports of Entry.</i> ACT to enable the Governor, &c. to appoint one or more additional Port or Ports of Entry,	101	<i>Requests Court of.</i> ACT for the more easy and speedy Recovery of Small Debts,	8
ACT making temporary Provision for the Regulation of Trade between this Province and the United States of America, (appointing Ports of Entry)	86	ACT to extend the Jurisdiction and regulate the Proceedings thereof,	66
ACT to continue the foregoing Act,	143	ACT to repeal part of the foregoing Act as to make further provision for the same,	74
<i>Pork and Beef.</i> ACT to regulate the curing, packing and Inspection of Beef and Pork,	134	<i>Returning Officers.</i> See Officers.	
<i>Pot and Pearl Ashes.</i> ACT to authorize the Governor, &c. to appoint Inspectors of		<i>Revenue.</i> —ACT to increase the Revenue and to compel the accounting more regularly for the same to the Treasurer, &c.	69

# INDEX.

	PAGE		PAGE
<i>Roads.</i> ——See Highways and Roads.		<i>Statute Duty.</i> ——ACT to alter the method of performing Statute Duty on the Highways and Roads.	79
<b>S</b>			
<i>Salaries.</i> ——ACT to establish a Fund for paying the Salaries of the Officers of the Legislative Council and House of Assembly, &c	29	ACT to regulate the Statute Labour to be done on the Tract occupied by the Huron Indians.	88
ACT to establish a further Fund for paying the same,	31	ACT for the better Regulation thereof in the Counties of Essex and Kent in the Western District.	165
ACT granting a certain sum of Money for paying the same.	96	<i>Statutes of England.</i> ACT granting a sum of Money (for purchasing them)	125
ACT granting a sum of Money to increase the Salary of the Clerk of the Legislative Council and Clerk of the House of Assembly.	161	ACT to extend the provisions of the foregoing Act.	210
ACT to provide for the payment of the Salary of the Adjutant General of the Militia.	160	<i>Statutes Provincial.</i> ACT to promulgate them, &c	181
<i>Salmon.</i> ——ACT for the preservation of,	162	<i>Stills.</i> ——ACT to lay and collect a Duty on Stills	45
ACT to extend the provisions of former Act.	182	ACT for the better securing to his Majesty, &c. the due Collection and Receipt of certain Duties.	110
<i>Schools.</i> ——ACT to establish Public Schools in every District.	144	ACT to amend the foregoing Act.	123
ACT to amend the former Act (made perpetual.)	167	<i>Suits Frivolous and Vexatious.</i> ACT for the more effectual preventing of &c.	171
<i>Science.</i> ——ACT to procure certain Apparatus for the Improvement of Science.	138	<i>Surgery.</i> ——See Phytic.	
<i>Seditious Attempts.</i> ACT for securing this Province against all Seditious Attempts to disturb the Tranquillity thereof.	116	<i>Surrogate Court.</i> ACT to establish a Court of Probate and also a Surrogate in every District	26
<i>Sheep, Swine, &amp;c.</i> Act to restrain the custom of permitting them to run at large.	44	<b>T</b>	
ACT to extend the Provisions of former Act.	112	<i>Toll.</i> ——To be taken at Mills.	4
ACT to restrain the Owners of Rams permitting them to run at large during a certain time of the year.	120	<i>Travellers.</i> ——ACT to prevent Damage to Travelers on the Highways.	208
<i>Sheriffs.</i> ——ACT to make provision for certain Sheriffs.	137	<i>Trials by Jury.</i> ACT to establish.	2
<i>Slaves.</i> ——ACT to prevent the farther Introduction of Slaves and to limit the term of Contracts for Servitude.	24	<i>Tunkers.</i> ——ACT for the relief of Menonists and Tunkers.	172
<i>Small Debts.</i> ——ACT for the more easy and speedy recovery of.	8	ACT for the relief of Minors of Menonists and Tunkers.	188
<i>Soldiers.</i> ——See Deserters.		<b>U</b>	
<i>Special Juries.</i> ACT for the regulation of.	85	<i>United States.</i> ACT for making temporary provision for the Regulation of trade between this Province and the United States of America.	72, 86
ACT for the better regulation of.	165	<b>W</b>	
<i>Spirituos Liquors.</i> ACT for regulating the manner of Licencing Public Houses and for the more easy convicting of Persons selling Spirituous Liquors without Licence.	47	<i>Wills.</i> ——ACT for the public Registering of &c	52
ACT to amend the foregoing Act.	58	<i>Winchester Measure.</i> ACT to establish.	2
ACT for the summary conviction of Persons selling Spirituous Liquors without Licence.	85	<i>Wolves.</i> ——ACT to encourage the destroying of Wolves and Bears.	30
ACT to prevent the Sale of Spirituous Liquors, &c. in the Tract occupied by the Moravian Indians.	94	ACT to repeal certain parts of the foregoing Act.	59
		ACT for further altering and amending former Act.	109
		ACT to repeal the several Acts now in force, giving Bounties for destroying Wolves.	148
		ACT to encourage the destroying Wolves.	170
		<b>Y</b>	
		<i>York.</i> ——ACT to enable the Inhabitants of the Township of York to assemble and nominate Parish and Town Officers.	62



